

United Nations
GENERAL
ASSEMBLY

FORTIETH SESSION

Official Records*



UN LIBRARY

NOV 5 1985

COPY:
DO NOT REMOVE
FROM ROOM
L-201 (WWRR)

THIRD COMMITTEE
4th meeting
held on
Tuesday, 8 October 1985
at 3 p.m.
New York

UN/DA COLLECTION

SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. ZADOR (Hungary)

CONTENTS

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)

AGENDA ITEM 93: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL **(continued)**

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

- (a) **REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION**
- (b) **STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL**
- (c) **STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL**

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.3/40/SR.4
17 October 1985

ORIGINAL: ENGLISH

The meeting was called to order at 3.10 p.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; A/40/3, A/40/173, A/40/320, A/40/398, A/40/416, A/40/694 and Add.1)

AGENDA ITEM 93: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/40/308, A/40/331, A/40/465 and Add.1, A/40/672, A/40/678)

AGENDA ITEM 94: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/40/18, A/40/77, A/40/173, A/40/276, A/40/398, A/40/606, A/40/607)

- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
- (b) STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL
- (c) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL

1. Mrs. TIRONA (Philippines), on the occasion of the fortieth anniversary of the United Nations, reaffirmed the commitment of her country to the principle of self-determination of peoples and its strong opposition to apartheid and racial discrimination.

2. Although there was no racial discrimination in the Philippines, the Government had issued a decree under which racial discrimination was considered a crime punishable by the provisions of the penal code and which provided recourse for aggrieved parties.

3. The Philippines had not only given moral support to the struggle against apartheid. When its economic situation had permitted, it had provided financial assistance to the funds supporting the liberation of southern Africa: the United Nations Fund for Namibia, the United Nations Institute for Namibia, the United Nations Trust Fund for Publicity against Apartheid, and the United Nations Fund for the Front-line States.

4. The Philippines continued to comply faithfully with the resolutions of the United Nations which provided sanctions against South Africa. It had no relations with that country, had banned the entry of South Africans to its territory, unless they renounced in writing their allegiance to the racist régime, and had refused to participate in international sports competitions and other activities which included representatives of the apartheid régime.

(Mrs. Tirona, Philippines)

5. The position of the Philippines on apartheid was basically related to its stand on the issues of decolonization, respect for human rights and self-determination. Her delegation believed that the time was right to grant independence to Namibia and to end institutionalized discrimination in South Africa. Her country was particularly concerned with the continued illegal occupation of Namibia by South Africa, the annexation of Walvis Bay, the likelihood that the Pretoria régime would adopt a racist constitution, the repeated and widespread violations of the human rights of black South Africans and of the people of Namibia, and South Africa's repeated acts of aggression against neighbouring States.
6. The Philippines, which was enforcing its own trade and diplomatic embargo against South Africa and had supported the call for a boycott on oil, arms and investments, also fully supported the imposition of comprehensive and mandatory sanctions against South Africa by the Security Council and the General Assembly. The Philippines had been an active member of the Special Committee against Apartheid, had participated in the drafting of an international convention against apartheid in sports, had served as Chairman and member of the Committee on the Elimination of Racial Discrimination and submitted regular reports on the implementation of the Convention.
7. Racial discrimination was foreign to Philippine culture. Throughout their history Filipinos had coexisted in harmony and peace. That was largely due to recognition of the fact that they descended from common racial and cultural stock. The Philippine Constitution provided that the culture, tradition and interests of the national cultural communities should be taken into account in formulating policy. Consequently, a number of social programmes and reforms designed to raise the standard of living of the national minorities had been adopted.
8. The Government did not establish class or social distinctions. In recognition of the right of minorities to preserve their traditions, culture and standards of conduct, the Government had adapted its policies to the special characteristics of each group. Cultural communities in the Philippines represented approximately 12 per cent of the population.
9. Legal measures had been enacted to promote the interests of minorities and to guarantee full and equal enjoyment of their rights as citizens of the Philippines. Those measures included the integration of cultural minorities into the mainstream of national life, assistance to Christians and Muslims in acquiring ownership of the land they cultivated, recognition of Muslim holidays and the establishment of special work schedules for Muslim public servants during the month of Ramadan and the inclusion of members of cultural minorities in the public administration.
10. An office of cultural communities had been established by amalgamating the Office of Muslim Affairs with the Office of the President's Adviser on National Minorities. That office, among other things, undertook programmes and projects for the advancement of cultural communities, provided subsidies, legal assistance and medical relief aid, established and maintained ethnographic research centres and museums and registered membership in cultural communities.

(Mrs. Tirona, Philippines)

11. In the economic and socio-cultural field, her Government had taken concrete measures to implement the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. They prohibited racial discrimination in employment and in social services, they took into account the special needs and values of cultural minorities. The Government also provided social services to disadvantaged groups, regardless of ethnic origin or religion.

12. In the context of the elimination of all forms of racial discrimination, she referred to the recognition of rights and guarantees in her country for all people without exception, including the right to life, liberty and property, the right to equal protection under the law, the right to security of person and to private property, the right of association, freedom of religion, freedom of expression, freedom of assembly. Titles of nobility and involuntary servitude were prohibited and everyone was guaranteed protection against arbitrary arrest. Nobody could twice be put in jeopardy of life or limb for the same offence, everyone had the right to be judged under the law and the right to be free on bail. Nobody could be subjected to excessive fines and to cruel or unusual punishment, and nobody could be denied access to the courts for lack of economic resources.

13. Mr. RICHTER (German Democratic Republic) said that, although the defeat of Hitler 40 years before had been a decisive victory in the fight against the ideology of racial superiority, it had not been possible to eliminate completely racial discrimination and racist terror. Such inhuman actions still occurred taking the form, for example, of discrimination against and repression of indigenous inhabitants and ethnic minorities and the growing hostility against migrant workers which could be observed in various countries. In any case, the most brutal expression of racism was found in the apartheid régime, which openly practised colonial fascism and State terrorism.

14. Fully aware of the complex nature of the problem, the founders of the United Nations had declared the promotion of respect for the human rights and fundamental freedoms of all, without distinction as to race, sex, language or religion, to be among their main aims and principles. It was on that basis that the general principle of international law covering the prohibition of discrimination had taken shape.

15. The success achieved by the United Nations in the course of 40 years reflected some important events. The Convention on the Prevention and Punishment of the Crime of Genocide had been adopted in 1948, the International Convention on the Elimination of All Forms of Racial Discrimination in 1965 and finally, the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1973. If, as well as those instruments, the large number of resolutions adopted by the General Assembly were taken into consideration, it could be said that, with the exception of decolonization, it was in the area of racial discrimination that the United Nations had most emphatically proclaimed and defended human-rights principles.

16. The United Nations had assigned a high priority to the issue because of the close link between racism and the threat to peace, as reflected in the preamble to

(Mr. Richter, German Democratic Republic)

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. Since its adoption of resolution 418 (1977), the Security Council had acted on the assumption that apartheid was a threat to world peace and security.

17. In view of the terror imposed by the ruling circles of South Africa on the black majority of the population, the resolute political will of all Member States, without exception, was required in order to implement those two conventions with determination and without delay. The time had come for influential forces in Western countries to realize that they could not participate in "constructive engagement" with Pretoria in any field whatsoever.

18. The suffering people of South Africa could count on the solidarity of all States and of all peace-loving and freedom-loving forces in the world in the campaign to eliminate the crime of apartheid. Comprehensive and mandatory sanctions should be imposed on South Africa in accordance with Chapter VII of the Charter, greater political, material and moral support should be provided for the opponents of apartheid in South Africa and Namibia, led by ANC and SWAPO respectively, there should be more assistance for the front-line States, and increased pressure should be brought to bear on Pretoria to release political prisoners, including Nelson Mandela. All States which had not already done so should accede to 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.

19. Mr. POLICHTCHOUK (Ukrainian Soviet Socialist Republic) said that traces of racism still remained in the world, despite the creation of the United Nations after the defeat of nazism and fascism in the Second World War, the adoption of many provisions of international law aimed at eliminating racism and racial discrimination, and the launching of the Programmes of Action for the First and Second Decades to Combat Racism and Racial Discrimination.

20. The most obvious form taken by those traces of racism was the policy of apartheid imposed by South Africa in the southern part of the continent. Massive human-rights violations by the Pretoria régime, the occupation of Namibia and acts of aggression and destabilization against neighbouring States had created a dangerous situation in the area and made it necessary for the international community to take decisive and effective action to combat them. The terror imposed by the Pretoria régime by means of murder and police repression showed how much value should be placed on talk about the liberalization of the apartheid régime. The economic, diplomatic, military and other support and assistance given to the South African régime in the name of "constructive engagement" or through other links, far from leading to the elimination of apartheid, only strengthened the position of the South African Government and encouraged it to flout United Nations resolutions and decisions. The transnational corporations which collaborated with South Africa also deserved condemnation. In that connection, his delegation fully supported General Assembly resolution 39/15.

(Mr. Polichtchouk, Ukrainian SSR)

21. The growing tension which had reigned in the Middle East for decades, the occupation of Arab territories and the human-rights violations which took place in the region were a consequence of the adherence by the ruling circles of Israel to the ideology of racism. Israel violated the right, recognized by the United Nations, of the Arab and Palestinian peoples to self-determination and to the establishment of their own State. In that respect, there were many points in common between the practices of Israel and those of the apartheid régime with which Israel maintained close contact as part of a conspiracy designed to repress national liberation movements in the Middle East and southern Africa and to increase the existing sources of racism in both areas. Such a policy was a danger to international peace and security, as demonstrated by South Africa's armed invasion of Angola and Israel's recent air raid on Tunis.

22. Various forms of racism also existed in several other capitalist countries whereas the representatives of those countries preached respect for human rights, discrimination was practised there against tens of millions of migrant workers, members of ethnic and national minorities, indigenous populations and refugees from Africa, Asia and Latin America, who were exploited and lived in poverty. In those capitalist countries, anti-racist demonstrations were denounced, those who fought for racial equality were persecuted and racist, neo-Nazi groups and organizations resorted to various violent tactics.

23. If racism in all its forms were to be eliminated, it was essential for all publications carrying racist ideas and all organizations which defended racism to be prohibited, including neo-Nazi and fascist organizations. That requirement had already been formulated by the United Nations within the framework of the Second Decade to Combat Racism and Racial Discrimination and had been reflected in General Assembly resolution 39/114 and in Commission on Human Rights resolution 1985/31, which the Ukrainian SSR had co-sponsored.

24. It had been possible to eliminate all manifestations of racism and racial discrimination during the building of socialism which, by its very nature, was devoid of discrimination of any kind. In the socialist countries, despite their varied ethnic, national and racial origin, all persons enjoyed the same rights, by virtue of administrative, legislative and other regulations and various moral standards. Nationalistic hatred and racial discrimination had disappeared in the Ukrainian SSR, as explained in detail in its eighth periodic report under the International Convention for the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1985/26/Add.5).

25. The Ukrainian SSR had signed and ratified 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 and was faithfully applying them. It was also continuing to participate in the activities for the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and was applying all the United Nations provisions relating to the elimination of racism, racial discrimination and apartheid.

(Mr. Polichtchouk, Ukrainian SSR)

26. The efforts of the international community during the first Decade for Action to Combat Racism and Racial Discrimination had produced some positive results. Racist crimes were now almost universally condemned; the number of countries which had signed or ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid was constantly increasing; and the vast majority of the States Members of the United Nations had taken a determined stand in the struggle against racism, racial discrimination and apartheid.

27. The ongoing collaboration of all the competent United Nations organs, agencies and organizations was needed in order to attain the goals of the Second Decade to Combat Racism and Racial Discrimination more quickly. It was also necessary to implement the relevant United Nations resolutions and decisions, the provisions of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, and the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, which would become still more effective as more Member States ratified or became party to it. Also of great importance were the activities of the Committee on the Elimination of Racial Discrimination and those of the Group of Three of the Commission on Human Rights; the value of those activities was particularly appreciated by the Ukrainian SSR, which, for its part, would continue to collaborate in that important endeavour.

28. Mr. WIRJONO (Indonesia) said that, on the fortieth anniversary of the United Nations, it was appropriate to highlight the tireless efforts of the Organization in serving mankind in accordance with the principles of the Charter. The adoption by the General Assembly of the Universal Declaration of Human Rights 37 years earlier, of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination in 1963, and of the covenants and conventions designed to give effect to those declarations, testified to the sincerity and integrity of the Organization.

29. However, racism and racial discrimination, particularly in its institutionalized form of apartheid, remained an affront to the dignity of mankind. The most recent instance, the state of emergency declared in South Africa three months earlier, had been used by the security forces to kill freedom fighters indiscriminately and to imprison men and innocent women and children indefinitely. Such injustice should not be allowed to prevail. Political detainees, including Mr. Nelson Mandela, should be released immediately and unconditionally.

30. Apartheid could be neither reformed nor modified, only dismantled and abolished. The immediate task of the United Nations in that connection was to implement the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination through the plan of activities for the period 1985-1989. In that context, his delegation reiterated its support for Economic and Social Council decision 1985/141 on the organizing of an international seminar on "International assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid", to be held in Africa in 1986.

(Mr. Wirjono, Indonesia)

31. With regard to the right of self-determination, his delegation viewed the continuing crisis in Namibia as a consequence of Pretoria's policies of ruthless oppression and illegal occupation of the Territory. Under the circumstances it was essential to strengthen support for SWAPO as the sole and authentic representative of the Namibian people.

32. His delegation was convinced that the international community should act decisively and impose mandatory sanctions on South Africa under Chapter VII of the Charter.

33. Indonesia supported the position on the use of mercenaries reaffirmed by the General Assembly at the previous session. Indonesia's legislation prohibited its citizens from participating in activities involving mercenaries.

34. Another area of concern was the constant and deliberate violation of the fundamental rights of the Palestinian people as a result of Israel's expansionist activities in the Middle East, that had once again been demonstrated by Israel's recent, cowardly air raid against Hammam-Plage in Tunisia, killing more than 70 civilians and wounding some 100 innocent people. His delegation condemned that violation of Tunisia's sovereignty and territorial integrity and the barbaric killing of innocent civilians, with a view to the total annihilation of the Palestinian people. In that context his delegation firmly supported the General Assembly's call for an international peace conference on the Middle East. Such a conference, the success of which would depend on the political will of the parties concerned, could offer an excellent opportunity for them, including the PLO, the sole legitimate representative of the Palestinian people, to participate on an equal footing in the quest for a durable and comprehensive solution.

The meeting rose at 4.15 p.m.