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SUMMARY RECORD OF THE 4th MEETING

Chairman:

Mr. SOMAVIA

(Chile)

later:

Miss ZINDOGA (Vice-Chairman)

(Zimbabwe)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 88: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued) (A/45/552)

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- Miss DIEGUEZ (Mexico) said that the continued existence of racist practices with a legal, political and institutional basis ran counter not only to the principles of justice and international law but also to those of the dignity and equality of all human beings. In December 1990 the twenty-fifth anniversary of the International Convention on the Elimination of All Forms of Racial Discrimination would be commemorated. The Committee on the Elimination of Racial Discrimination (CERD), established pursuant to the Convention, had done essential work by monitoring the implementation of that instrument. However, the precarious financial situation of CERD, which was seriously affecting its work, gave rise to serious concern. A long-term solution must be found as a matter of urgency, given the priority which the issues considered by CERD were accorded in the programme of work of the United Nations. CERD had expressed its readiness to play an active role in the closing years of the Second Decade and in the preparation of the programme to be adopted subsequently, but that would only be possible if the necessary steps were taken to ensure that CERD could continue holding periodic mectings.
- 2. The Second Decade was nearing its end. The Economic and Social Council had recently observed that, despite the international community's efforts, the main objectives of the Decade had not been achieved and millions of human beings continued to be the victims of racist practices. The same conclusion could be drawn from the study of the Special Rapporteur, Mr. Fide, on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination (A/45/525). It was alarming to note the resurgence and aggravation of racially motivated acts of hostility in various parts of the world. Members of minority groups, such as indigenous peoples and migrant workers and their families, were often the victims of such practices. In that connection, Mexico wished to emphasize how important it was for the General Assembly to adopt the draft convention on the rights of all migrant workers and their families. The adoption

(Miss Dieguez, Mexico)

of the draft convention would constitute an important contribution to the development of international humanitarian law and would fill the gap left by the existing international agreements on migrant workers. Her delegation trusted that the Third Committee and the General Assembly would adopt the draft convention without a vote.

- 3. One of the most degrading manifestations of racism and racial discrimination was the policy of apartheid of the minority régime in South Africa. The elimination of apartheid was one of the major challenges facing the international community. Efforts must continue to ensure that the relevant recommendations of the Second Decade were implemented. The measures set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa and in the many General Assembly and Security Council resolutions on the subject must likewise be fully implemented. Furthermore, the international pressure on the South African régime must be maintained. The unilateral lifting of sanctions, even if partial, would be premature and contrary to the decisions of the General Assembly. Mexico had no diplomatic or consular relations with South Africa; it had suspended all cultural, educational, sports and other relations and had taken steps to ensure that no financial links were established between the two countries through banking channels.
- 4. Mexico acknowledged that a positive process of change had begun in South Africa. The main elements had been the freeing of Nelson Mandela, the decision of the African National Congress to suspend the armed struggle and its recent meeting with the South African authorities, and the Government's undertaking to end apartheid. However, the main measures mentioned in the aforementioned Declaration on Apartheid as being necessary to create a propitious climate for serious negotiations still remained to be taken. Consequently, it still seemed uncertain whether far-reaching change was possible. Unless the legal and political bases of apartheid were dismantled, everything that had been achieved thus far might be lost. The dangerous violence which had broken out recently in South Africa showed how fragile the political situation was and how much resistance to genuine change existed within the system.
- 5. The recent dispatch of a group of United Nations officials to monitor progress made in the implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa was an example of the tireless efforts being made by the Secretary-General and the United Nations to bring about a negotiated political solution. Mexico attached great importance to compliance with the Declaration, which expressly recognized that the elimination of apartheid in South Africa was a necessary prerequisite for permanent peace and stability in southern Africa. The maintenance of the minority régime in that region constituted an offence and an act of aggression not only against the South African majority, but also against neighbouring countries. Never before in the history of South Africa had conditions appeared more favourable for the elimination of apartheid. It was therefore imperative to find options for a negotiated political solution to the question of South Africa that would ensure that the majority of the people in that country would be able to exercise their inalienable right to determine their own destiny in a climate of peace and security.

- 6. Mr. YUNGE (Chile) said that the restoration of the fundamental rights and freedoms of the Chilean people meant that, for the first time in 13 years, a popularly elected representative of the Chilean Parliament was able to speak in the Third Committee. In his recent address to the General Assembly, the President of the Republic of Chile, Mr. Patricio Aylwin, had said that "Chile condemns all forms of racism and racial discrimination and in particular, the harmful "apartheid régime". President Aylwin had also spoken of his hope for the earliest possible establishment in South Africa of a non-racial democracy without discrimination and based on respect for the principles of the Charter of the United Nations and the Universal Declaration of Human Rights.
- 7. That message of unequivocable rejection of all racially discriminatory practices had been expressed on various occasions since the new democratic Government of Chile had taken office. In June 1990, on the occasion of the International Day of Solidarity with the Struggling People of South Africa, the President of Chile had addressed a personal message to Ambassador Ibrahim Gambari, Chairman of the Special Committee against Apartheid, in which he had stated that the new Government of Chile considered it imperative to demonstrate to the international community that Chile was committed to the cause of human rights, especially to the struggle for the elimination of all forms of racial discrimination. In other United Nations forums, Chile had stated, too, that the work of the Organization would not be completed as long as apartheid persisted. The Government of Chile had taken the necessary internal measures to prevent any transaction that violated the military embargo against South Africa adopted by the Security Council.
- Equality before the law and non-discrimination against persons, regardless of age, sex or status, were fully enforced in Chile. He was pleased to announce that, as a political expression of Chile's political will, the Chilean Parliament would be adopting the legislative measures required for Chile to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports. Chile had supported the Declaration on Apartheid and ics Destructive Consequences in Southern Africa adopted at the sixteenth special session of the General Assembly. That Declaration represented a particularly important milestone in the international struggle against the system of apartheid. While Chile resolutely and enthusiastically supported South Africa's transformation into a non-racial democracy, it believed that partial solutions would not help to produce the desired effects. The steps that had been taken went in the right direction, but they were still not enough. The Government of South Africa had not yet adopted the measures that were most important for bringing full democracy to that nation. It also needed to persuade the white population to accept the new forms of national coexistence.
- 9. The right of peoples to self-determination was one of the cornerstones of the United Nations. All countries were indissolubly bound by that guiding principle. The recent invasion of Kuwait by Iraqi military forces constituted a serious violation of that right, which was embodied in the Charter of the United Nations.

(Mr. Yunge, Chile)

Chile had expressed its desire to bring an end to the occupation and to re-establish the sovereignty, independence and territorial integrity of Kuwait, and it had fully supported the Security Council resolutions on that matter. In compliance with Security Council resolution 661 (1990), Chile had drawn up a Supreme Decree for the implementation in Chile of the measures that had been adopted, including the prohibition on the sale or supply of weapons or any other military equipment to Iraq and Kuwait. The United Nations should fulfil its proper role of guaranteeing full respect for the right of peoples to self-determination. In that context, Chile wished to join in expressing its welcome and support for the independence of Namibia.

- 10. Mr. GALAL (Egypt) said that, unfortunately, the Committee on the Elimination of Racial Discrimination was still experiencing financial difficulties that prevented it from holding its scheduled meetings. His delegation supported the proposal made in the report of the Secretary-General on the question of financing the expenses of the members of the Committee (A/45/579) that a contingency reserve fund should be established in order to provide the Committee with the resources that it needed to carry out its work. It also thought that the activities of the Committee should be financed under the regular budget of the United Nations. Egypt had fully met its financial obligations to the Committee.
- 11. Egypt was pleased to note that Namibia had finally achieved independence and was already a State Member of the United Nations. <u>Apartheid</u>, however, persisted in South Africa. It was necessary to continue to exert pressure on South Africa to abandon that hideous system, and the international community should maintain the sanctions adopted by the United Nations until South Africa had fulfilled its undertakings completely.
- 12. Egypt welcomed the report of Mr. Khalifa, Special Rapporteur, on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (A/45/552). That report was extremely important, since it pointed to the many companies that still maintained business ties with South Africa. Egypt was also pleased to note the report of the Special Rapporteur, Mr. Fide, on the achievements made and obstacles encountered during the Decades of Struggle against Racism and Racial Discrimination (A/45/525), and it fully supported the recommendations contained therein.
- 13. His delegation observed that the delegation of Israel had selected passages from regional reports on human rights practices in 1989 published by the United States Department of State. The delegation of Israel now requested that those reports should be circulated as official United Nations documents in order to respond to criticisms of Israeli human rights violations in the occupied Arab territories. That action, which was an attempt to obscure the facts on Israeli practices, was inadmissible, and would lead not only to distortions, but also to the waste of United Nations funds and efforts for the propaganda purposes of certain States.

(Mr. Galal, Egypt)

14. Egypt reaffirmed its condemnation of the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination, and welcomed the report of the Special Rapporteur.

Mr. Bernales Ballesteros, on that subject (A/45/488). Egyptian legislation expressly prohibited the recruitment, financing, training and use of mercenaries.

All States should adopt laws leading to the effective prevention of such activities.

15. Miss Zindoga (Zimbabwe) took the Chair.

- 16. Mrs. WARZAZI (Morocco) said that, in view of the positive changes that had taken place, many Governments would have recourse to the Centre for Human Rights, and its budget, in other words, the human rights budget, should therefore be substantially increased. It was necessary to focus efforts on activities which would produce tangible and relatively rapid results, such as the drafting of model laws or the strengthening of national institutions for the protection of human rights. There must be greater emphasis on the establishment of such institutions and on their strengthening through technical assistance, the provision of information, and the training of specialized personnel. In addition, it would be desirable to hold regular regional seminars for law-enforcement and security officials. The teaching of human rights through basic required courses should be incorporated into curricula from primary school through university.
- 17. After a brief reference to the progress achieved in Africa, above all the establishment of the Republic of Namibia and the progressive initiatives taken in South Africa, she reiterated the appeal in the Declaration on Apartheid and its Destructive Consequences in Southern Africa which called for the unconditional release of all political prisoners, the removal of all troops from the townships, the total lifting of the state of emergency, the repeal of all racist legislation and the cessation of all political trials and executions. Her delegation hoped that, with the current movement towards dialogue and negotiation, a period of democracy and peace would begin in South Africa.
- 18. Referring to the situation which had prevailed in the Arab territories occupied by Islael for more than 23 years, she unequivocally condemned the reprisals, torture, arbitrary detention and imprisonment, killings, abortions caused by blows with rifle butts, systematic destruction of houses, poisonings with toxic gas and expulsions. The latest massacre of Palestinians, which had resulted in more than 20 deaths and some 100 wounded, demonstrated the cruel reality. She also denounced the policy of immigration of Soviet Jews into occupied Arab territories promoted by Israel, with the sole objective of achieving the deliberate demographic modification of the Arab population, a manipulative displacement that the international community should not accept in any case.
- 19. The objectives set for the two Decades to Combat Racism and Racial Discrimination had not been achieved. It was regrettable to note the deep racist roots of some problems which had arisen in countries where democracy had swept out unpopular régimes. The scourge of racial discrimination was present in any country where there were minorities, ethnic groups, castes and migrant workers. The

(Mrs. Warzazi, Morocco)

situation became even more serious when discrimination gave rise to persecution, killings, vengeance and crime. Any motive would serve to provoke hatred: nationality, religion, economic or political situation. The resurgence and growth of the right wing in Europe was causing a growing number of victims among the migrant workers who had contributed so much to the prosperity of the States where they worked. Defamatory statements, racist partiality and political manipulation allowed reactionary parties to gain the advantage and win parliamentary seats. In some countries, for example, the Netherlands, there was an awareness that the struggle against racial discrimination could justify the restriction of some fundamental rights, above all, freedom of expression.

- 20. She pointed out that, for years, article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination had been the subject of major reservations on the part of Western countries, which believed that nothing should impede the exercise of the right to free expression, and she cited an example which had occurred in France. It was clear that any solution to the minority problem must be based on three essential conditions: the political will of the State where the minorities were to be found; the will of the communities to live in peace and harmony, which meant that there was a need to promote mutual knowledge and respect; and co-operation and practical assistance from those States which showed an interest in those minorities.
- 21. With regard to the role of the international community in the struggle against all forms of racism and racial discrimination, the results would never meet expectations unless sufficient funds were allocated to complete the activities entrusted to the United Nations.
- 22. After recalling the initiative proposed by Morocco 10 years earlier regarding the work of the Third Committee on self-determination, she noted that the political behaviour of invading other countries had not changed. Although the end of confrontation and the cold war would appear to justify the dream of a world at peace, Kuwait, a sovereign State Member of the United Nations, had been invaded, an event which posed a grave threat to all the countries in the Gulf region and would have dicastrous consequences for all developing countries already seriously affected by debt, underdevelopment and extreme poverty. Only dialogue and the political will for peace could prevail in finding a solution to that regrettable problem; that solution could only be found through the re-establishment of full sovereignty and legitimacy in the realization of the right of all peoples of the world to respect for their independence and free self-determination.
- 23. Mr. SARDENBERG (Brazil) reiterated the firm stand taken by his country against all forms of racism and racial disc. imination and its commitment to their total elimination. In his address to the General Assembly, the President of Brazil had reiterated the full support of his country for international efforts to create conditions which would guarantee the observance of human rights in their broadest sense. He had emphasized that there should be no artificial or specious distinctions made among the various modalities of human rights and that affronts to their enjoyment must be denounced and combated with equal vigour wherever they occurred.

(Mr. Sardenberg, Brazil)

- 24. While his delegation welcomed Namibia's accession to independence and the recent progress in the South African political process, it was concerned that racist and menophobic outbursts were recurring in some other quarters. It sincerely hoped that new or old sources of regional tension would not replace the earlier East-West confrontation, thereby compromising any potential benefits that might be derived from the so-called "peace dividend", particularly those which could be channeled towards reactivating economic and social progress in the developing countries.
- 25. The right of the Palestinian people to self-determination in accordance with the relevant United Nations resolutions had yet to be exercised. The situation in the Middle East had been further aggravated by the crisis which had befallen Kuwait. A peaceful and just solution to the current Gulf crisis depended, first and foremost, on the prompt implementation of the relevant Security Council resolutions. Compliance with mandatory resolutions was a legal obligation of all States without exception. The way should be opened for a diplomatic settlement of the disputes dividing the countries of the region. A peaceful and just settlement effected through United Nations machinery and based on the relevant decisions of the Security Council would certainly enhance the authority and effectiveness of United Nations resolutions concerning the overall situation in the Middle East.
- 26. Miss FOSTIER (Belgium) said that her country attached particular importance to the work of the Committee on the Elimination of Racial Discrimination (CERD). That was why, in conjunction with the other members of the Twelve, her country had appealed to countries that were in arrears with their contributions to honour their financial obligations immediately so that CERD could continue to peform its important functions. In that connection, she wished to explain that because of an administrative error by the Secretariat, there had been a slight delay in the payment of Belgium's assessed contribution, resulting in its inclusion on the list of countries which had not paid their contributions as of 30 September 1990. That situation had been rectified, demonstrating once again Belgium's adherence to the International Convention on the Elimination of All Forms of Racial Discrimination.
- 27. Mr. RECHETOY (Union of Soviet Socialist Republics) said that, after more than four decades of cold war, the international community had renounced confrontation and was ready to work for peace, freedom, democracy and all universal human values. A new and better world was taking shape which shunned the use of force and drew inspiration from the moral code enshrined in the Charter of the United Nations and in international law. That process was sometimes a complicated and painful one and hampered by stereotypical attitudes such as racism and apartheid which, although totally alien to human nature, were deeply entrenched in the policies of some States. It was in order to combat those phenomena, which led to discord, posed a constant threat of national and regional conflict and undermined international peace and security, that the United Nations, a forum in which peoples were able to give voice to their aspirations and wishes, had drafted such documents as the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

(Mr. Rechetov, USSR)

- 28. His delegation had reviewed with interest the report of the Secretary-General on the Implementation of the Programme of Action for the Second Decade (A/45/443) and also the report entitled "Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination" (A/45/525) prepared by the Special Rapporteur, Mr.Fide, which contained some very useful proposal... It welcomed the efforts of Mr. Martenson, Under-Secretary-General for Human Rights and Co-ordinator of the Second Decade, to fulfil his mandate.
- In the months since the previous session of the General Assembly, there had been some major encouraging developments in the struggle against racism and racial discrimination. The most important had been the successful conclusion of the Namibia decolonization process in which a number of countries had worked together constructively and the United Nations had demonstrated its capacity and potential for international co-operation. The launching of a dialogue between the South African Government and the African National Congress (ANC) and the release of some anti-apartheid activists were also noteworthy. However, the recent wave of violence that had rocked South Africa showed that those gains were not irreversible. All parties to the dialogue must therefore show political restraint and work for a solution which took into account both the particular characteristics of the indigenous population and the right of the entire population to live in peace and security. The international community, for its part, must keep up the pressure on the Pretoria régime by imposing even broader sanctions than at present, in order to deprive the South African economy of the benefits to be gained from the policy of apartheid, and by pursuing a policy of systematic co-operation with the various groups which, in one way or another, were participating in the struggle against apartheid.
- 30. The determination of the United Nations to put an end to racism and racial discrimination was embodied in fundamental international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination, which in 1950 was celebrating the twenty-fifth anniversary of its adoption and the twenty-first anniversary of its entry into force and which had the greatest number of States parties 129 of any international human rights instrument.

 Nevertheless, States which had not yet done so should accede to the Convention so that it could become truly universal. Furthermore, as other delegations had requested, countries must pay their arrears in contributions to the Committee on the Elimination of Racial Discrimination (CERD) established under the Convention's provisions so that CERD could perform its important task.
- 31. The international struggle against racism should be accompanied by the incorporation of human rights instruments into national legislation in order to combat effectively cases of incitement to enmity and hatred among different ethnic groups such as had occurred in his country during the reform process of recent years. In that connection, he welcomed the global compilation of national legislation against racial discrimination prepared within the framework of the Programme of Action for the Second Decade and the drafting of model legislation to combat racial discrimination, proposed by Mr. Martenson in his statement.

(Mr. Rechetov, USSR)

- 32. The Second Decade would end in 1993. Work must therefore begin on formulating the programmes of activities for combating racism and racial discrimination that would have to be launched after that date so that mankind could enter the third millennium free from the scourge of racist ideologies and practices.
- 33. Mr. SEZAKI (Japan) said that one of the most important missions of the United Nations, as enshrined in the Universal Declaration of Human Rights and the International Covenants on Human Rights, was to promote respect for the right of each individual to equality and freedom without distinction as to wace, sex, language or religion. His Government believed that the protection of human rights must be a universal endeavour, undertaken by all nations regardless of size or political stance.
- 34. As a result of strenuous efforts by the United Nations to protect and promote human rights, more than 20 binding human rights instruments were currently in force. Regrettably, however, discriminatory and intolerant attitudes towards vulnerable persons and groups persisted in various parts of the world.
- 35. It was extremely regrettable that the General Assembly must yet again take up a problem as long-standing and deplorable as that of <u>apartheid</u>. There had been some signs of change, however. The initiatives taken by the South African Government since February 1990, which included the release of Mr. Nelson Mandela and other political prisoners, the unbanning of the African National Congress (ANC) and other anti-<u>apartheid</u> organizations and the lifting of the state of emergency in some parts of the country, and the decision taken by ANC to suspend its armed struggle, thereby helping to pave the way for negotiations on the drafting of a new Constitution, represented genuine progress towards the abolition of <u>apartheid</u>. Discriminatory laws and repressive regulations still existed, however. The Government of Japan would therefore continue to work to convince the Government of South Africa that they must be recinded as soon as possible. The Japanese Government hoped that a truly democratic régime, under which all people were guaranteed equal rights and fundamental freedoms, could be established in South Africa in the very near future.
- 36. Turning to the issue of self-determination, his delegation condemned the Iraqi invasion and annexation of Kuwait which, as a violation of one of the fundamental principles embodied in the Charter of the United Nations, had met with the unanimous condemnation of the international community and the application of unprecedented sanctions. Only the withdrawal of Iraqi troops from Kuwait and the recovery by Kuwait of its sovereignty and territorial integrity could pave the way for a peaceful solution of the problem. Japan had contributed to international offorts for the restoration of peace and stability in the region by providing materials, transportation and medical care in the Gulf area and \$4 billion in financial support for the affected countries: Jordan, Turkey and Egypt.
- 37. The establishment of a lasting peace in Cambodia would depend ultimately on genuine national reconciliation of the Cambodian people and co-operation by all parties concerned. As an Asian nation itself, Japan had hosted the Tokyo meeting

(Mr. Sezaki, Japan)

on Cambodia. With the adoption of a framework for peace by the permanent members of the Security Council and with the agreement by the Cambodian parties concerned to accept that framework as a basis for future negotiations and to establish the Supreme National Council, the momentum for peace was building. He hoped that the Paris Conference would be convened without delay and that the remaining problems would be ironed out.

- 38. Japan had contributed \$US 534,000 to the initial phase of the UNHCR repatriation programme for Cambodian refugees, which would commence after peace was restored. Thereafter, Japan would contribute its best efforts to United Nations peace-keeping operations and reconstruction activities.
- 39. Japan believed that political stability in Afghanistan would be attained only through the establishment of a broad-based coalition government. Japan had been assisting in the repatriation of refugees and had contributed to the Office of the Co-ordinator for United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan.
- 40. The Second Decade to Combat Racism and Racial Discrimination would end in 1993. During the two Decades, the Committee had played an indispensable role in combating racism and racial discrimination and had contributed significantly to the progress achieved. He hoped that every racist and racially discriminatory practice on earth would be eradicated well before the end of the Second Decade.
- 41. In conclusion, he wished to reaffirm that Japan would continue to extend co-operation and assistance to the international community in promoting human rights and the universal realization of the right to self-determination.

The meeting rose at 4,40 p.m.