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SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. SOMAVIA (Chile)

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The meeting was called to order at 3.10 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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AGENDA ITEM 98: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (A/45/3, Chap. III, Sect. A, A/45/174, A/45/443, A/45/525)

AGENDA ITEM 103: 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 (continued) (A/45/488, A/45/500)

1. M. SOTIROV (Bulgaria) said that his country had repeatedly denounced violations of the human ideals enshrined in the Charter of the United Nations and, in particular, the system of apartheid prevailing in South Africa, which constituted an institutionalized form of racism and a textbook example of the violation of human rights. His delegation therefore welcomed the changes which had taken place in South Africa as a result of the new trends in international relations, based on a determination to resolve conflicts by political means: the legalization of the native population's political organizations, the decision to free certain political prisoners and the beginning of the dialogue between the Government and the African National Congress. Those measures were, however, doomed to failure if they did not strike at the economic, political and legal foundations of the apartheid system and lead to its complete elimination. His country therefore reiterated its commitment to maintain pressure on South Africa until there was evidence of irreversible changes. It would continue to support United Nations activities designed to end the system of apartheid and establish a united, democratic and non-racial State and would applaud every concrete step taken to that end by the Government of South Africa.

2. His country welcomed the establishment of a free and independent Namibia. The United Nations had resolved that problem with resounding success and proved its ability to perform a very difficult mission - that of guaranteeing the Namibian people's rights to self-determination and independence.

3. The question of realization of the Palestinian people's right to self-determination had yet to be resolved. His country was of the view that the time had come to take a broad spectrum of bilateral and multilateral measures, with active United Nations participation, in order to settle the issue. In that connection, he was seriously concerned by the escalation of tension in the Middle East following Iraq's aggression against Kuwait, which constituted an outrageous

(Mr. Sotirov, Bulgaria)

violation of the principle of self-determination. The declared annexation of Kuwait was illegal and invalid, and Iraqi troops must withdraw from Kuwaiti territory in order for that country's sovereignty to be restored.

4. The bodies responsible for monitoring the implementation of international human rights instruments such as 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 played an important role in international efforts to guarantee the protection of human rights and fundamental freedoms, particularly so in the case of the Committee on the Elimination of Racial Discrimination. It was therefore worrying that, 20 years after its establishment, that Committee should continue to face financial problems. As a result of an administrative error, his country was one of those States which had failed to pay its contributions to the Committee; that error had subsequently been corrected.

5. His country was concerned by the continuing recurrences of racism and racial discrimination in different parts of the world, as well as by the resurrection of old theories and practices based on claims of racial and national superiority. It would continue to contribute actively to efforts by the United Nations to eradicate such disgraceful phenomena.

6. Mr. ZAWACKI (Poland) said that racism and racial discrimination constituted denials of basic human dignity, leading in many cases to human rights violations such as torture, detention or illegal execution, of which millions of people in many different countries continued to be victims. The eradication of those loathsome practices - which had for over 40 years been a subject of debate in the United Nations, though with far from satisfactory results - was therefore an urgent necessity of the times and required a unanimous effort on the part of the international community.

7. It could not be denied, in the specific case of South Africa, that encouraging changes were taking place: the Government's commitment to abolish apartheid, the release of Nelson Mandela and other political prisoners, the legalization of several anti-apartheid organizations, the lifting of the state of emergency in much of the country and the initiation of a dialogue between the Government and the African National Congress. His delegation welcomed those changes because it wished to see South Africa become a united, democratic and non-racial State.

8. His country, which fully supported the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, believed that maximum publicity must be given to efforts to combat racism and that there should be better co-ordination in that respect among the various organs and organizations of the United Nations. It therefore commended the decision by Mr. Jan Martenson, Co-ordinator for the Second Decade, to convene an inter-agency consultation at Geneva in May 1990 and endorsed the idea of convening a further meeting in early 1991. His delegation also welcomed the comprehensive and detailed report of the Secretary-General on implementation of the Programme of Action, as well as the study prepared by the Special Rapporteur, Mr. Asbjorn Eide, on the

(Mr. Zawacki, Poland)

achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination. It agreed that the strengthening of national legislation should continue to be one of the priorities in that context and therefore hoped that the first draft of model legislation prepared by the Secretariat would soon be distributed to Governments.

9. The complete eradication of racism, racial discrimination and apartheid also depended on universal ratification and strict observance of the pertinent international conventions. The work of the Committee on the Elimination of Racial Discrimination was of particular importance and he therefore regretted that, despite the repeated appeals of the Secretary-General and of the Committee itself, the Committee's financial problems had not been resolved, leading to cancellation of its 1990 spring session. He therefore appealed to States Parties to pay their contributions in accordance with the provisions of the Convention and endorsed the recommendations contained in Commission on Human Rights resolution 1990/25, with a view to identifying a permanent solution to those financial difficulties.

10. Although the right of peoples to self-determination was generally accepted, millions of people were deprived of it. The most recent example was the brutal invasion, occupation and unlawful annexation of Kuwait by Iraq, which constituted a flagrant violation of the Charter of the United Nations and of the fundamental principles and norms of international law. Poland condemned that aggression and called for the immediate, complete and unconditional withdrawal of foreign troops from Kuwait and for the restoration of Kuwait's sovereignty and territorial integrity under the authority of its legitimate Government.

11. There would be no peace and stability in the Middle East without settlement of the Palestinian problem, and for that reason Poland supported the right of the Palestinian people to self-determination, to decide their own future and to establish an independent State within the framework of a peace settlement for the Middle East, on the basis of the Charter and the relevant United Nations resolutions, which would guarantee all countries of the region, including the State of Israel, safe and recognized boundaries.

12. Regarding the issue of Cambodia, Poland welcomed the progress being made towards a comprehensive settlement there and supported the framework agreed to by the five permanent members of the Security Council and the agreement among Cambodians achieved in September to accept that framework as a basis for future negotiations and to establish a supreme national council.

13. In Afghanistan there was need for an intra-Afghan dialogue in order to establish a broad-based government in which all segments of the population were represented. The delegation of Poland was glad to note that the Namibian people had finally won their right to self-determination and independence through a decolonization process in which the United Nations had shown its ability to assist political transitions to independence.

(Mr. Zawacki, Poland)

14. The right to self-determination went hand in glove with the inalienable right of all peoples and individuals to participate fully in the political process and to choose their governments and social systems freely. That was a right which now, after decades of totalitarian rule, Poland as a nation and Poland as a State were enjoying once again.

15. Mr. KOTEX (Ghana) commended the study conducted by Mr. Asbjorn Eide, Special Rapporteur on the achievements made and the obstacles encountered during the First and Second Decades to Combat Racism and Racial Discrimination because of the useful information and proposals it contained, in particular the proposal that special attention should be paid to all forms of education with a view to reducing the prejudice on which racism and racial discrimination were based. In spite of the generalized expression of revulsion at racial prejudices, the whole world continued to experience various forms of racism and racial discrimination, which had become the most persistent cause of heinous crimes and of the denial of their basic rights to individuals and peoples.

16. The change experienced recently in international relations as a result of the end of the cold war had been accompanied by hopes that it would be easier to resolve conflicts by negotiation, particularly conflicts caused by violations of human rights and fundamental freedoms, as shown by the recovery of freedom, independence and equality by Namibia, which was now a Member in full standing of the United Nations.

17. With regard to South Africa, he said that even if the positive measures adopted by the President of that racist republic and his commitment to abolish the system of apartheid and introduce vital social reforms and the commitment to the process of dialogue of the leaders of the African National Congress were recognized, it could not be said that the struggle of the black people of South Africa was nearing its end. He noted an acceleration of resistance on the part of white right-wing groups, which were rallying and forming paramilitary units in opposition to any modifications of apartheid. As stated by Mr. Enrique Ballesteros the Special Rapporteur on the issue, in paragraph 113 of his report, "a mercenary element in these right-wing paramilitary units cannot be ruled out" (A/45/488). Mr. Mandela, for his part, had warned the world concerning the possibility of the emergence of armed groups of the RENAMO type, which had operated in Mozambique, with the full blessing of the security of the South African security forces. Moreover, attempts to manipulate blacks in South Africa to stir up conflicts between the country's different ethnic and political groups were also increasing.

18. With regard to the report of the Committee on the Elimination of Racial Discrimination (A/45/18), he congratulated the members of the Committee for the work they had done in the face of numerous difficulties. The year 1990 marked the twenty-fifth anniversary of the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination and also the twentieth anniversary of the establishment of the Committee. He was concerned about the financial crisis experienced by the Committee, which had forced it to cancel some of its scheduled meetings. All States, particularly those in arrears, should

(Mr. Kotey, Ghana)

honour their obligation under the Convention. The delegation of Ghana endorsed the recommendation contained in paragraph 10 of resolution 1990/25 adopted by the Commission on Human Rights on 27 February 1990 with regard to the establishment of a "contingency reserve fund".

19. With regard to agenda item 103, he reiterated his delegation's belief that all countries and peoples had the inalienable right to determine their own destiny without outside interference and its belief in the legitimacy of the struggle of peoples for self-determination, independence, territorial integrity, national unity, independence and freedom from all forms of colonial, foreign or racial domination.

20. Ghana believed in the peaceful settlement of disputes, as provided for in the Charter of the United Nations. It could not therefore accept acts of aggression. In view of the grave threat posed by the crisis in the Gulf to international peace and security, his delegation again called upon Iraq to unconditionally withdraw its forces from Kuwait and settle its differences with that country through peaceful negotiations and appealed to all concerned to exercise maximum restraint, taking the path of dialogue and diplomacy.

21. Mr. PIRIZ BALLON (Uruguay) said it was regrettable that 45 years after the nations of the world had committed themselves to promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, it should be necessary to meet together to consider questions such as racism and racial discrimination. An institutionalized régime based on discrimination (the apartheid régime of South Africa) still existed and remained basically intact in spite of recent signs of change on the part of the South African authorities. For that reason, Uruguay supported the activities engaged in by the United Nations within the framework of the Second Decade to Combat Racism and Racial Discrimination and the ideas expressed by the Special Rapporteur in his proposal that a plan of concerted action should be formulated within which various agencies could implement those measures for which they were best prepared.

22. Because education and information were of special importance in the effort to eliminate any expression of racial hatred, Uruguay supported the organization of international and regional seminars and activities undertaken within the framework of the World Public Information Campaign for Human Rights. It attached equal importance to the strengthening of national legislation and institutions and therefore took an interest in the preparation of a legislative model which would serve as guidelines for Governments in the formulation of laws against racial discrimination and for the future preparation of a handbook of procedures to be followed by victims of racism and racial discrimination. For quite some time, Uruguayan legislation had provided for sanctions against those who promoted, established, organized or directed entities designed to stir up or plant the seeds of racial struggle or hatred. That legislation had been strengthened by incorporating in it the provision that racial, religious, ethnic or social hatred or contempt in the commission of a crime was regarded as an aggravating circumstance.

(Mr. Piria Ballon, Uruguay)

23. With regard to agenda item 91, he expressed concern at the financial situation of the Committee on the Elimination of Racial Discrimination, which had been forced to cancel its spring session, and appealed to Member States to fulfil their outstanding financial obligations so that the Committee could continue its work.

24. Turning to agenda item 103, he welcomed the happy culmination of the independence process in Namibia and reaffirmed his delegation's full support for the principle of self-determination of peoples. In that connection, his delegation was disturbed by the persistence of colonial and neo-colonial situations, particularly those in Western Sahara and the Middle East, which threatened international peace and security.

25. Mr. ENDREFFY (Hungary) said that his country attached great importance to the work of the Committee on the Elimination of Racial Discrimination and co-operated fully with that body in fulfilling its reporting and financial obligations. It was unfortunate that the Committee had had to cancel some of its scheduled meetings because a number of States had not paid their contributions. Hungary was now among the 14 countries that recognized the Committee's competence under article 14 of the Convention to receive and consider communications from individuals or groups of individuals who claimed to be victims of a State party's violation of any of the rights set out in the Convention.

26. Hungary considered the apartheid régime in South Africa to be the most abhorrent form of racial discrimination; it maintained a firm and consistent stand against that régime and would condemn it in all international forums. At the same time, his delegation recognized that important changes had taken place in South Africa recently, such as the release of political prisoners and the legalization of previously outlawed political parties and organizations, which made it possible to believe that the South African Government did indeed intend to abolish apartheid. The recent outbreak of violence threatened that process and was therefore all the more regrettable. His delegation appealed to all concerned to do their utmost to bring the violence to an end so that the dialogue might culminate in fruitful negotiations on the creation of a united, non-racial and democratic State in South Africa.

27. Discrimination based on race, colour or national or ethnic origin led to tensions at the national and regional levels; that was certainly true in the case of human rights violations and discrimination where national minorities were concerned. His delegation endorsed the statement made by the Under-Secretary-General for Human Rights on the need to promote a peaceful and constructive solution of problems involving minorities. Thus, that issue must be recognized as an integral part of universal human rights and, like any other area of human rights, must be subject to codification, standard-setting and continuous control and monitoring.

28. He drew attention to the work of the Commission on Human Rights and the Working Group, which had concluded its first reading of the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic

(Mr. Endreffy, Hungary)

minorities, and to the Human Dimension Conference of the Conference on Security and Co-operation in Europe, which had held its second meeting at Copenhagen in June 1990, where it had considered questions relating to national minorities separately.

29. With regard to agenda item 103, his Government resolutely condemned violations of the fundamental right to self-determination, such as the invasion and occupation of Kuwait by Iraq. Hungary had repeatedly demanded the unconditional withdrawal of Iraqi troops and the restoration of Kuwaiti sovereignty, and fully supported Security Council resolutions aimed at ending the aggression and eliminating its consequences. The Palestinian people was also denied its right to self-determination. The tragic incident which had occurred the previous week at Jerusalem, resulting in the loss of Palestinian lives, showed that there was an urgent need for a solution to the Palestinian problem within the framework of a comprehensive, just and lasting settlement based on the relevant resolutions of the United Nations.

30. Mrs. RAKOTONDRAMBOA (Madagascar) said that despite considerable scientific and technological progress, reverberations of demonstrations and uprisings came from all over the world, followed by repression and torture inflicted by reason of State or under other pretexts. Behind every act of rebellion lay the desperate determination of human beings whose most fundamental rights had been denied. At the core of every act of repression lay a refusal by the privileged to yield the advantages of their position. Discrimination was latent everywhere, and its manifestations were generally the symptom of economic problems. The difficulties currently besetting the world economy and the obvious manifestations of racism supported the conclusion that economic development and respect for human rights were inseparable. It was in that spirit that the Director-General for Development and International Economic Co-operation had stressed the importance of renewing the link between economic, social and human rights issues. That interrelationship had become evident in Africa and, to that end, the region's Heads of State and Government, meeting at Addis Ababa at the twenty-sixth ordinary session of the Organization of African Unity, had decided to establish an African Commission on Human and Peoples' Rights within the framework of the African Charter on Human and Peoples' Rights, which had entered into force in 1986.

31. During the decade, it had become clear that the right of peoples to self-determination was the transposition of the fundamental rights of the individual to the collective plane; just as the denial of human rights impeded a country's economic development and generated instability, the denial of the right of peoples to determine their own destiny impeded friendly relations and co-operation between States and constituted an obstacle to international peace and security. The situation in the Middle East offered an eloquent example of that. The recent deterioration in that situation indicated that it was a matter of urgency, for Palestine and for Israel, that a peaceful solution should be found that would enable them to live in peace and security within safe and recognized borders. Under those circumstances, her delegation supported the convening of the International Peace Conference on the Middle East, under the auspices of the United

(Mrs. Rakotondramboa, Madagascar)

Nations, with the participation on an equal footing of all the parties to the conflict, including the Palestine Liberation Organization.

32. The unspeakable invasion of Kuwait by Iraq covered virtually all aspects of the items before the Committee. Her delegation urged the United Nations, whose raison d'être was to save succeeding generations from the scourge of war, to redouble its efforts, which had been commendable to date, to find a peaceful solution to that problem.

33. A few rays of hope shone on the current scene: Namibia was now part of the United Nations as a sovereign State and South Africa seemed to want to take advantage of the thawing of East-West relations by eliminating the banning of anti-apartheid parties, releasing Nelson Mandela and opening the National Party to all races. However, the foundations of apartheid still stood, and radical and irreversible change had yet to take place. Unfortunately, killings between ethnic groups were hampering negotiations. Her delegation called upon the representatives of the black majority to bring their positions closer together so as to avoid falling into the hands of those who sought to divide them.

34. Madagascar was closely following the situation in Western Sahara, and took note with satisfaction of the sending to the Territory of the technical mission to study preliminary conditions for holding the referendum. Her delegation trusted that the people of Western Sahara would soon be able to determine their future freely. The situation in Cambodia also had positive aspects. Madagascar hoped that a speedy solution to the question would enable the Cambodian people to heal their wounds and pursue economic reconstruction.

35. Her delegation had considered the various reports before the Third Committee. Among the recommendations made in pursuance of the objectives of the two Decades to Combat Racism and Racial Discrimination, Madagascar supported, in particular, the strengthening of the co-ordinating function of the Under-Secretary-General for Human Rights and the allocation of more resources to the Centre for Human Rights; monitoring by all States to ensure that organs responsible for ensuring compliance with the law gave equal protection to every social group; and the use of education to eliminate social prejudice and as a means whereby minorities, indigenous peoples and migrant workers could integrate into the social and economic life of the countries in which they lived without losing their cultural identity in so doing. Emphasis should be placed on the fundamental role of information and the mobilization of public opinion in the struggle against racism and racial discrimination.

36. Mr. MOORE (United States of America) said that 27 years earlier, on 20 November 1963, in the Declaration on the Elimination of All Forms of Racial Discrimination, the United Nations General Assembly had solemnly affirmed "the necessity of speedily eliminating racial discrimination throughout the world, in all its forms and manifestations, and of securing understanding of and respect for the dignity of the human person". On the unanimous adoption of the Declaration, his delegation had welcomed it as an appropriate statement of world opinion, and as

(Mr. Moore, United States)

a universal denunciation of racial discrimination in any form, the injustice of such practices and the ignorance which lay behind them. His delegation had voted in favour of the Declaration because it expressed beliefs which were part of the very fabric of society, because it called for action which was long overdue and because it seemed to give voice and consensus to the conscience of humanity. The United States delegation still felt the same way.

37. The Government and people of the United States of America had then been engaged in a massive effort to eliminate the disease of racial discrimination and prejudice from their society. His country had subsequently lived through a difficult period of social turmoil and violence. It had made substantial progress, speedily in some areas and regrettably slowly in others. Vestiges of racial discrimination and prejudice still remained, and the people of the United States remained firmly committed to rooting out that evil.

38. The United States fully supported the original objectives of the first Decade to Combat Racism and Racial Discrimination, proclaimed in 1973. His Government had ceased to participate in the debate or adoption of resolutions relating to the Decade in 1975, when the General Assembly had adopted resolution 3379 (XXX). The false and repugnant characterization of zionism in that resolution had tainted the first Decade and continued in the second, in which the United States was similarly not participating. That stain should be removed as speedily as possible.

39. The past year had seen significant developments which his Government hoped would lead to the speedy elimination of the most abhorrent form of racial discrimination: apartheid in South Africa. The United States was unequivocally opposed to apartheid and firmly committed to promoting negotiations between the South African Government and representative black leaders, aimed at achieving a non-racial and democratic South African society. The United States totally rejected South Africa's system of race-based, minority rule. Following the approach taken in the final Declaration adopted by the General Assembly at its sixteenth special session, the United States reaffirmed the right of all peoples, including the people of South Africa, to determine their own destiny and to choose the system of government under which they wished to live. The United States remained committed to doing everything possible to assist the people of South Africa in achieving that objective. His Government believed that the parties had embarked on an irreversible process of change, while recognizing that further steps needed to be taken. The Government of President de Klerk had lifted the ban on political parties, allowed peaceful protests, freed political prisoners and agreed with the African National Congress on procedures to release all others, lifted the state of emergency everywhere but in Natal, removed most restrictions on the press and repealed the Separate Amenities Act. The ruling National Party had committed itself publicly to majority rule, the principle of one man, one vote, and equal economic, political and social rights for all South Africans. The United States called upon all countries to support the negotiating process and encourage all South African parties to utilize the historic opportunity to achieve a peaceful transition to a non-racial and democratic South Africa.

(Mr. Moore, United States)

40. Through the steadfast efforts of the United Nations, the people of Namibia had at long last exercised their inherent right to self-determination through free and fair elections. There were high hopes that Namibia would continue to develop into a strong multiracial, multiparty democracy. Nevertheless, there remained all too many situations in which peoples were denied the opportunity to exercise their right to self-determination. The United States did not recognize the forcible incorporation by the Soviet Union of the three Baltic states of Estonia, Latvia and Lithuania into its territory in 1940. His Government supported the efforts of those three states to attain self-determination peacefully. A systematic dialogue must be pursued so that the aspirations of the Baltic peoples could be achieved. The United States deeply regretted the continuing violence in the territories occupied by Israel. The objective of an Arab-Israeli peace process could be achieved through direct negotiations based on Security Council resolutions 242 (1967) and 338 (1973). Such negotiations must involve withdrawal by Israel from territory occupied in 1967, the security and recognition of the State of Israel and the other States of the region, and the granting of legitimate political rights to the Palestinians. The process should begin by granting autonomy to Palestinians in the West Bank and Gaza in a manner acceptable to Palestinians, Israel and Jordan. Such a formula provided ample scope for Palestinians to achieve their full political rights, as well as ample protection of Israel's security.

41. The people of Myanmar had exercised their right to determine their form of government in national elections held on 27 May. An overwhelming majority had voted in favour of a return to multiparty democracy. Yet the ruling military council was delaying transfer of power to a civilian government. Opposition leaders remained prisoners and no date had been set for convening the National Assembly. His delegation called upon the council to honour the election results, since, otherwise, the outcome could be popular demonstrations, disorder and further military repression. In Cambodia, sustained diplomatic efforts by the five permanent members of the Security Council had resulted in a framework agreement for a comprehensive settlement with a central role for the United Nations. The agreement had been accepted by the four Cambodian parties the month before in Jakarta and had also served as a basis for the establishment of a Supreme National Council. The United States believed that the agreement reflected the new spirit of the post-cold war era, with greater reliance on the United Nations to help resolve regional conflicts. The United States hoped that all countries would support the agreement, which provided the most promising basis for a just and durable settlement of the tragic Cambodian conflict.

42. Even though the armed occupation of Afghanistan had ended in 1989, the people of Afghanistan were still struggling for self-determination. Continued fighting, including factional in-fighting, and the millions of mines left behind by the occupying forces were preventing 5 million refugees from returning to their native soil. The Kabul régime must be replaced by a legitimate, stable and broadly-based government that truly represented the Afghan people. The United States supported efforts, including the good offices of the Secretary-General, to formulate a genuine and comprehensive political solution to the conflict that would culminate in self-determination. The Afghan people must be given the opportunity to

(Mr. Moore, United States)

determine their own form of government and choose their economic, political and social system free from outside interference.

43. Over two months earlier Iraq had invaded, occupied and then annexed Kuwait. The United States had joined with other Members of the United Nations in calling, in the strongest terms, for the immediate withdrawal of Iraqi forces from Kuwait and reinstatement of the legitimate Government of that country. The United Nations stood unanimous in its demand that Kuwait's right of self-determination should be restored.

44. Mr. ARAMBARRI (Argentina) said that the Third Committee's discussion of the items currently before it and the action it had taken on them had produced important results, which were considerable if one compared the current situation with that of previous decades. Nevertheless, both the discussion and the action taken clearly demonstrated that much remained to be done to achieve the final goal: the complete elimination of racism and racially motivated discrimination. All forms of racism were repudiated by the Charter of the United Nations, the Universal Declaration of Human Rights, the human rights covenants and, in more specific terms, the International Convention on the Elimination of All Forms of Racial Discrimination. One way to combat racism was education, understood as a formative system for human beings, intended to inculcate in them an awareness of the harmful consequences of racism for mankind. In that regard, the United Nations had accomplished a great deal. Nevertheless, that process should be intensified with a view to finding more effective ways of dealing with situations in which there was great resistance to change. The strengthening of world public opinion against racism could be considered one of the most important achievements of the first Decade for Action to Combat Racism and Racial Discrimination. Argentina believed that the Second Decade's emphasis on the aberrant system of apartheid was justified. That system was so alien to human nature that it could not be changed but must be completely eliminated. Its persistence to the present day was an affront to the collective conscience of mankind. Argentina hoped that the Government of South Africa would stop turning a deaf ear to international public opinion and begin to negotiate in earnest with the leaders of the South African majority in order to arrive at a speedy and peaceful solution to the question of South Africa. The South African authorities must understand that only a racially integrated society in which all citizens had the same rights, regardless of their colour, would guarantee a future of peace and prosperity in southern Africa.

45. Other forms of discrimination, more subtle than apartheid, persisted in the world and at times were based on economic differences which seemed to convey a feeling of superiority of the strong over the weak. One example was the discriminatory treatment of migrant workers in many countries, which made use of their labour but did not guarantee them full enjoyment of their human rights. Although, in many cases, such discriminatory treatment was not the result of deliberate policies in those countries, the authorities there should nevertheless take appropriate steps to change the labour practices which fostered such discrimination.

(Mr. Arambarri, Argentina)

46. In 1990, the General Assembly would celebrate the twenty-fifth anniversary of its adoption of the International Convention on the Elimination of All Forms of Racial Discrimination, which was the United Nations international instrument with the largest number of States parties. The strict implementation of the provisions of the Convention would ensure equality and harmony. Argentina, which was a party to the Convention, scrupulously implemented those provisions. The Committee on the Elimination of Racial Discrimination also played a major role in ensuring the implementation of the Convention. Argentina attached great importance to the International Convention on the Suppression and Punishment of the Crime of Apartheid, to which it was also a party, and it called upon those States which had not yet done so to ratify or accede to that Convention.

47. Argentina had supported the decolonization process since its inception and was convinced that the success of that process was one of the principal achievements of the United Nations. The United Nations should continue its efforts until colonialism was completely eliminated. In that regard, Argentina welcomed the birth of Namibia as an independent State; that event had put an end to one of the most troubled and unjust colonial situations in recent history.

48. With respect to the current situation in the Persian Gulf, the Government of Argentina condemned Iraq's aggression and, in keeping with the relevant Security Council resolutions, demanded the immediate and unconditional withdrawal of Iraqi troops from Kuwait and the re-establishment of the legitimate Government of that country. With regard to the question of Palestine, the Argentine Government condemned any action which violated the human rights of the Arab and Palestinian population in all the occupied territories and underscored the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. Argentina supported the convening of an international conference on the question of Palestine under United Nations auspices. The right of the Palestinian people to self-determination must be respected, since that would contribute to the achievement of peace in the Middle East and would help to guarantee the right of all States in the region to exist within secure and internationally recognized frontiers.

49. Ms. AL-HAMAMI (Yemen), referring to agenda item 88, said that the strengthening of international peace and security did not allow any complicity or co-operation with South Africa, since that would be a violation and a negation of the United Nations resolutions on the subject.

50. With respect to the question of Palestine, she noted that Israel's policy of repression in the occupied Arab territories was demonstrated by the suffering of the children of the intifadah, who lacked the means to oppose that policy. The slaughter of Arabs in Jerusalem on 8 October 1990 was proof of that repression and Israel's violation of human rights. The Arab population of the occupied territories should be treated humanely. The right to self-determination and respect for human rights were the corner-stone of the United Nations, and the Third Committee must ensure that they were upheld.

51. Mr. CENKO (Albania) said that the trend towards greater democracy in international relations reaffirmed the legitimacy of the struggle of peoples to achieve national independence, free themselves of the colonial and neo-colonial yoke and foreign occupation and eliminate racism and discriminatory practices.
52. The principal objectives of the Second Decade to Combat Racism and Racial Discrimination had not been achieved, and millions of people continued to be victimised by discriminatory and oppressive racist practices, which violated the principles of international law. Nevertheless, peoples were redoubling their efforts, and they had achieved a measure of success in exercising their right to self-determination. History showed that territorial occupation was not the only means of domination. There were other well-known forms of domination which were achieved through the control of the flow of information, bank interest rates, commodity prices and the debt mechanism, as well as other similar practices, which formed the inventory of neo-colonialist methods of domination and exploitation. Vigilance must therefore be heightened and the struggle against colonialism, neo-colonialism, racism and racial discrimination must be intensified.
53. United Nations efforts to support the struggle of the peoples of southern Africa had reactivated the peace process in that region. In that regard, Namibia's achievement of independence had been a noteworthy event. The consolidation of that country's independence and the reaffirmation of its national unity and its overall development would help strengthen security in the region and would enable other African peoples to achieve their aspirations to liberty and independence.
54. Albania welcomed the constructive attitude adopted by the parties concerned with regard to the proposals by the Secretary-General for a settlement of the problem in Western Sahara and hoped that the referendum on self-determination would be held under the auspices of the United Nations. Albania shared the international concern about the continuing state of war in Afghanistan and supported the efforts undertaken in the search for a political and peaceful solution to the problem. The United Nations could play an important role and make an effective contribution to the peace process. Albania also supported the process under way to bring about a peaceful settlement of the Cambodian problem which took into account the vital interests of that people.
55. Those positive and promising achievements in the international arena had been overshadowed by Iraq's occupation and annexation of Kuwait. Albania denounced that invasion as a serious threat to all countries in the region. Iraq must end its occupation of Kuwait and respect the resolutions adopted by the Security Council. It must withdraw immediately and unconditionally from Kuwait since its military presence had a negative impact on the already serious situation in the Middle East and was detrimental to the interests of the Palestinian people.
56. That situation should not take precedence over the question of the Palestinian people, who continued to have a legitimate right to its own homeland and its own State. Albania condemned the horrible massacre perpetrated against the Palestinian people and continued to support firmly the just cause of the Palestinian people.

(Mr. Cenko, Albania)

He called for an end to those criminal activities, which were the direct result of Israel's occupation of the Arab and Palestinian territories. Unless that key problem was solved, there could be no just and lasting solution to the crisis in the Middle East.

57. His country considered apartheid one of the most degrading manifestations of racism and racial discrimination and supported the measures taken by the international community as well as the struggle of the people of Azania. Albania denounced racism, racial discrimination and apartheid and did not maintain any relations with the racist régime of South Africa. His delegation expressed its concern at the lack of real progress towards the eradication of apartheid and the continuation of the oppressive measures, assassinations, detentions and maltreatment of persons in South Africa. Convinced that apartheid must be totally eliminated, his delegation did not believe that real changes had occurred in South Africa; accordingly, it was essential that the international community should continue to exert pressure on the anachronistic South African régime, which was attempting to perpetuate its rule through various manoeuvres.

58. Lastly, he pointed out that Albania would continue to contribute to the struggle against racism and racial discrimination by supporting the realization of the right of peoples to self-determination and independence and promoting the achievement of the ideals of peace, liberty and democracy; his country therefore would support the efforts and measures which the United Nations considered essential in that regard.

59. Mr. McLEAN (Canada) said that the international community had made valuable progress in recent decades in defining and codifying the rights of all individuals to equality, protection and development. It was essential for the United Nations to continue its efforts in that regard in the Second Decade to Combat Racism and Racial Discrimination. His delegation thanked the Secretary-General for his report on that subject and his leadership. He was also pleased to note that the majority of States had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and hoped that the States that had not yet done so would subscribe to those universal principles. Accession alone, however, was not sufficient. States must fulfil their obligation to inform the international community through their reports to the United Nations.

60. The international community could not be satisfied with mere words. Too many groups continued to suffer massive expulsion or displacement, continuous harassment and even physical elimination. Those tragedies weighed on the collective conscience of the countries in which they occurred and also shamed the international community as a whole. Each State had a clear responsibility to combat racism and promote harmonious relations among its citizens of various origins or cultures. In that connection, he referred to the unfortunate events that had occurred recently in Canada affecting aboriginal peoples in Oka and Kanhowake, in respect of which an investigation was being carried out to identify and prosecute the perpetrators.

(Mr. McLean, Canada)

61. The Government of Canada intended to continue working with aboriginal peoples to improve their relations with the rest of Canadian society. Although the Canadian Constitution recognized equal rights for the entire population without discrimination of any kind, laws were not enough to eliminate racism and racial discrimination. For that reason, the United Nations must encourage popular education programmes about racism, which would make it possible to reduce misunderstanding among groups and combat racism more effectively.

62. The international community must not relent in its resolve to combat apartheid. South African society remained the only society structured entirely on the basis of racial discrimination. Canada had been greatly encouraged by the positive developments in South Africa in 1990 since they opened the way to negotiations on a non-racial democracy in that country. Canada fully supported the United Nations consensus on maintaining existing measures until there was clear evidence of profound and irreversible change.

63. The tragic communal violence in South Africa threatened those gains more than anything else. Although the Government had made some progress in providing effective and impartial action by the security forces, it still needed to investigate continuing allegations of complicity on the part of elements within those forces. Furthermore, the parties directly involved must settle their differences through direct dialogue and on the basis of political tolerance.

64. While the modalities for exercising the right to self-determination must be decided by the South Africans themselves, the General Assembly had rightly insisted that there could be no compromise on the principle of "one man, one vote"; and now President de Klerk himself had come close to accepting a similar electoral process, in which thousands of exiles must also participate. Canada, which was pleased at the gradual removal of the obstacles to their return, the organization of which had been entrusted to the Office of the United Nations High Commissioner for Refugees, had pledged substantial resources to assist that operation and looked forward to its early launching, with the full support of the South African Government, the liberation movements and international donors.

65. Namibia had recently given the world a shining example of self-determination and Canada was proud of its contribution to that process. Six months after independence, Namibia was a society committed to human rights and economic development. That showed South Africans that fundamental change could be achieved through a negotiated and a democratic process.

66. His delegation attached a great deal of importance to international efforts to combat racial discrimination. The work of the Committee on the Elimination of Racial Discrimination was essential to those efforts. For that reason, Canada and many other countries were very concerned at the Committee's ongoing financial problems, which had forced it to cancel some of its meetings and had prevented it from carrying out the planned review of its first 20 years of activities. With that in mind, the Commission on Human Rights, at its forty-sixth session, had accepted the proposal by Canada and other countries recommending the establishment

(Mr. McLean, Canada)

of a contingency reserve fund to be used to finance meetings of the Committee when sufficient payments by States had not been received on time.

67. Mr. RODIONOV (Ukrainian Soviet Socialist Republic) said that the increase in the number of States parties 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 was evidence of the effectiveness of those international human rights instruments.

68. Last year the international community and the United Nations had seen their efforts rewarded with the proclamation of the independence of Namibia, which had put an end to a régime and a policy based on racism; represented a triumph of the principles of the Charter of the United Nations and of international law; and constituted an effective contribution towards achieving the objectives of the Second Decade.

69. At the opening of the current session of the General Assembly, the Secretary-General, in presenting his report entitled "Study on the achievements made and the obstacles encountered during the Decades to Combat Racism and Racial Discrimination", had said that, in spite of some positive events which had occurred in South Africa, the basic political structures and practices of apartheid had not yet been dismantled, given the continuing existence of discriminatory legislation, which was the major obstacle to democratic reform in South Africa. Once again, the General Assembly had requested the South African régime to create without delay an environment conducive to negotiations. At that stage, the international community's task was to contribute to the eradication of apartheid through joint measures, the most effective of which was the maintenance of the sanctions until there were clear indications of irrevocable changes.

70. It was unfortunate that the Committee on the Elimination of Racial Discrimination, which was the monitoring body of the International Convention on the Elimination of All Forms of Racial Discrimination, had been having financial difficulties since 1986. According to the report of the Secretary-General (A/45/579), 67 of the 129 States parties were in arrears. The Ukrainian Soviet Socialist Republic, which paid its contributions punctually, urged all States to fulfil their financial obligations under the Convention.

71. Currently, the right of nations to self-determination was one of the most important principles of international law; his Government had consistently advocated the observance of that principle in international relations and had always viewed it as an indispensable condition for ensuring human rights in general and as an important factor in guaranteeing the internal and external security of States.

72. For many years, Israel's hindrance of the exercise by the Palestinian people of its right to self-determination had been a major source of tension in the Middle East. Evidence of that were Israel's massive violations in the occupied territories and the massacre of Palestinians on 8 October 1990 in Jerusalem. His

(Mr. Rodionov, Ukrainian SSR)

Government strongly condemned those actions and had consistently advocated a peaceful settlement based on collective efforts, in particular, the convening of a United Nations peace conference. It also endorsed the provisions contained in the note of the European Community countries, which had stressed that peace in the Middle East could not be achieved through a balance of terror, but through a just settlement based on negotiation.

73. Attention should be paid to the Non-Self-Governing Territories, which were still not free to decide their own futures. The Ukrainian SSR considered that the right of those territories to self-determination and independence should be guaranteed, in accordance with the Charter of the United Nations and with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

74. The Ukrainian SSR welcomed the adoption of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries since there was a clear link between the use of mercenaries and obstacles to peoples' exercise of their right to self-determination.

75. New impetus had recently been given to that principle in the Ukrainian SSR itself when its Supreme Soviet had adopted, on 16 July 1990, the Declaration on the State Sovereignty of the Ukraine. Section I, entitled "Self-determination of the Ukrainian nation", stated that the Ukrainian SSR, as a national sovereign State, should develop within its existing boundaries on the basis of the exercise by the Ukrainian nation of its inalienable right to self-determination. The section also discussed the measures which would be adopted to defend and protect the Republic and to suppress any act of force against national statehood. The Declaration contained in addition a detailed legal discussion of issues relating to, inter alia, the sovereignty of the people, territorial jurisdiction, economy and culture, environmental safety and international relations. The Declaration further recognized the primacy of human values and the precedence of international law over the domestic law of States. Document A/45/500 outlined the position of his Government on the issues under consideration as well as including the text of the Declaration on the State Sovereignty of the Ukraine.

76. At the world's current stage of development, international relations should be based on the recognized principles of international law, including human rights and the inadmissibility of any form of racism, racial discrimination or any other type of domination.

77. Mrs. MULINDWA-MATOVU (Uganda) said that the principles of human rights and fundamental freedoms for all, the promotion of which was one of the basic roles of the United Nations, were enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and were basic elements of international peace and security. Racism and racial discrimination constituted a flagrant violation of those rights; fortunately, the international community had recognized those actions as wrongs and had tried to eliminate them. One of the main weapons in that combat was the International Convention on the Elimination of All Forms of Racial Discrimination.

(Mrs. Mulindwa-Matovu, Uganda)

78. The Programme of Action for the Second Decade to Combat Racism and Racial Discrimination remained a courageous and well-conceived strategy to enhance and co-ordinate the struggle by States, international organisations and non-governmental organisations against racism and racial discrimination. The report by the Special Rapporteur, Mr. Eide, contained in document E/CN.4/Sub.2/1989/8 and Add.1, provided a deeper insight into the struggle and would in the future provide a basis for strengthening subsequent efforts. More emphasis should be placed on education programmes at all levels and on the elaboration of legislation at the national level to encourage the elimination of racial and cultural prejudices.

79. Her delegation noted with appreciation the report of the Committee on the Elimination of Racial Discrimination and regretted that it had been unable to hold its spring session because of financial constraints. In that connection, her Government urged Committee members to fulfil their financial obligations so that the Committee could carry out its mandate, while taking into account the difficulties of the developing countries.

80. Her delegation appreciated the proposal in paragraph 10 of Commission on Human Rights resolution 1990/25 concerning a contingency reserve fund, but felt that a longer-term solution could be found. Amendment of the provisions of article 8 (6) of the Convention might be considered so that the Committee, like other human rights bodies, could have a surer source of funding. The inclusion of Uganda among the countries in arrears should not be construed as a sign of lack of interest, but as an illustration of the aforementioned economic difficulties experienced by many developing countries; Uganda was currently adopting the necessary measures and payment would be made shortly. Her delegation also supported the recommendation for the provision of model reports in addition to the guidelines to facilitate the submission of periodic reports by States parties.

81. The policy of apartheid, initiated in 1946, had survived, to the chagrin of the United Nations and the international community, and was today the only institutionalized form of racism. Thanks to the imposition of sanctions and the continued isolation of South Africa, some signs of positive change had been witnessed, but the core of apartheid persisted through the application of laws such as the Internal Security Act and through institutions such as the Bantustan system. Uganda therefore re-emphasized the need to continue mandatory sanctions against the Pretoria régime and to guarantee the standards set by the United Nations Declaration on Apartheid and Its Destructive Consequences in Southern Africa.

82. The right of peoples to self-determination was one of the basic goals of the United Nations and the independence of Namibia in March was clear testimony of the ultimate and inevitable triumph of that right.

83. Her delegation noted with concern the reported incidents of the continued use of mercenaries as a means of violating human rights. All States should become parties to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

(Mrs. Mulindwa-Matovu, Uganda)

84. Uganda reaffirmed the legitimacy of the struggle of the Palestinian people and its support for resolution S/RES/672 (1990) of 12 October 1990 and all previous resolutions reaffirming the need for a just and lasting solution to the Arab-Israel conflict. The recent invasion and occupation of Kuwait by Iraq was yet another violation of the right to self-determination and Uganda called for the withdrawal of Iraq from Kuwait in compliance with the relevant United Nations resolutions.

85. Mr. KHALIFA (Special Rapporteur), replying to delegates who wished to know the precise meaning of his statement that pressure against South Africa should be applied more vigorously, said that there should be no reduction in the measures adopted against South Africa nor any weakening in their application. Any breach in the sanctions wall as a result of the United Kingdom's decision on the early lifting of sanctions would render his work as Special Rapporteur meaningless. The position adopted recently by the United Kingdom undermined the collective commitment and the moral basis for preparing the list of enterprises and other companies giving assistance to South Africa. The list would lose its significance if inclusion in it failed to carry a moral condemnation. The United Kingdom's position compromised not only the maintenance of existing sanctions, but the possibility of increasing pressure on the South African Government in order to resolve the South African question once and for all by establishing a democratic and non-racial State. The Security Council could adopt more extensive measures to increase the pressure, as it had recently done in respect of another country. But if the international community showed any leniency towards South Africa and if its pressure was merely verbal condemnation, South Africa could with impunity maintain its yoke over the oppressed South African majority. There was a great deal of talk nowadays about a new international order that was emerging. But no one could talk about a new order while 22 million South Africans were suffering under the apartheid régime. The list of enterprises which collaborated with South Africa should therefore be maintained for a further year. But there would be no point in continuing to draw up the list if South Africa were no longer condemned and isolated.

86. Mr. RAVEN (United Kingdom) said that his delegation would be making a statement at a later meeting in which it would reply to the comments made earlier at the present meeting by the Special Rapporteur, Mr. Khalifa.

87. The position of the United Kingdom Government on trade with South Africa was well known. It had been explained in the United Nations on a number of occasions, as well as in the Third Committee. The United Kingdom Government's firm opposition to apartheid was also well known. Furthermore, the United Kingdom Government had not lifted its sanctions against South Africa. A large list of restrictive measures was still in force. The United Kingdom considered them still necessary to achieve the objective desired by the whole international community, namely, a united non-racial and democratic South Africa.

88. Mr. TIN (Myanmar), speaking in exercise of the right of reply, said that the delegation of Myanmar had listened carefully to the statement made by the representative of Italy on behalf of the countries of the European Economic

(Mr. Tin, Myanmar)

Community. According to that representative, the Community welcomed the fact that the people of Myanmar had exercised their democratic right to vote in the elections held in May of the current year and urged the Myanmar authorities to respect the results of the elections and transfer power to the representatives elected by the people.

89. The representative of Australia also had referred to Myanmar in his statement and had pointed out that the Australian Government had appealed to the Myanmar authorities to respect the results of the elections and transfer power to a civilian Government. Again, at the present meeting, the United States representative had made similar remarks.

90. The delegation of Myanmar warmly welcomed the kindly sentiments expressed by those delegations and their concern for the well-being of the people of Myanmar. However, the question of the elections in Myanmar did not come within the scope of the items now being considered by the Third Committee. When the Committee reached the items under which the matter in question should be raised, the delegation of Myanmar would make a detailed analysis of the situation in his country and the progress achieved in the transfer of power to the representatives elected by the people. It sufficed to state at the present time, that Myanmar was moving firmly and progressively towards the establishment of a democratic, stable and lasting régime.

91. Mr. JAUSHAN (Afghanistan), speaking in exercise of the right of reply, quoted one of the paragraphs of an article published in the Washington Post on 18 October, in which it was made clear that the United States was participating in the continued war in Afghanistan. The United States had provided the Afghan opposition with mass-destruction projectiles which were being used to kill hundreds of civilians. Instead of speaking on behalf of the Afghan people, it would be better for the United States to help to end the war in Afghanistan. Afghanistan fully supported the United Nations resolutions designed to find a solution to the problem of Afghanistan. Only the Afghan people had the right to decide what social and economic system they wanted in their country. The Government of Afghanistan had proposed the holding of free and just elections under the supervision of the United Nations and hoped that the United States, as a guarantor of the Geneva Agreement, would help to prepare the conditions for holding those elections.

The meeting rose at 6 p.m.