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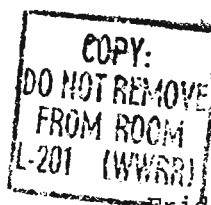
FORTIETH SESSION

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THIRD COMMITTEE
8th meeting
held on
Friday, 11 October 1985
at 3 p.m.
New York

SUMMARY RECORD OF THE 8th MEETING

Chairman: Mr. ZADOR (Hungary)

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Distr. GENERAL
A/C.3/40/SR.8
21 October 1985
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 10.45 a.m.

AGENDA ITEM 88: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORTS OF THE SECRETARY-GENERAL (continued) (E/1985/16 and Add.1; A/40/3, A/40/173, A/40/320, A/40/398, A/40/416 and A/40/694 and Add.1)

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- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (continued)
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1. Mr. HAMER (Netherlands) said that his delegation whole-heartedly subscribed to the statement made by Luxembourg on behalf of the States members of the European Economic Community in connection with the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination in which he dealt with the particularly repugnant system of institutionalized discrimination known as apartheid.

2. Clearly, international instruments alone were not sufficient to put an end to racial discrimination. That was primarily because racial discrimination was a matter of attitude. It was an all too common reaction of society, especially in times of pressure, to what was different and therefore regarded as dangerous. Unemployment, for example, might provoke a violent public reaction against migrant workers. Ignorance and fear moved people to think in terms of black and white, to judge on the basis of appearances rather than substance.

3. The Committee on the Elimination of Racial Discrimination had contributed to an understanding of the causes for the persistence of racial discrimination and could play a special role in the field of education, culture and information. That educational role was an important complement to the Committee's assessment of the legislative, judicial and administrative measures adopted by States parties. The Netherlands therefore whole-heartedly agreed with the Committee on the necessity of giving more publicity to its work.

(Mr. Hamer, Netherlands)

4. The Committee's report stated that 95 reports from 66 States had not yet been received. His delegation approved the Committee's decision to request the States parties that were farthest behind schedule to submit their reports in one consolidated document. Perhaps technical assistance could be provided to the countries that were late in submitting reports. Nevertheless, the only obvious solution was to have the reports submitted every four years.
5. His delegation, which attached great importance to the work of the Committee and admired the expertise and dedication of its members, had appealed to the Committee to avoid involving itself in specific political situations which might be the subject of international dispute, but where racial discrimination was not the main issue. The Committee's mandate was defined by the Convention. The suggestion made by the Committee in paragraph 27 of its report that statements to that effect were intended as intimidation was inappropriate. Any decision on the part of the Committee to redefine its mandate might threaten the unanimous approval of its decisions which was essential for its work.
6. The Committee had adopted decision 2 (XXXII) recommending that those States parties whose legislation did not satisfy the provisions of article 4 (a) and (b) of the Convention take the necessary steps with a view to satisfying the mandatory requirements of that article of the Convention. The Netherlands believed that those requirements must be reconciled with the right to freedom of opinion and expression and the right of peaceful assembly, because they represented the spirit of article 4, which made specific reference to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. In the Netherlands, a balance was maintained in that matter by an active policy of investigation and prosecution of cases of discrimination of any kind.
7. His delegation had some difficulty with the opinion expressed in paragraph 505 of the report to the effect that before dealing with racial discrimination, the Committee had to be sure that all the other human rights were respected in the reporting State. The situation of the other human rights in other countries whose reports had been considered had been the subject of reports and resolutions in other United Nations forums. There could be no doubt that the general situation of human rights in each country should serve as a frame of reference for the Committee and, in that connection, the readiness of members of the Committee to take into account all available information was commendable.
8. His delegation was disappointed that the pace of ratification of the Convention had slowed down. Nevertheless, it was gratifying that the Convention, with 124 States parties, had achieved virtual universality. He was also pleased to note that Peru had joined the States parties that had made the declaration under article 14. There were now 11 States which recognized the competence of the Committee to consider communications from individuals who claimed to be the victims of violations of the rights defined in the Convention. The Netherlands, which had made that declaration, appealed to all States to do likewise, thus vastly enhancing the effectiveness of the collective struggle against racial discrimination.

9. Mrs. BOCHECIAMPE de CROVATI (Venezuela) said that 40 years after the founding of the United Nations, it was disheartening to note that in various parts of the world there was no respect for the human rights and fundamental freedoms of all. The international community viewed with concern what was occurring in South Africa and the arrogance of the Pretoria authorities which continued to maintain the total subjugation of the black majority of the population. Furthermore, that attitude was endorsed by the countries which continued to maintain diplomatic and trade relations with the Pretoria Government and to provide it with military and financial assistance.

10. The state of emergency imposed by the Government of South Africa in 36 districts was further evidence of the distressing situation of the people of South Africa. Venezuela unreservedly supported Security Council resolutions 566 (1985) and 569 (1985) urging Member States to impose voluntary sanctions against South Africa.

11. Venezuela also supported decision 1 (XXXI) of the Committee on the Elimination of Racial Discrimination which condemned racism, racial discrimination and apartheid, as well as all vestiges of nazism and fascism that persisted in the world. The Committee's work for the elimination of all manifestations of racism and racial discrimination was commendable. Special mention should be made of the consideration by the Committee of the reports of States parties on the effects of racial discrimination in education, training and employment, on the children of members of minority groups, in particular, migrant workers.

12. The Programme of Action for the Second Decade to Combat Racism and Racial Discrimination set forth measures to combat apartheid in the fields of education, teaching and training. Venezuela supported that initiative because it was only through proper education of the population from an early age that the Programme could achieve its objectives in that regard.

13. Venezuela also commended the work of the Group of Three on the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Group should continue to study the role of transnational corporations operating in South Africa, because those corporations helped to maintain that ignominious régime. The Group should determine what kind of legal measures could be adopted, under the Convention, against corporations whose activities came within the scope of the definition of the crime of apartheid.

14. On the basis of the report of the Ad Hoc Working Group of Experts on southern Africa, the Commission on Human Rights, of which Venezuela was a member, had again expressed its indignation at the fact that apartheid remained institutionalized through bantustanization, forced removals of the black population and the policy of denationalization. It had also rejected the constitutional arrangements in South Africa, considering them to be null and void because their only objective was to perpetuate apartheid.

15. All the countries of the world should assume their share of responsibility for the elimination of racial discrimination. Even in countries which did not suffer

(Mrs. Boccheciampe de Crovati, Venezuela)

From obvious racism, there was always the risk that surreptitious forms of racism would manifest themselves in times of economic and social tension. In view of the danger of latent racism, Venezuela supported Assistant Secretary-General James Jonah's efforts to prepare educational brochures promoting tolerance and harmony vis-à-vis immigrants, migrant workers, minorities and indigenous populations.

16. Venezuela urged the Third Committee to follow through on the initiative of the Media Round-Table on International Legal Issues Relating to Apartheid, Racism and Racial Discrimination. It also supported the proposal to encourage the International Commission of Jurists to inform the press about the most up-to-date rules recognized in international law on the illegality of apartheid and the international struggle against racism. The Third Committee should also promote practical support of the Trust Fund for the Programme for the Decade.

17. A consensus should be sought in the drafting of a resolution on the Programme of Action for the Second Decade. It might be achieved on the basis of three principles: common opposition to all forms of racism, common opposition to apartheid and common interest in gaining the broadest possible support for the objectives of the Decade.

18. With regard to the right of peoples to self-determination, Venezuela deplored the fact that 25 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, there were still unresolved cases of decolonization. The most urgent problem was Namibia. Namibia should achieve its independence on the basis of Security Council resolution 435 (1978).

19. Mrs. ZAFAR (Bangladesh) said that, under its Constitution, Bangladesh was committed to support oppressed peoples throughout the world, and her country therefore attached great importance to the items relating to self-determination and the elimination of racial discrimination.

20. A particularly brutal example of violations of human dignity and the right of peoples of self-determination was that of southern Africa. Under the abhorrent system of institutionalized racial discrimination, the vast majority of the South African people were suffering because of the colour of their skin. One of the cruelest manifestations of the apartheid system was the denial of political representation to the black majority. Through the bantustanization policy, they had also been deprived of their nationality and relegated to the status of undesirable aliens.

21. The black majority of South Africa were struggling for recognition of their human dignity and the exercise of the right to self-determination. The Pretoria régime had responded to that struggle by applying increasingly ruthless methods of repression. The cosmetic constitutional changes announced by the racist régime were not an attempt to abolish apartheid but rather were designed to perpetuate the abhorrent racist policy by fraudulent means. Apartheid could not be reformed, it must be abolished once and for all.

(Mrs. Zafar, Bangladesh)

22. International efforts must be directed towards compelling the Pretoria régime to abandon its policy of sham reforms and to agree to accept the principle of equality of all citizens without distinction as to race or colour. Bangladesh therefore supported the moves to impose comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter in order to isolate the racist régime in all ways.

23. South Africa had also extended its abhorrent policy to Namibia, which for years had suffered the illegal occupation of its territory. By one pretext or another, South Africa continued to thwart the decolonization efforts of the international community, with the result that the people of Namibia had been compelled to wage a heroic struggle for self-determination and national independence under the leadership of the South West Africa People's Organization (SWAPO), their sole and authentic representative.

24. Bangladesh had always supported the Namibian people's just struggle for independence, which, it felt, should be achieved on the basis of the implementation of Security Council resolutions 385 (1976) and 435 (1978), for they provided the only acceptable means towards a peaceful transition to independence. Bangladesh therefore categorically rejected all attempts to link Namibia's independence with extraneous or irrelevant issues.

25. The Arab and Palestinian territories, including the Holy City of Jerusalem, continued under illegal occupation. Israel, the occupying Power, continued to violate all applicable principles of international law and to disregard the relevant United Nations decisions and resolutions. Bangladesh's position on that issue had always been firm and consistent: unequivocal support to the Palestinian people in its just struggle for restoration of its inalienable right to self-determination, including the right to establish a State of its own under the leadership of the Palestine Liberation Organization (PLO), its sole legitimate representative.

26. The Government of Bangladesh supported the Programme of Action for the Second Decade and hoped that the international community would make every effort to implement it. In that connection, it had noted with appreciation the various activities reported by the Secretary-General in document E/1985/16, and welcomed the appointment of Mr. James Jonah as Special Representative of the Secretary-General to co-ordinate activities relating to the Second Decade.

27. Bangladesh, which had participated in the preparations for the Public Hearings on the Activities of Transnational Corporations in South Africa and Namibia, hoped that the hearings would enhance public awareness of the role which transnational corporations played in sustaining the apartheid system.

28. Bangladesh was pleased that 124 countries had ratified the International Convention on the Elimination of All Forms of Racial Discrimination; it expressed its disappointment, however, that there had been no new ratifications in 1985. It also found it disappointing that so far only 81 countries had ratified the International Convention on the Suppression and Punishment of the Crime of

(Mrs. Zafar, Bangladesh)

Apartheid. Bangladesh urged all countries which had not yet done so, especially those which had jurisdiction over transnational corporations, to ratify or accede to that Convention as soon as their constitutional processes enabled them to do so.

29. Mr. GLAIEL (Syrian Arab Republic) reaffirmed the faith of the States Members of the United Nations in the dignity inherent in the human person. Nevertheless, in the year of the observance of the fortieth anniversary of the founding of the Organization, mankind was avoiding its responsibility with regard to the rights of certain groups victimized by racism.

30. The most shameful example was that of South Africa, where a white minority was preventing a black majority - merely because they were black - from enjoying their right to live in peace in the land of their birth, which was also that of their ancestors. Unfortunately, it was not the only case of the exploitation of man by man and of discrimination based on ethnic considerations. The people of Palestine and other occupied Arab territories, who did not profess the Jewish religion, suffered the same ordeals as their brothers in South Africa. With the support of the racist Pretoria régime, the Government of Tel Aviv was denying the Palestinian people their rights, trying to expel them from land which they had inherited from their forefathers and was committing actual acts of terrorism against them. Pretoria's aggressions against neighbouring peoples, and Tel Aviv's aggressions against different parts of the Arab world, were unrelenting. One of the latest examples had been the bombing of Tunis on the pretext of expelling the Palestinians. Israel had thereby put itself in a difficult position because its hysterical aggression was unjustifiable.

31. The two racist régimes were persisting in their aggressive policies because of the growing moral and material support being provided by some States which were theoretically in favour of civilized behaviour, tolerance and human rights, but lacked the political will and feelings of solidarity to defend the rights of oppressed peoples.

32. The Syrian Arab Republic, which was proud of being a society of free and equal human beings and had no problems with racism and apartheid because Arab civilization was based on brotherhood, tolerance, respect for others and love of freedom, had participated in the Committee on the Elimination of Racial Discrimination (CERD) since 1969 and had long collaborated actively with the Special Committee against Apartheid, as a member or by periodically submitting its reports. In that connection, it should be noted that the eighth and most recent report had been submitted on time, although its receipt had been delayed because of transport problems.

33. With regard to the drafting of an international convention against the recruitment, use, financing and training of mercenaries, he pointed out that Syrian legislation prohibited and penalized all such activities.

34. Syria also had the honour of having been the first country to sign the International Convention on the Suppression and Punishment of the Crime of

(Mr. Glaiel, Syrian Arab Republic)

Apartheid. It was disquieting and regrettable that the racist régime of Pretoria and the States which still supported it had not subscribed to that instrument.

35. During the adoption of General Assembly resolution 39/16, Syria had expressed its view that the Second Decade to Combat Racism and Racial Discrimination had been necessitated by the failure of the first. It was hoped, therefore, that the opportunity would now be seized to remove those blemishes on mankind. With regard to activities planned for the Decade, it would be important to study carefully the effects of racial discrimination on education, training and employment.

36. The Syrian Arab Republic was suffering the consequences of apartheid because of the policy pursued by the Israeli authorities against Syrian citizens in the Golan Heights in particular, and in general against all Arabs living in the occupied territories.

37. Syria supported the peoples of South Africa and Namibia in their legitimate struggle for the right to self-determination, and the Arab people of Palestine, who were suffering occupation of their homelands and confiscation of their property and were thus unable to exercise their right to establish their own independent State in their territory.

38. Respect for self-determination was one of the basic principles of contemporary international law and a sine qua non for the exercise of all other freedoms. Illegal occupation, colonialism, neo-colonialism, apartheid and racial discrimination, including zionism, gave the world community cause for deep concern. The United Nations, which was celebrating its fortieth anniversary during the current year, must more than ever live up to the hopes and expectations of the world's peoples with regard to the Organization as the guardian of its most fundamental rights.

39. Mr. MADAR (Somalia) stressed how highly important were the universal realization of the right of peoples to self-determination, the speedy granting of independence to colonial countries and peoples and the elimination of all forms of racism and racial discrimination. The Government of Somalia supported the relevant resolutions of the General Assembly and its committees - as was to be expected, since equality of all citizens had been a cornerstone of the country's laws ever since the recovery of its independence in 1960. Article 6 of the Constitution, added as a result of a national referendum held six years previously, expressly forbade discrimination on the grounds of colour, creed, language or sex.

40. In Africa and other continents, legitimate struggles were being waged to uphold the principle of self-determination and to win freedom from colonial domination, foreign intervention and military occupation. However, specific and valid United Nations resolutions were being flouted in Lebanon, Palestine, Afghanistan and Kampuchea.

41. The serious situation in South Africa posed a challenge of another order, leading inevitably to ever bloodier confrontations between the black majority and

(Mr. Madar, Somalia)

the white minority desperately seeking to preserve its unjust privileges. The United Nations had succeeded in showing to the entire world that apartheid was a crime against humanity, and had repeatedly called on its Member States to take measures to put an end to that system, which not only was morally reprehensible but also posed a real threat to regional and world peace.

42. The time had come to step up international pressure against the Pretoria régime whose duplicity was well known. The state of emergency in South Africa must be ended. All political prisoners - including, of course, Nelson Mandela - must be granted unconditional freedom. Harassment of school children, young students, clergy and mine workers in black townships must likewise be ended. To that end, it was essential for the Security Council not to shirk its responsibility and to apply all relevant mandatory economic sanctions.

43. The need for such sanctions was heightened following the blatant defiance reflected in the illegal occupation of Namibia and the absurdity of imposing a puppet government on that country. It was essential to give full effect to Security Council resolution 435 (1978), the sole instrument to provide a legal basis for Namibia's independence, whilst adopting measures to counteract South Africa's efforts to destabilize and undermine the economies of the front-line States.

44. Nor would there be peace in the Middle East unless the Israelis withdrew from all the occupied Arab territories, including the Holy City of Jerusalem, and unless the Palestinian people's legitimate desire to establish itself in its own State was acceded to. In that connection, he strongly condemned Israel's recent attack on Tunis and warned that no one should be allowed to flout the established international order.

45. But it was not only in South Africa and the Middle East that the enjoyment of human rights, and just and lasting peace, was far from realized. Similar problems existed in the Horn of Africa and the north-east of the continent. In those regions, just as anywhere in the world, all peoples had the right to determine their future in accordance with the principles and provisions of the Charter and other United Nations instruments and resolutions.

46. Mr. GARVALOV (Bulgaria) said that his delegation fully agreed that racism and racial discrimination were crimes against the conscience and dignity of mankind, as proclaimed in the Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination.

47. Experience showed that effective and concerted efforts were required in order to eradicate those grave evils; to that end, the International Covenants on human rights, 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 were of fundamental importance and should be fully implemented.

(Mr. Garvalov, Bulgaria)

48. It was regrettable that, despite the international community's efforts, racism and racial discrimination persisted and were assuming alarming dimensions. Independence was being denied to colonial peoples; Israel was occupying Arab territories without legal justification; the Palestinian people were being denied the right to their own State; neo-fascism was being tolerated and even abetted; migrant workers were being exploited, and vast sections of society remained deprived, giving rise to disturbances and social unrest.

49. South Africa was, of all cases, the most shameful example of brutal, virulent racism, and of the most flagrant violation of all ethical principles and all norms of international law. Reliable data showed that during the past year over 600 persons had died in racial disturbances in South Africa. Since the introduction of the emergency laws of 21 July 1985 the travesties of the law perpetrated against opponents of the régime had increased, and thousands of persons had been detained and systematically subjected to terror and brutality. Bulgaria strongly urged freedom for them and for Nelson Mandela, who had already been in prison for 20 years.

50. It had become clear that popular discontent could be ended and the situation normalized only through the establishment of a new democratic order in South Africa and the granting of full political, economic, social and cultural rights and freedoms. The pressure of world public opinion was increasing so much that the traditional allies of Pretoria had recently grown uneasy. They had made efforts to distance themselves from the most extreme actions of the racists, had criticized them and even embarked on - albeit ineffective - economic sanctions. At the same time, however, there was no end to their military, political, economic and diplomatic support for the régime, which they said they condemned; and they were stalling with regard to the punitive action of the United Nations and the international community on the pretext that certain sanctions could harm the black majority in South Africa, forgetting that by their attitude they were making themselves direct accomplices of that crime against humanity.

51. The international community was well aware that apartheid was a system based on racial hate, oppression and exploitation; that Namibia continued to be occupied illegally and that South Africa was continuing its policy of aggression against Angola and other neighbouring countries in open defiance of the United Nations. It knew equally well who had provided and continued to provide military, political and economic support for Pretoria. It only remained to say that apartheid, like fascism, was a crime not only against the people subjected to it but also against the whole of humanity. It was therefore urgent and essential to adopt comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter.

52. Bulgaria was ready to co-operate wholeheartedly with all Member States to sweep apartheid, racism and racial discrimination from the face of the earth once and for all.

53. Miss BYRNE (United States of America) said that the history of the United States was one of struggle at home and abroad against all forms of racial, cultural and political intolerance. The Constitution forbade intolerance and the country had carried on a remarkable and largely peaceful legal and social revolution to ensure equality under the law and equality of opportunity for all Americans. Evidence of what had been achieved was the fact that the United States was a nation of all races, religions and creeds, a nation of immigrants from every country, a nation that continued to welcome hundreds of thousands of new Americans from all over the world every year who were fleeing political, religious and racial oppression and economic deprivation.

54. The commitment of the United States to racial equality and freedom did not end at its frontiers. Cemeteries abroad were filled with Americans who had died fighting against militarism, imperialism and totalitarian ideologies of all kinds. The United States opposed ideologies and political systems which, 40 years after the destruction of nazism and fascism, were continuing to oppress hundreds of millions of people in the name of morally bankrupt social and economic theories and which relied on secret police, torture, internal exile, prison camps and "re-education" centres.

55. The United States vigorously opposed anti-Semitism, an evil which remained much in evidence throughout the world and even in the United Nations and which, in its current form showed itself in the form of vicious verbal and physical attacks upon the State of Israel and upon the right of that country to exist. It should not be forgotten that terrorists targeted Jewish citizens of many countries, not only those of Israel. Anti-Semitism was most apparent in those Eastern Bloc countries which most loudly proclaimed their role in the defeat of nazism and fascism but where thousand of Jews were denied the right to emigrate to Israel or elsewhere in the world.

56. The United States was firmly opposed to apartheid and was working towards the elimination of that unjust and unjustifiable system. Apartheid would not be dismantled by demagogic posturing and sloganeering. Exhortations to bloody revolution, calls for mandatory economic sanctions and hypocritical talk about democracy from nations which denied it to their own people would not bring peace and justice to millions of South Africans. Those who demanded the withdrawal of investments and other harsh mandatory economic sanctions were either, at best, dangerously naïve or interested in using the problem of apartheid to serve their own interests.

57. The withdrawal of investments and the adoption of mandatory economic sanctions would have a devastating effect not only on South Africans but also on millions of other inhabitants of the African continent who depended directly or indirectly on remittances from South Africa, on access to the South African labour market and on South African exports.

58. For the United States, the question had never been whether apartheid should end, but how to end it while realizing the democratic aspirations of the majority of South Africa's people. That could best be accomplished by the promotion of

(Miss Byrne, United States)

democratic institutions that placed primary importance on the individual as such, rather than on his membership in any race, religion, tribe or other group. For that reason, the United States was committed to maintaining a strong presence in South Africa as a basis for bringing about democratic changes that would wipe out the system of apartheid, which was so abhorrent to the American people.

59. President Reagan's Executive Order of 9 September 1985 had announced measures designed to deprive the Government of South Africa of any direct or indirect United States support in maintaining its police, military and apartheid-enforcing structures. In addition, they prohibited nuclear commerce between the two countries except in those items needed for the health and safety of all South Africans; they also prohibited bank lending between United States banks and the Government of South Africa except for loans for purposes free of the taint of apartheid; and they banned the import into the United States of military equipment made in South Africa. In addition, concrete steps would be taken to aid American businesses seeking an end to the discriminatory employment practices of apartheid. United States Government procurement policy would favour those South African firms with at least 50 per cent non-white ownership. The United States would not aid any American company which did not adhere to the Sullivan Principles - a programme designed to hire, train and promote non-white workers in American-owned companies in South Africa on a non-discriminatory basis. The amount of funding for scholarships available to non-white South Africans would be increased to \$8 million in the 1986 fiscal year and legal assistance would be provided to victims of apartheid through a human rights fund of up to \$1.5 million. Through those measures, the United States would seek to press for democratic changes, since the foundations for that kind of change existed in South Africa. In addition to the Government of the United States, American foundations, trade unions and corporations were committed to that course of action.

60. Both the Sullivan Principles and the presence of American corporations in South Africa had already brought substantial improvements in the lives of many black South Africans. The great majority of United States companies in South Africa paid their lowest paid employees at least 30 per cent more than the established minimum wage. Between 1982 and 1984 the number of black South Africans enrolled in employment and training programmes paid for by American businesses had increased from 4,295 to 27,940. It was also worth pointing out that since 1980, American companies had spent nearly half a billion dollars on educational and training programmes for black South Africans and nearly \$32 million to improve the health and living conditions of their employees in South Africa. United States companies had spent over \$41 million to help black-owned businesses to get started in South Africa since 1982.

61. Some might argue that those improvements were only economic and did not represent political gains, but economic and political freedoms were inexorably linked. It was precisely the hope for a real improvement in their lives that had brought so many people, both black and white, to South Africa and which now fuelled the unstoppable demand for change.

(Miss Byrne, United States)

62. The solution to South Africa's problem would be found by South Africans and lay in political negotiations, not in violence or extreme sanctions that would harm South Africa's economy and deprive blacks of their most important tools in the struggle for justice in that country and the region. Violence was a way to self-destruction. Her country preferred to encourage every instrument of peaceful change. Apartheid could be eliminated and a new society brought about by keeping open the lines of communication with the South African Government and with all the other key sectors of that country, especially the black leaders. That was the position clearly stated by Secretary of State George Shultz in his remarks on 3 October in New York before members of the Organization of African Unity.

63. The concern about apartheid was understandable, but there was racism also in other countries. It should not be forgotten, for example, that millions of people were now suffering in Europe, Asia, Latin America and Africa under totalitarian ideologies which viewed the individual both as a potential threat to the State and as an object to be used for the greater glorification of the State.

64. Finally, her delegation urged the United Nations to use its prestige and influence to help the South African people to achieve a democratic State in which all could enjoy the rights enumerated in the Universal Declaration of Human Rights. She also urged the United Nations to redouble its efforts towards the elimination of all forms of racism and racial discrimination.

65. Mrs. NGUYEN BINH THANH (Viet Nam) said that over the past four decades, since the victory over fascism and the founding of the United Nations, the world had witnessed great changes, in particular the vigorous development of movements for national liberation and independence in Asia, Africa, the Middle East, Latin America and the Caribbean, which had led to the adoption in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples. That Declaration constituted a source of encouragement for the struggle to achieve the right to self-determination and a legal foundation for that struggle, which had not often been respected by the imperialist, colonialist and hegemonist forces. The right to self-determination was embodied in Articles 1 and 55 of the Charter of the United Nations and had been defined in the International Covenant on Civil and Political Rights and Optional Protocol and in the International Covenant on Economic, Social and Cultural Rights, both of 1966.

66. The right to self-determination was being misrepresented, and it was therefore necessary for all countries to agree on the exact interpretation of the concept. First and foremost, it meant the right to live in peace and security, independence and freedom, free from any threat of war or genocide. Therefore, all acts or threat of war or aggression, especially the nuclear threat, should be strongly condemned. Secondly, it meant the right of peoples to choose freely their economic, political and social system and their own path of development, and to exercise their sovereignty over all their natural resources without interference and intimidation from outside. The right to self-determination could not be fully realized without restructuring the current economic order. In the third place, it meant equality among nations, without racial discrimination. It was important to emphasize that idea since at the present moment apartheid and zionism, backed by a

(Mrs. Nguyen Binh Thanh, Viet Nam)

major Power, continued to challenge mankind in defiance of strong world-wide opposition, and a hegemonist force reserved for itself the right of racial superiority and felt free to threaten to teach another nation a lesson whenever it wanted to. The biggest obstacles to the struggle for self-determination of oppressed peoples and newly independent countries continued to be imperialism, colonialism, neo-colonialism, hegemonism, apartheid and other forms of racism.

67. The imperialist forces had conducted hundreds of regional wars against countries fighting for the right to self-determination. A typical example was the war conducted by the United States of America against Viet Nam, the biggest and longest war of aggression carried out by the United States. Her country, which had undergone more than 30 years of wars imposed by foreign Powers and was currently facing the war of sabotage conducted by a neighbouring northern country, had struggled to preserve its right to live in peace and freedom, thus contributing to the world-wide struggle for the right to self-determination.

68. Her country condemned the policy of apartheid as the most abhorrent form of racism and a crime against humanity, and fully supported the struggle of the South African people for freedom, democracy and social equality, while also expressing its militant solidarity with the front-line States and strongly denouncing the recent brutal aggression against Angola.

69. Zionism was another monstrous form of racism which should be eliminated. The massacres and bombardments perpetrated by zionism, for example, the recent bombing of the headquarters of the Palestine Liberation Organization in Tunis, recalled the crimes of nazism.

70. The racist régimes of South Africa and Israel had managed to survive in open defiance of all relevant United Nations resolutions, thanks to the assistance provided by one Western Power, including assistance in military and nuclear areas.

71. Her country supported the struggle of the Arab Palestinian people for self-determination and the convening, as soon as possible, of an international conference on peace in the Middle East, with the participation of all parties concerned.

72. Her country opposed the policy of intimidation against Cuba and Nicaragua and the repression of the revolutionary movement in El Salvador and was in favour of self-determination of Pacific Territories.

73. The undeclared war carried out by the agents of imperialist forces against Afghanistan should be stopped.

74. In the People's Republic of Kampuchea, which had experienced a marvellous rebirth which neither reactionary forces nor slanderous propaganda could deny, the people were determined to advance along the path of development they had chosen. For the Kampuchean people, the right to self-determination was the right to live without the threat of the reimposition of a genocidal régime. It was therefore

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necessary for the international community to help it in its struggle against the Pol Pot clique. The international community should also positively contribute to the settlement of the question of South-East Asia, including the question of Kampuchea, by means of dialogue among the countries of the region without foreign interference.

75. The history of South-East Asia showed that one country in that region had always helped the imperialist forces and had followed them in their aggression against neighbouring countries. That country therefore was not qualified to speak about human rights in Kampuchea.

76. Her country reaffirmed its rejection of resolution 1985/12 of the Commission on Human Rights and decision 1985/155 of the Economic and Social Council on Kampuchea, because they distorted the reality in that country and created impediments to the realization of its authentic fundamental human rights.

77. Mrs. NHLABATSI (Swaziland), recalling General Assembly resolutions 39/15, 39/16 and 39/17 of 23 November 1984, regretted that the Committee should still have to discuss the issue of the independence of Namibia and self-determination of the people of South Africa, where violence was reaching unusual levels as a result of the repression which that people still underwent.

78. All those events had repercussions on the stability of Swaziland, which received an uncontrollable influx of refugees, a problem which was almost never taken into account when considering the situation in southern Africa.

79. The delegation of Swaziland called upon the South African régime to dismantle the apartheid system, and invited all parties, independent of their skin colour, to elaborate a constitution which would be acceptable to all. It also called for the urgent implementation of Security Council resolution 435 (1978) and the immediate granting of independence to Namibia.

80. Her Government, together with the OAU and the Movement of Non-Aligned Countries, remained committed to the sacred principles enshrined in the Charter of the United Nations with regard to the issue of self-determination and the independence of peoples suffering under colonial rule and other forms of oppression.

81. Her delegation appealed to the great Powers not to attempt to resolve the South African issue without consulting neighbouring States which, like Swaziland, suffered the secondary effects of the apartheid system. If the views of those States were not taken into account, all negotiations would be futile.

82. The situation of human rights and of the right to self-determination as experienced by many peoples in Latin America, the Middle East, the Persian Gulf and other parts of Asia and Africa was also a matter of concern. Her delegation appealed to all parties concerned to resolve their differences through peaceful means and to the United Nations to continue to encourage the resumption of talks without pre-conditions or external interference.

(Mrs. Nhlabatsi, Swaziland)

83. Her delegation also endorsed the recommendation of the Commission on Human Rights to the Economic and Social Council to hold an international seminar in Africa in 1986 on "International assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid".

84. Mr. VILLAGRA DELGADO (Argentina) said that, if one considered that, during the Second World War, a type of racism had existed which had resulted in the extermination of millions of persons, it was not surprising that the United Nations, which had risen up out of the ashes of war, had since its inception been aware of the need to eliminate racism in all its manifestations. No organization had so contributed to the formation of a universal conscience on the evils of racism and the need to eliminate it. The situation of peoples in that regard was better than 40 years ago and countries practising systematic or covert racism were strongly condemned by the international community.

85. His country, remaining faithful to the egalitarian tradition it had maintained since its independence, had co-operated in that United Nations activity. Not only was racial discrimination not practised in his country, whose society had been made up of a large mass of immigrants, it was considered a criminal offence.

86. Despite those achievements, it was regrettable that racism persisted under the apartheid régime, which the South African authorities insisted on maintaining through increasingly violent repression against a large majority of the population. Apartheid contained within itself the germs of its own destruction. It was not capable of reform but had to be dismantled as soon as possible in order to avoid a futile struggle within South African society. His delegation advocated the imposition of sanctions against South Africa in accordance with Chapter VII of the Charter. Those sanctions and pressure on the Government of South Africa could prove useful in ensuring that the entire South African population, regardless of its colour, was finally granted the full exercise of its rights, which was the only means of guaranteeing peace and justice in that country. His delegation also called for the unconditional liberation of Nelson Mandela.

87. Apartheid, although the worst, was not the only existing form of racial discrimination. Discrimination was also practised against migrant workers in many countries which exploited their labour without guaranteeing them the full enjoyment of their human rights. Although such discriminatory treatment was not the result of deliberate policies, the authorities of those countries should adopt appropriate measures to eliminate the root causes of discrimination.

88. The concern of the United Nations in the area of racial discrimination was reflected in the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, which the General Assembly had adopted by consensus. The full implementation of that Programme of Action, together with the activities reported on by the Secretary-General in document E/1985/16, could be a significant contribution to achieving the goals of the Second Decade.

(Mr. Villagra Delgado, Argentina)

89. With regard to the International Convention on the Elimination of All Forms of Racial Discrimination, his delegation urged all States that were not yet parties to that instrument to ratify or accede to it as soon as possible. The Committee on the Elimination of Racial Discrimination had done valuable work, as stated in document A/40/18. In order to avert difficulties raised by the submission of biennial reports, it might be useful to consider the possibility of extending the two-year period. Reference to the question of the Malvinas Islands in the Committee's report was not inappropriate, in spite of the criticism expressed by some countries. If the Committee was empowered to receive information on Territories under colonial domination, it was logical to express concern about the persistence of such situations, since they affected the population of those Territories.

90. His country had ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and intended to co-operate fully with the Working Group of the Commission on Human Rights which was responsible for overseeing the implementation of its provisions.

91. The commemoration in 1985 of the twenty-fifth anniversary of the adoption of General Assembly resolution 1514 (XV) was a propitious moment to accelerate the total elimination of the last vestiges of colonialism in the world. That resolution, which had not received the support of the colonial Powers now claiming to be defenders of the right to self-determination, had been the cornerstone of the Organization's greatest achievement: the decolonization process. The time had come for the people of Namibia to exercise their right to self-determination, in accordance with Security Council resolution 435 (1978), and bring to an end the illegal occupation of that Territory by the South African régime. Equally urgent was the response to be made to the legitimate aspirations of the Palestinian people to exercise their right to self-determination.

92. His delegation denounced the attitude of those who sought to distort the scope of that fundamental right in order to perpetuate colonial domination to the detriment of the territorial integrity of sovereign States. Such was the United Kingdom's attitude towards the Malvinas Islands which had been seized from his country. The General Assembly had, in several resolutions, set out the appropriate means to solve that controversy. His country had responded positively to those proposals and had so informed the Secretary-General. Argentina hoped that the United Kingdom would modify its current negative attitude and decide to resume negotiations in order to find a peaceful and definitive solution to that question.

93. Mrs. YOUNG (United Kingdom), speaking in exercise of the right of reply, said that the Falkland Islands had never been a colonial territory, since they had not had an indigenous population at the time of their occupation by Great Britain, and that the occupation had taken place through peaceful means. She therefore considered that any reference to that question under the agenda items that were now being discussed was out of place.

94. Mr. VILLAGRA DELGADO (Argentina), speaking in exercise of the right of reply, said that the question was relevant, since the occupation had occurred when Argentina had just become a sovereign State with jurisdiction over the Malvinas Islands, and that the British action had been military in nature since it had been undertaken by a navy frigate, even though not even a single shot had been fired.

The meeting rose at 5.25 p.m.