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Third COMMITTEE
14th meeting
held on
Tuesday, 18 October 1983
at 3 p.m.
New York

SUMMARY RECORD OF THE 14th MEETING

Chairman: Mrs. FLOREZ (Cuba)

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5 November 1983
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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 82: IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/106)

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(a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (continued):

(i) REPORT OF THE COMMITTEE

(ii) REPORT OF THE SECRETARY-GENERAL

(b) STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL

(c) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL

1. Mr. THWAITES (Australia) referring to agenda item 87, said that it was a matter of concern to his delegation that the manner in which the question of racial discrimination was discussed could impede efforts to eradicate it. The revulsion which the apartheid régime evoked could make it more difficult for Member States to confront the reality of racism within their own jurisdictions. It would indeed be ironical if, while condemning apartheid, States were blinded to the lesser but no more tolerable sufferings of the victims of racial discrimination in other parts of the world. Irrespective of the circumstances, the roots of racial discrimination lay in the nature of human beings - in the instinct to seek identity and security among one's own kind and an irrational intolerance of those who were different.

2. In the successive annual reports of the Committee on the Elimination of Racial Discrimination, it would be observed that both in the questions put by the Committee members and the replies of the representatives of the States concerned, there was a de facto recognition in most countries of the practical measures required to suppress and ultimately eliminate racial discrimination.

(Mr. Thwaites, Australia)

3. To date Australia had submitted four periodic reports to the Committee. As a multicultural society, Australia had found the dialogue with the Committee stimulating and would like to see it extended to all States parties and, eventually, to all States.

4. Because it appreciated the value of the work the Committee did in monitoring periodic reports, the Australian delegation was increasingly concerned by the alarming proportion of States which failed to submit reports or were late in submitting them. In 1982, Australia had co-sponsored resolution 37/44 and now, in response to that resolution, the Secretary-General had submitted a very useful report (A/38/393) on the question of the reporting obligations of States parties under the Convention and other relevant human rights instruments. That report clearly showed that the situation to which the Committee on the Elimination of Racial Discrimination had drawn attention in relation to the Convention was already affecting a number of other important international instruments in the field of human rights. The Australian delegation commended the Secretary-General's analysis and his conclusions and recommendations to all interested parties, including the Committee, and considered that the responsible bodies and the States parties to the various international instruments should move promptly to correct a situation which ultimately could undermine the effectiveness and the implementation of those important international instruments.

5. In relation to CERD, Australia's experience suggested that after the submission of an initial comprehensive report and perhaps one further comprehensive report taking up the Committee's initial comments, the dialogue with the Committee every two years might become repetitious. Moreover, with the increase in the number of States parties to the Convention, the consideration of biennial reports would become an excessive burden on the Committee. Accordingly, his delegation felt that it might be advisable to revise the Committee's guidelines within the framework of the Convention with a view to extending the reporting interval.

6. At the same time, his delegation was convinced that the General Assembly was in a position to take an overall view of the question and that the interrelationships identified by the Secretary-General between the problems affecting the various international instruments on human rights should be examined comprehensively. In the final analysis, each of those instruments was a treaty which could be subject only to such interpretations as were agreed among the States parties to it. The General Assembly, which was made up of many States which were not parties to all international instruments, could not become involved in such matters at the expense of the prerogatives of the States parties. His delegation strongly believed, however, that the United Nations, as an Organization established for the purpose of harmonizing international activities in the field of human rights as in other fields, should co-ordinate and perhaps rationalize the reporting obligations laid down in the various instruments.

7. Australia, which had great respect for the work of the Committee on the Elimination of Racial Discrimination, wished to draw attention to two matters dealt with in the Committee's report to the General Assembly at its current session (A/38/18) which, in its view, could undermine the Committee's independence and integrity.

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(Mr. Thwaites, Australia)

8. In the first place, in paragraph 78 of its report, the Committee conveyed to the General Assembly its strong views in defence of the independence and objectivity of its members. That apparently arose from an incident in which, following examination of the report of a State party, the representatives of the State party had complained to the national authorities of the State of which the Committee member was a national about that member's role in the Committee's discussions. Fortunately, the national authorities appeared to have given an appropriate response to those complaints. But the incident raised the possibility that there might be other cases where an attempt might be made to inhibit the exercise by the members of the Committee of their independent and impartial judgement which, of course, would be a contravention of the terms of reference of the Committee as set out in article 8 of the Convention.

9. Australia fully shared and endorsed the views of the Committee in defence of the principles of impartiality and the personal integrity of the experts who served on it. All States parties should avoid any action which would undermine the impartiality and independence of that body.

10. Secondly, the Committee itself must ensure that it did not allow itself to be sidetracked from its primary task. A number of delegations had already drawn attention to the fact that the Committee had gone beyond its area of competence in its comments relating to the Falklands/Malvinas on page 124 of its report. The Committee should avoid involving itself unnecessarily in issues which were not within its competence. Similarly, the resolution which the Third Committee would adopt on the report of the Committee should be drafted in such a way as to attract a consensus.

11. Mrs. KABA (Guinea) said that the international community should intensify its struggle to eliminate discrimination in all its forms. In reference to the item on the 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, she said her delegation held that those rights must be understood not only at the universal level but also with reference to specific countries.

12. In line with its principles, and in compliance with its commitments, the Revolutionary People's Republic of Guinea would continue to provide support and assistance to those who were fighting to liberate southern Africa. It also expressed its solidarity with all peoples struggling for freedom and national independence.

13. With regard to the tragic problem of apartheid, she wished to stress the means which must be used to abolish that odious system. Her delegation vigorously condemned South Africa's policy of apartheid and called on the allies of the racist and minority régime of Pretoria to withdraw their support from South Africa and to recognize that that assistance was a threat to the identity and dignity of all of Africa.

(Mrs. Kaba, Guinea)

14. Guinea categorically rejected the notion that an embargo would not be effective in forcing South Africa to abandon its policy. The countries which were not supporting the economic embargo against South Africa had been the ones which, during the Malvinas (Falklands) conflict, had declared an embargo against Argentina, and which were calling for an economic boycott of Poland.

15. Guinea firmly believed that an economic embargo could help the international community to compel Pretoria ultimately to agree to the full implementation of Security Council resolution 435 (1978).

16. She wondered how the problem of Namibia, which had been the subject of so many negotiations, could be solved when the verbal statements by the leaders of some Western countries were hardly relevant to the need to adopt a strong and uncompromising position vis-à-vis the Pretoria régime.

17. That régime had been exploiting the helpful attitude of the so-called Contact Group. In her delegation's view, everything possible must be done to secure Namibian independence, including giving the members of that Group one last chance to achieve their objective so that the Namibian people would be assured of their freedom and independence with due regard for their territorial integrity.

18. In another part of the world, Israel's racist and destructive treatment of the Palestinians deserved the international community's condemnation. A pre-condition for restoring peace to that region was to provide a homeland and a separate State in which the Palestinians could live in peace.

19. Guinea fully supported the Declaration and Programme of Action of the Second World Conference to Combat Racism and Racial Discrimination and thanked Member States, non-governmental organizations and the specialized agencies for contributing to the Conference's success. Her delegation hoped that the spirit of co-operation and consensus which had distinguished the Conference would prevail at the thirty-eighth session of the General Assembly when the Programme of Action was adopted.

20. Guinea fully supported the idea of declaring a Second Decade for Action to Combat Racism and Racial Discrimination at the conclusion of the current session. It believed that the Second Decade would enable the international community to eradicate those evils permanently.

21. Mr. SENGO (Mozambique) said that the Second World Conference to Combat Racism and Racial Discrimination had demonstrated the preoccupation of the international community with the situation created by racism and racial discrimination, particularly in South Africa, where racism had been institutionalized in flagrant violation of the Charter and of United Nations resolutions. Based on the theory of the superiority of the white race, the apartheid system justified the exploitation of over 24 million blacks, who were being deprived of the right to live in their own country and forced in ever-growing numbers to live in barren areas. Under the apartheid system, the indigenous populations were human beings only to the extent that they provided a source of the cheap labour that sustained the white minority.

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(Mr. Sengo, Mozambique)

22. Oppression and torture were increasing in South Africa. Recently, three freedom fighters of the African National Congress (ANC) had been executed in open defiance of world public opinion and of the Security Council's appeal that their sentences should be commuted. Others, like Nelson Mandela, were languishing in prison.

23. The so-called constitutional proposals would not help to alleviate that explosive situation. It was clear that all the manoeuvres of the racist régime of Pretoria, including the militarization of South African society, the arms build-up and the preparations for war, were intended to impede the just struggle of the South African people under the leadership of the ANC to bring about the eradication of apartheid. Nevertheless, the history of the struggle of peoples which had been exploited and discriminated against taught that as oppression and torture increased, the resistance of the oppressed masses grew.

24. Mozambique had participated in the Second World Conference, at which it had vigorously condemned the policy of apartheid and pointed out the urgent need to adopt concrete measures to eliminate it. Mozambique supported the heroic struggle of the people of South Africa for freedom and the establishment of democracy. Since the beginning of its fight for national liberation, Mozambique had made clear its opposition to colonialism, imperialism, racism and apartheid. That was reflected in its school curriculum, in the nation-wide campaign against racism and racial discrimination which had been supported by the majority of the population, and in its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. Mozambique also supported the Declaration and Programme of Action adopted at the Conference and was prepared to implement them.

25. Racism, racial discrimination and apartheid in South Africa could be eradicated only when the international community lent its full support to the just struggle of the South African people. Those evils could not be wiped out if some States continued to co-operate militarily, economically and financially with the Pretoria régime.

26. Despite the efforts of the United Nations and the international community to promote the right of peoples to self-determination and independence, Namibia continued to live under colonial domination. South Africa persisted in its illegal occupation in flagrant violation of United Nations resolutions and decisions and especially of the Security Council resolutions. The attempts of the apartheid régime to intensify the brutal repression and colonization of Namibia included a massive military build-up by the occupying forces, the introduction of compulsory military service for Namibians, their recruitment and training for tribal armies and the establishment of the so-called "State Council", but those manoeuvres would not crush the just struggle of the Namibian people under the leadership of the South West Africa People's Organization (SWAPO), its sole and legitimate representative.

27. Mozambique considered that the implementation of Security Council resolution 435 (1978) was the only way of ensuring that Namibia achieved genuine independence. The people of Mozambique were firmly resolved to support national liberation

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(Mr. Sengo, Mozambique)

movements and that was why Mozambique together with other neighbouring States, had been the victim of aggression perpetrated by the Nazi-Fascist régime of Pretoria, which had occupied part of Angolan territory. In May 1983, the South African air force had bombed a residential and industrial area located less than 20 kilometres from Maputo, the capital of the People's Republic of Mozambique. On 21 August, a group of armed bandits financed, equipped and trained by the apartheid régime had attacked a mining installation in Murrua, and four workers, two of them Soviet citizens, had been killed. Twenty-four other Soviet nationals had been kidnapped. On 16 October, a bomb had been set off for the purpose of destroying the ANC offices in Maputo. Five people had been wounded. All those criminal acts were part of the apartheid régime's strategy of destabilization and constituted a threat to the peace and security of the region.

28. Mozambique held the view that the establishment of peace in the Maghreb depended on the implementation of OAU decisions, particularly those taken by the Assembly of Heads of State and Government of the Organization, at its nineteenth ordinary session held at Addis Ababa on 6-12 June 1983. His delegation also called for an end to the Indonesian military offensive against East Timor. Mozambique supported the just struggle of the Maubere people for independence and reiterated its full support to FRETILIN, their sole legitimate representative. In the Middle East, Mozambique supported the struggle waged by the Palestinian people under the leadership of PLO, their sole and legitimate representative.

29. Mr. KAN YAU FAH (Malaysia) said that racism had been declared a crime against humanity and racial discrimination an affront to human dignity. The two, together with apartheid, were the worst kinds of violations of human rights. Malaysia strongly condemned the policies of apartheid, racism and racial discrimination pursued in southern Africa, the occupied Arab territories, Afghanistan and Kampuchea.

30. The racist régime of Pretoria had ignored world opinion and had violated the principles of the United Nations Charter and other international instruments. The régime of South Africa had perpetuated racist domination of the country, had enforced the policy of "bantustanization" with brutal repression, had renewed acts of aggression against the neighbouring States of Angola, Botswana, Mozambique, Seychelles and Zambia, and was persisting in its illegal occupation of Namibia. It had done all that with impunity, with the collaboration of the major Western Powers.

31. The illegal occupation régime of Namibia denied the people their rights to self-determination and independence and resorted to repressive measures and discriminatory laws in order to eliminate SWAPO, the sole legitimate representative of Namibia. SWAPO should be allowed to participate in negotiations with other parties concerned to bring about the independence of Namibia. Malaysia deplored the introduction of extraneous elements into the negotiations and urged the United Nations Secretary-General to continue his efforts to secure the implementation of the relevant United Nations decisions and resolutions.

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(Mr. Kan Yau Fah, Malaysia)

32. The situation in the occupied Arab territories was a continuing cause of concern to the international community. It was also a case of racism, since zionism was based on a philosophy of racial superiority and expansionism which was no longer acceptable in the modern world, for it was an affront to human dignity. Israel was pursuing a repressive policy against the oppressed people in the West Bank, Gaza, the Golan Heights and Jerusalem. It had taken measures designed to change the legal status, geographical nature and demographic composition of those territories and had also effected the evacuation, deportation, expulsion and displacement of Arab and Palestinian inhabitants from the occupied territories and denied them their right to return to their homeland. It had also deprived the Arabs and Palestinians of their right to development, while exploiting the natural wealth and resources of the occupied Arab territories. Malaysia condemned those illegal and inhuman practices.

33. The Afghan people were now under domination by a foreign Power, the Soviet Union, which denied them their basic human rights and fundamental freedoms, including their right to self-determination. Soviet military occupation had caused untold suffering to the Afghan people, who were seeking refuge in a neighbouring country, Pakistan. That situation had exacerbated relations between East and West, jeopardized international peace and security and discredited Soviet claims of having a so-called clean record on human rights. The Soviet Union must therefore withdraw its troops immediately and terminate its occupation so that the Afghan people could once again enjoy their right of self-determination and gain their freedom and independence.

34. Kampuchea had also been subjected to foreign intervention, occupation and aggression, and had been deprived of its right to self-determination and freedom. The Kampuchean people, living in fear, had had to seek refuge in neighbouring Thailand because they faced hunger and oppression by the Vietnamese occupying military authorities. Viet Nam must comply with the resolutions of the General Assembly by withdrawing from the occupied territory so that peace and security could be restored in Kampuchea and in South-East Asia.

35. As a multiracial society, Malaysia had always honoured the basic principles of human rights and values. Those rights and values were enshrined in the Constitution of Malaysia, so that every citizen could live with dignity and social justice. Malaysia could not accept violations of human rights anywhere in the world, and it supported the United Nations efforts to mobilize public opinion against racism and racial discrimination.

36. Mr. PEANG-METH (Democratic Kampuchea), speaking in exercise of the right of reply, said that his country was a full Member of the United Nations and therefore must be referred to by its official name, and not by pejorative expressions such as had been used by the delegations of the Lao People's Democratic Republic and the Socialist Republic of Viet Nam. As for the allegations of the Government of Viet Nam that it was concerned about the well-being of its citizens and that they enjoyed all sorts of freedom, he asked why there were so many refugees fleeing Viet Nam, and why hundreds and thousands of boat people had taken so many risks to reach foreign shores. The truth was that Viet Nam put ideological considerations above the well-being of its own citizens.

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(Mr. Peang-Meth, Democratic Kampuchea)

37. The claim that the Vietnamese had gone to Cambodia to save the Khmer people was a bald lie. The Vietnamese armed forces were in Cambodia to conquer it. That was not a new fact, as it had long been known that there was an expansionist plan in the Vietnamese Communist leadership to create an "Indo-China Confederation" under Hanoi's rule. The fact that Laos had addressed the Committee in almost the same terms as the representative of Viet Nam was not mere chance, for it was a well-known fact that its Government was maintained in power thanks solely to the presence of some 200,000 armed soldiers of the Socialist Republic of Viet Nam.

38. Further evidence that Viet Nam was little by little absorbing Cambodia was the fact that, since 1981, the Vietnamese authorities in Phnom Penh had begun to bring some 600,000 Vietnamese settlers to occupy the richest areas of Cambodia, particularly along the Mekong River.

39. At a time when the international community was seeking a peaceful political solution to the Khmer tragedy through the implementation of General Assembly resolutions 34/22, 35/6, 36/5 and 37/6, about 12,000 civilians had reached the liberated areas of Cambodia. Hundreds of them continued to leave Vietnamese-controlled areas every week, and they told of all sorts of atrocities perpetrated by Vietnamese soldiers.

40. The coalition Government of Democratic Kampuchea and the Khmer people wanted to live free and in peace with their neighbours, as an independent, sovereign and neutral country. His delegation denounced the criminal and barbarous crimes against the Khmer people perpetrated by the Vietnamese occupation forces in Cambodia. Unless the holocaust was stopped, the Vietnamese troops were withdrawn from Cambodia, and a political solution was found, the peace, stability and security of the region would continue to be endangered.

41. Mrs. ABAS (Indonesia), speaking in exercise of the right of reply, deplored the fact that the representative of Mozambique had found it necessary to refer to East Timor in an attempt to inject into the proceedings of the Third Committee the same campaign of slander that his delegation had vainly sought to inject in other forums. The firm position of her delegation was well known, and it was not necessary to elaborate on it further. Decolonization had effectively taken place in East Timor, and its people, having decided to be independent through integration with the Republic of Indonesia, were living in freedom and dignity and were participating in the national development programmes in all fields, such as education, agriculture and health, together with their brothers and sisters in other parts of Indonesia. Any attempt to turn back the clock was futile and would be resolutely opposed by the people of East Timor themselves and the entire Indonesian people.

The meeting rose at 4.30 p.m.