



THIRD COMMITTEE  
5th meeting  
held on  
Friday, 7 October 1983  
at 10.30 a.m.  
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. CHAVANAVIRAJ (Thailand)

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Distr. GENERAL  
A/C.3/38/SR.5  
11 October 1983

ORIGINAL: ENGLISH

The meeting was called to order at 11.05 a.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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(c) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL (continued) (A/38/391)

1. Mr. CHIARRI SAMPER (President of the Second World Conference to Combat Racism and Racial Discrimination) said that the struggle against all forms of racism and against racial discrimination in both its old and new manifestations was one of the most important contemporary tasks. Racial discrimination was a universal evil which wore the most diverse faces, but there was no doubt, that in South Africa that it showed itself at its worst. Apartheid was the most extreme expression of the irrational myths and erroneous attitudes known as racism.

2. In paragraph 15 of his report on the Second World Conference to Combat Racism and Racial Discrimination (A/38/426), the Secretary-General had remarked that the successful conclusion of the Conference had created a favourable atmosphere within which context greater efforts could be made for the attainment of a global consensus on matters relating to racism, racial discrimination and apartheid. That was an excellent summary of the results of the Conference. The Secretary-General had further expressed the hope that the Conference's recommendations would be implemented effectively so that the Second Decade would yield results. He concurred with that view.

(Mr. Chiarri Samper)

3. Although not all States had been represented at the Conference, delegations had attempted to universalize its message and to dispel some of the reservations that had been expressed about the Conference itself. There had been no disagreement on questions of principle, although on two or three specific points there had been some divergence of opinion. No one had voted against the Programme of Action, although some delegations had expressed reservations. It could therefore be concluded that an ethical consensus on condemning all forms of racism had been forged, and that an operational consensus had developed in favour of strengthening that condemnation and of finding a solid basis for the work of the Second Decade. Many people were sceptical about the United Nations custom of declaring years and decades, but they were a means of drawing attention to certain matters of fundamental concern to the international community. The problem now was to see how the faults of the previous Decade could be avoided in the Second Decade, whose objective was not simply to produce conventions, declarations and other formulas, but to eradicate prejudice, misconceptions, myths, irrational attitudes, misdeeds and violence against the dignity of all persons, whatever their race, religion or social background.

4. One of the purposes of analysing the results of the Conference was to pinpoint the disparity between the texts and the facts, between theory and practice. A heavy dose of realism was needed, but it must be complemented by idealism. If those twin approaches were used, a great alliance against all forms of racism, whether hidden or overt, could be formed.

5. The Conference had decided that special attention should be given to the plight of autochthonous populations whose language, beliefs and very identity were being threatened, and to minorities, who had the right to be recognized and to make their own contribution to society. The effort to implement the human rights of those groups was fraught with obstacles arising from a historical process of centralization, colonization and absorption. Courageous efforts were required in order to develop a civilization in which all individuals could celebrate their diversity.

6. Migration was also an important problem which was rooted in the economic exploitation of man-by-man. Steps were being taken to ensure that the rights of migrants were implemented and to protect migrants from discrimination.

7. The most obvious case of racial discrimination was apartheid which was an exploitative mechanism based on the colour of the skin and which had always had economic undertones. Exposing the machinery of such discrimination was an intrinsic element of the fight against racism. South Africa's struggle for land had also always been a struggle for a cheap labour force. By the late 1800s, racial discrimination had begun fuelling the South African economy, which now relied on a peculiar division of labour based on planned and systematic exploitation. Many experts had concluded that that model was no longer viable, however, and that it was threatened with strangulation from within. It was to be hoped that internal crisis would help to bring about a negotiated, peaceful settlement of the problem and to overcome South Africa's resistance to the repeated appeals of the United Nations. Although progress had been made during the Decade,

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apartheid and racism were far from eradicated. Direct and subtle forms of discrimination persisted, while new forms of racism were also being born. It was therefore not enough merely to condemn apartheid, and no State could claim to be entirely guiltless of racial discrimination.

8. He referred to the report of the Second World Conference to Combat Racism and Racial Discrimination (A/CONF.119/26) and to the Declaration and Programme of Action contained in it. Those documents embodied valuable commentary about the situation of national minorities and autochthonous populations, the rights of migrant workers and many other matters. The measures suggested in them were not simple formulas but were designed to achieve specific results. He believed that the Conference had been a qualified success. Not everything which delegations had hoped for had been obtained, but agreement had been reached on combating the extreme forms of racism practised in South Africa and on eradicating all forms of racial discrimination.

9. Mr. JONAH (Secretary-General of the Second World Conference to Combat Racism and Racial Discrimination) said that the General Assembly had agreed at its thirty-seventh session on the need to ensure global participation at the Conference. Even though the agreed agenda for the Conference had been free of obvious controversial items, all had been conscious of the fact that there had been a wide divergence of views among Member Governments on key issues of the Conference. However, by dint of perseverance and the constructive and co-operative spirit that had prevailed, substantial concessions had been made on all sides to avoid a recurrence of what had happened at the 1978 Conference. That search for consensus had not been designed to submerge or conceal basic ideological and political differences on the issues. It had been based on a profoundly held conviction that the struggle to combat racism and racial discrimination would be facilitated by a global consensus on the progress required and on possible solutions to the issues.

10. The issues on which the Conference had adopted decisions by voting rather than by consensus had been ones which had troubled the Organization over the decades. Nevertheless, during the Conference there had been some convergence of views on those very issues, although it had not gone far enough to produce the comprehensive consensus which all had desired. The major document of the Conference, the Programme of Action, had been approved without a dissenting vote. That must be construed as evidence of the serious approach to the subject by participating States and, accordingly, the General Assembly and the international community must continue to struggle against racism and racial discrimination. It was to be hoped that the Assembly, at the current session, would accord that Programme the priority it deserved.

11. One arrangement adopted at the Conference had proved to be very beneficial, namely, the decision to establish a joint drafting group to prepare the final documents of the Conference. Its proceedings had been dominated by a spirit of co-operation and accommodation and all could feel confident that the United Nations, given the proper atmosphere, could indeed provide a sound negotiating framework for the settlement of difficult and critical international disputes.

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12. Mrs. ZOGRAFOU (Greece), speaking on behalf of the ten member States of the European Economic Community, said that the Ten had always attached importance to efforts to combat and eliminate racism and racial discrimination in every part of the world. Those issues, which transcended regional groupings, were universal phenomena which sprang from ignorance, mistrust, fear and rejection. The main responsibility for the eradication of racism and racial discrimination lay with Governments themselves within their respective jurisdictions. However, international action also had an important role to play.

13. Apartheid was the institutionalized and most abhorrent form of racial discrimination and its early abolition was essential. The Ten remained convinced of the urgent need to satisfy the political, social and economic aspirations of all South Africans. They would continue to use the collective weight of the European Community to influence South Africa to end the system of apartheid and establish a society with freedom and justice for all. The EEC and its members contributed to various funds and training programmes for South Africa and Namibia.

14. The Ten had always firmly supported the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination. In that connection, progress had undeniably been made during the past 10 years. At the same time, those countries deplored the fact that racial discrimination continued to exist to varying degrees in all regions of the world. The Ten had participated actively in the preparations for and in the proceedings of the Second World Conference. They had worked to restore the consensus that had prevailed at the beginning of the Decade and deeply regretted that that had not been achieved, despite all efforts. The Ten hoped that that consensus could be restored at the current session of the General Assembly, because faithful adherence to the original goals of the Decade by the international community would provide the best basis for a renewed collective resolve. The Programme of Action adopted by the Conference contained many elements on which all delegations were in agreement. It was on the basis of that common ground that all should work together to bring about an end to racism and racial discrimination. Every effort should be made to ensure that the struggle would be a united one.

15. Mr. HOGUE (Australia) said that the urgent need to eradicate racism and the compelling place of the right of self-determination within the framework of fundamental human rights had given special prominence to United Nations discussions on those questions. However, despite the repeated appeals of the international community, the world was still confronted with situations in which those fundamental rights of peoples and individuals were glaringly violated. At the same time, the mere repetition of past appeals carried the risk that sensibility to those issues would be dulled and that commitment to change would give way to tacit acquiescence in the status quo. His delegation was determined to find a basis on which the work of the United Nations on those vital issues could move forward.

16. Racism and its most repulsive embodiment, the system of apartheid, had rightly been identified as gross violations of human rights and, accordingly, as matters of legitimate concern for the international community wherever they might arise. Like many other countries, Australia had felt a sense of frustration that the measures

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taken over the past 10 years had failed as yet to crack what the Australian Prime Minister had described as the monstrous edifice of apartheid. Despite some significant achievements, the loss of the consensus on which the Decade had been founded had detracted from its effectiveness. There were conflicting views as to the reason for that. However, the co-operation which future work so urgently required could not be built on a foundation of blame and recrimination and it was therefore essential at the current session to seek a way towards the restoration of consensus.

17. His delegation supported the conclusions reached by the President and Secretary-General of the Conference and believed that the opportunity was now at hand to find a more solid basis for the continuing struggle against racism, racial discrimination and apartheid. The Programme of Action adopted at the Conference contained a number of practical and imaginative principles and ideas which all States could apply at both the national and international levels in order to confront and, ultimately, to remove the vestiges of racism which existed in their societies as well as elsewhere. The urgency of that task compelled all to seek more effective co-operation. His delegation believed that by building on the foundations laid at the Second World Conference, the General Assembly should be able to launch the next phase of national and international action on a basis of broad if not complete consensus. The spectacular progress that had been made in a few decades had served to throw into sharp relief situations in which realization of the right of self-determination was delayed or denied.

18. Australia had consistently joined in efforts to promote the self-determination of the Namibian people through membership in the United Nations Council for Namibia and in other competent bodies of the United Nations. It shared the widespread frustration that the implementation of Security Council resolution 435 (1978) should have been obstructed for so long. As the Minister for Foreign Affairs of Australia had stated at the seventeenth plenary meeting of the current session of the General Assembly on 4 October 1983, it was now clear that the long-delayed independence of Namibia was being held up by extraneous issues not encompassed in the United Nations Plan, such as its linkage with withdrawal of Cuban troops from Angola. Australia believed that those extraneous issues should not be allowed to impede Namibia's accession to independence. His delegation would like to see the continuing efforts of the Western Contact Group break that log-jam and permit the long-awaited emergence of Namibia as a full-fledged Member of the United Nations.

19. Self-determination was also an issue in the prolonged agony of the Middle East. In the whirlpool of events and conflicting interests, the central importance of the right of the Palestinians stood as a clear and undeniable fact. The Australian Government acknowledged the right of self-determination of the Palestinian people, including their right, if they so chose, to independence and the possibility of their own independent State. At the same time, Australia was also committed to support the right of Israel to exist behind secure and recognized borders.

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20. The people of Western Sahara had long been awaiting the realization of their right to self-determination. Australia was convinced that the best hope of achieving that lay in the implementation of the proposals of the Organization of African Unity adopted unanimously at its nineteenth Assembly of Heads of State and Government, held at Addis Ababa, in June 1983.

21. As both a former colony and an administering Power, and as a member of the Special Committee on Decolonization, Australia believed that it was important to consider the relevance of the right of self-determination in all its aspects to the promotion of human rights in a changing international situation. The full significance of the right of self-determination to the wider realization of human rights was yet to be explored. In the form in which, in the Covenants, the right of self-determination was formally accepted as a binding obligation by States, it was qualified neither by time nor geography. Nor could it be inferred that the right could, in a manner which would be foreign to the concept of a right, be either exhausted or permanently secured by a single exercise. Indeed, the international community had had cause to reflect on the fragility of that right in recent years as it had been obliged to witness its suppression in the most blatant manner by the massive intervention of foreign armed forces. It was a sad irony that, in Afghanistan, a people that had maintained its independence and integrity for centuries and which had never been subjugated through the age of colonialism, should at the very moment when the colonial age was passing into history fall victim to alien domination. In Kampuchea, the right to self-determination of the Khmer people similarly remained hostage to foreign occupation. Australia had long called for the withdrawal of foreign forces and for a process of self-determination for Kampuchea.

22. Events such as those that he had mentioned suggested that the right of self-determination could never be taken for granted and must be sustained and nurtured on a continuing basis. That was clearly reflected in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation between States in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It was no longer adequate, if indeed it had ever been, to assume that a people's right of self-determination could be discharged through a single exercise. The right of self-determination belonged to the people and the people must retain a secure means to exercise it whenever necessary in freely choosing the form and manner of their government and pursuing their economic and social development. Australia believed that, in examining those wider dimensions of self-determination, the international community could, in time, gain a greater understanding of the fundamental importance of the right to self-determination to the full realization of all human rights and freedoms.

The meeting rose at 12.15 p.m.