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SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. HAMER (Netherlands)

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

AGENDA ITEM 83: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORTS OF THE SECRETARY-GENERAL (continued) (A/41/3, A/41/550, A/41/551, A/41/552, A/41/571, A/41/181-E/1986/53 and Corr.1; A/41/607)

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(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. Mr. SCHWANDT (Federal Republic of Germany) said that the statement made by the representative of the United Kingdom, on behalf of the European Community, on agenda items 83, 84 and 89 at the meeting held on 6 October faithfully reflected his Government's position.

2. With regard to item 88, he stressed the important rôle of the United Nations in the granting of independence to colonial countries and peoples and in the attainment of the right to self-determination. That right did not end with independence, but was closely linked with the right of the individual to take part in the conduct of public affairs. Exercise of the right to self-determination presupposed the existence of a democratic régime, which in turn was inseparable from the full exercise of human rights as a whole. It was of central importance in resolving the problems of southern Africa, the Middle East, Afghanistan, Kampuchea and other parts of the world.

(Mr. Schwandt, Federal  
Republic of Germany)

3. His Government supported the earliest possible attainment of independence by Namibia, in accordance with Security Council resolution 435 (1978) and as called for by the General Assembly at its fourteenth special session. The Federal Republic of Germany also supported the right of the Palestinian people to achieve self-determination and decide their own future under a Middle East peace settlement guaranteeing the existence of all the States of the region, including Israel, within secure and recognized boundaries. His Government endorsed the call made by the Eighth Summit Conference of the Movement of Non-Aligned Countries, held at Harare, for the withdrawal of all foreign troops from Afghanistan and Kampuchea, and also called for the peaceful reunification of the German nation through the exercise of its right to self-determination.

4. Mrs. POC (Democratic Kampuchea) said that the right to self-determination was fundamental to international peace and security and to the protection of national territorial integrity. Tragically, 26 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the right of peoples to self-determination was still arrogantly denied in many parts of the world.

5. With respect to the question of Namibia, her delegation reiterated the position stated on 30 September 1986 before the United Nations General Assembly by H.R.H. Samdech Norodom Sihanouk, President of Democratic Kampuchea. In the Middle East, the recognition and exercise of the right of the Palestinians to self-determination was a prerequisite for a just and durable peace, as was, in Afghanistan, the withdrawal of all Soviet forces.

6. She denounced the alarming, systematic process of the Vietnamization of Kampuchea in every field within the framework of the so-called "Indo-China Federation", a process highlighted in many press and eyewitness reports. The number of Vietnamese nationals settled in Kampuchea now totalled more than 700,000.

7. The criminal acts committed by the occupying Power had incited the armed struggle by the national resistance forces of the Khmer people for national independence and freedom. In addition, the Coalition Government of Democratic Kampuchea was seeking a peaceful solution to the problem. In that connection, she drew attention to the Eight-Point Proposal of the Coalition Government issued on 17 March 1986 (A/41/325) which took account both of the interests of Kampuchea and Viet Nam and of peace and security in South-East Asia. Unfortunately, however, Viet Nam had rejected the proposal, refusing, under all kinds of pretexts, to renounce its expansionist policy.

8. Her delegation once again called on Viet Nam to heed the appeals of the international community contained in the relevant United Nations resolutions, in particular resolution 1986/25 of the Commission on Human Rights and decision 1986/146 of the Economic and Social Council, and to end its aggressive and expansionist policy in Kampuchea. That was the only way in which the peoples of both countries could live in peace, security and good-neighbourliness.

9. Mr. NGO (Zambia) said that of all the problems confronting the international community today, the most serious were those of racism, racial discrimination and apartheid, to which the international community should put an end. Given the gravity of the problem, and in spite of the financial difficulties affecting the Organization, everything possible should be done to ensure that the momentum gained in the struggle against racism, racial discrimination and apartheid was not lost.

10. The problem of human rights violations in South Africa continued to be a source of great concern to Zambia. The racist régime continued to murder innocent men, women and children. Thousands had died, while many others had been maimed. Thousands of people were held in jail without trial. The country had become a concentration camp for the majority of the black people. Under the state of emergency, the racist régime had intensified its repressive measures and continued to cause untold suffering to the black people of South Africa.

11. In spite of efforts by the United Nations and other international bodies and non-governmental organizations, South Africa had shown no willingness to abolish the system of apartheid. South Africa had demonstrated that it was not ready to listen to the voice of reason. The imposition of the state of emergency, the persistent acts of destabilization and aggression against neighbouring independent States, as well as the continued illegal occupation of Namibia, did not indicate a willingness to change. In view of South Africa's intransigence, the imposition of comprehensive mandatory sanctions was the only means of obliging Pretoria to abandon apartheid. Policies such as "constructive engagement" would not produce results.

12. With regard to the decolonization of Namibia, Zambia could only reaffirm that Security Council resolution 435 (1978) was the sole internationally-accepted plan for Namibian independence. Zambia called for the immediate implementation of Security Council resolution 435 (1978), without pre-conditions such as the extraneous issue of linking the independence of the Territory to the withdrawal of Cuban troops from Angola.

13. In the Middle East, serious human rights violations were also being committed against the Palestinians. The United Nations had a moral obligation and a duty to guarantee the fulfilment of the inalienable right of the Palestinian people to self-determination in their own homeland.

14. Mr. AKYOL (Turkey) said that despite the efforts made by the international community and the United Nations, millions of human beings continued to suffer various forms of racism and racial discrimination.

15. In some cases, the national minorities protected under international agreements continued to be deprived of their fundamental rights. Such oppression was characterized by enforced changes of names or identity, interference in religious practices, failure to protect cultural and ethnic traditions, emigration difficulties and coercive measures to prevent the exercise of religious and social customs.

(Mr. Akyol, Turkey)

16. During the current year, world public opinion had focused its attention more closely than ever on developments in southern Africa, and there had been constant appeals to South Africa for a radical change in its policies. Apartheid was an affront to the human conscience and human values. It was a deplorable policy which blatantly violated the fundamental principles of the Charter of the United Nations and the Universal Declaration of Human Rights. The constitutional reforms introduced in South Africa, with the aim of reinforcing the present system of segregation and racial discrimination, had heightened the deep frustration of the majority of the population. The pseudo-reforms which had been introduced, far from contributing to reconciliation and social peace, had led to increased violence and intensified repression, which had forced the black majority to protest throughout the country.

17. The worsening situation in South Africa and the continuing human suffering caused by the apartheid system called for a firm response and reaction from the United Nations. Turkey was prepared to support the adoption of decisive and mandatory sanctions against South Africa. His country had no diplomatic or consular relations with Pretoria, and applied all the relevant General Assembly and Security Council resolutions.

18. One of the most regrettable problems at present was that of Namibia. When the United Nations had terminated South Africa's mandate in 1966, the Organization had undertaken a special obligation towards Namibia, which it had not been able to discharge in the last 20 years. The situation in the Territory was characterized by illegal occupation, economic exploitation and repression of the Namibian people.

19. In 1985, South Africa had set up a provisional Government in Namibia by means of a so-called multi-party conference. Pretoria wanted to impose an "internal solution" on Namibia once again by installing a puppet Government. That decision showed that South Africa had moved away from any process of negotiation and returned to its old policy of fait accompli. The current vacillations, the intransigent attitude and the political manipulations of South Africa did not demonstrate any readiness on its part to accept a peaceful transition to independence. The country's recent military activity against its neighbours showed the extent to which it was prepared to defy the international community.

20. Security Council resolution 435 (1978), containing the United Nations plan for the independence of Namibia, was still the only universally acceptable basis for a peaceful political settlement of the Namibian question. The Government of Turkey strongly supported all the activities of the Council for Namibia in its attempt to discharge the responsibilities incumbent upon it as the legal Administering Authority of the Territory.

21. The situation in the Middle East was also a cause for great concern. The question of Palestine was the central political issue in the region. In its many resolutions on the subject, the United Nations had staunchly upheld the right of the Palestinian people to self-determination, without which no just and lasting settlement could be achieved. It was vital, therefore, that Israel should withdraw from all the occupied Arab territories.

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(Mr. Akyol, Turkey)

22. The Afghan people deserved respect and admiration for its determination to exercise its inalienable right to self-determination and to bring about the withdrawal of foreign troops from Afghanistan and the voluntary return of Afghan refugees to their own country.

23. An overall political settlement of the situation in Kampuchea would require the withdrawal of foreign forces and the exercise of the right to self-determination of the Kampuchean people.

24. Mrs. BAH (Guinea) reaffirmed her country's unswerving adherence to the principle of the inalienable and imprescriptible right of peoples to self-determination and independence, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

25. For that reason, Guinea fully supported the heroic struggle of the people of Namibia, under the leadership of the South West Africa People's Organization (SWAPO), its sole and authentic representative. Security Council resolution 435 (1978) remained the only basis for the settlement of the Namibian problem. There could be no question of linking Namibian independence with the prior withdrawal of Cuban troops from Angola.

26. South Africa was violating the fundamental principles of the United Nations and persisted in its application of the cruel and inhuman policy of apartheid and blind racial repression. Economic sanctions against the régime seemed to be an appropriate response to its obstinacy. However, the permanent members of the Security Council must end their policy of leniency towards the Pretoria Government.

27. Some people argued that sanctions should not be imposed on South Africa because they would harm the black population. However, that claim was specious, since it was in the interests of the black population and all African States that sanctions should be imposed. In that connection, the recent change in attitude of the United States Congress was worthy of approbation.

28. Guinea strongly condemned the repeated acts of aggression committed by the abhorrent régime of Pretoria against the front-line States, and expressed once again its unconditional support for, and solidarity with, the struggle of the South African people. Guinea called for the unconditional release of Nelson Mandela and all other political prisoners.

29. Guinea also reaffirmed its strong support for the Palestinian people in its fight for the recognition and exercise of its right to existence and national identity under the leadership of the Palestine Liberation Organization, its sole legitimate representative. The PLO must participate in any international conference held under the auspices of the United Nations.

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30. Mr. BOKHARI (Pakistan) said that, since its inception, the United Nations had been concerned with the question of decolonization and self-determination of peoples. Despite some notable achievements by the United Nations in that field, some peoples were still denied that right. It was particularly regrettable that some peoples, which had achieved independence and sovereignty, had been deprived of their right to self-determination as a result of foreign military intervention.

31. The Middle Eastern conflict, which originated from the denial of the Palestinian people's right to self-determination, threatened peace not only in that region, but throughout the world. In flagrant defiance of the repeated appeals of the international community, Israel continued its illegal occupation of Arab and Palestinian territory, including Jerusalem, and persisted in its refusal to recognize the inalienable rights of the Palestinian people. Pakistan reaffirmed its unwavering support for the just cause of the Arab and Palestinian peoples under the leadership of their sole legitimate representative, the PLO.

32. Similarly, by its illegal occupation of Namibia and the implementation of the abominable apartheid policy, the racist régime of South Africa had created a most dangerous situation. The South African régime had flouted the provisions of the Charter of the United Nations and the International Covenants on Human Rights and ignored the will of the international community, as expressed in the many United Nations resolutions calling for the exercise by the Namibian people of its right to self-determination and independence. Pakistan had always supported the struggle of the Namibian people for liberation under the leadership of SWAPO, and was prepared to back all the international community's efforts to put an end to the illegal occupation of the Territory by Pretoria.

33. Afghanistan and Kampuchea were two more regrettable examples of the way in which foreign military intervention and occupation had deprived a people of its inalienable right to self-determination. In both cases, thousands of people had been forced to abandon their homes and seek refuge in neighbouring countries. As a result more than 3 million Afghan refugees had entered Pakistan.

34. Pakistan had given refuge to those displaced persons for humanitarian reasons, as part of its Islamic and internationalist duty. A viable solution to the Afghan problem was to be found in the resolutions adopted by the General Assembly, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries. Pakistan called upon the international community to take the necessary measures to enable the Afghan people to exercise its right to self-determination and return home in safety and honour.

35. The question of Jammu and Kashmir also remained to be solved; Pakistan's position on that issue was well-known.

36. Pakistan reaffirmed its endorsement of the repeated appeals of the General Assembly for the withdrawal of foreign troops from Kampuchea, so that the Kampuchean people could elect its own Government without foreign interference.

37. Mr. ALDRED (Budget Division) said that, as noted in document A/41/561/Add.1, 73 States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination owed a total of \$207,948. Some of the arrearages had been overdue for more than seven years. Of that sum, \$115,271 was owed to the General Fund of the United Nations, which in the past had granted advances to pay the travel expenses of members of the Committee on the Elimination of Racial Discrimination. When the time had come for the August session, the Committee had only \$3,293 in cash, and, owing to the financial situation of the United Nations, it had not been possible to pay the travel advances. Accordingly, the session had had to be cancelled. If the Committee held two sessions in Geneva in 1987, it was estimated that \$122,249 would be needed in January of that year. Nevertheless, before those sessions were held, the United Nations would have to recover the entire sum currently owed to the General Fund plus the estimate for 1987, i.e. at least \$237,520 in cash.

38. Mr. ABOU-HADID (Syrian Arab Republic), exercising the right of reply, said that the Zionist leaders had recognized that the situation in Palestine had to be maintained regardless of the wishes of the indigenous population. In 1948, the Zionists had developed a plan to force the Arabs to abandon their lands and then launched 11 military operations, expelling the Arabs by force from approximately 80 per cent of the territory of Palestine, but they had not been able to destroy their culture and tradition. Israel was attempting to deceive public opinion by claiming that the Jews were victims of racism, even though they themselves made a distinction between Western Jews, or Ashkenazi, and Eastern Jews, or Sephardi; the latter were second-class citizens, and only 5 per cent were in important positions. That was not a democratic practice befitting a civilized government. Racial discrimination was a basic concept of the Zionists, a concept predicated upon the superiority of the Jewish race. The Law of Return granted Israeli citizenship to Jews even if their forebears had no ties to Palestine, but at the same time, Israel prohibited the return of Palestinians to their land. The Law of Return should therefore be examined by the Human Rights Commission. The question of Palestine was the issue of the struggle of the Arabs against the Zionist invaders, similar to the struggle fought in Namibia against the European invaders.

39. Mrs. MUKHERJEE (India), exercising the right of reply, said that Pakistan had alluded to the Jammu and Kashmir regions, to which the principle of self-determination could not apply because they were an integral part of an independent and sovereign State.

40. Mr. EL-PAWAZ (Jordan), exercising the right of reply, said that Israel continued to distort reality by attempting to present the occupation of the West Bank and Gaza as an accomplished fact. It was not true that the standard of living of the Palestinians in the occupied territories was higher now than prior to the 1967 invasion. The Israeli development projects in the region were only beneficial to their own settlers, and the roads had been built for security reasons. In reality, the situation of the Arab workers was very bad. Occupation and freedom were concepts that could not coexist.



41. Mr. TERZI (Observer of the Palestine Liberation Organization), exercising the right of reply, pointed out that the principle of self-determination was enshrined in Article 1 of the Charter of the United Nations, and he therefore rejected the attempt to change it to "participation in the determination of one's own future" or "autonomy" or "bantustanization". Although the Israeli authorities had prohibited free elections, the Palestinian people, by acclamation, supported the Palestine Liberation Organization as its sole legitimate representative. Only a comprehensive and just peace could ensure stability and development. Israel and its allies had rejected the virtually unanimous call for the convening of a Middle East peace conference. Peace efforts should not be carried out behind closed doors, and the United Nations was virtually the only appropriate forum. Israel had used the Camp David Agreements to carry out a policy of aggression and annexation. The representative of Israel also spoke of the existence of the State of Israel within recognized and secure boundaries, and he wondered what those boundaries were.

42. Mr. DOWEK (Israel), exercising the right of reply, said that the Arab countries shamelessly used the instruments created to combat racism and apartheid to encourage anti-semitism. When the Arabs used the term Zionism, they were referring to Jews as such, and when they proudly called themselves anti-Zionists, that was simply an expression of the worst anti-semitism. He had been a Jewish refugee in Arab territories and knew how much his people had suffered for centuries in Arab countries. It sufficed to point out that at the beginning of the 1950s, more than 850,000 Jews had had to flee Arab countries, leaving behind all their material possessions. At present, there were less than 22,000 Jews in nine Arab countries, and, with the exception of the North African countries, where they lived under the close protection of the authorities, a fact which must be acknowledged, the others, in particular the 5,000 Jews living in Syria, were cynically exploited for political purposes as hostages. President Assad had said that the armed forces of Syria were a training school for death in the service of God and had extolled the heroic deeds of young men recruited for suicide missions. The Government of Syria had made terrorism its primary weapon of political blackmail, and was obstructing positive measures for its eradication. Syria was in no position to talk about the Palestinians and he cited a report published in the Egyptian newspaper Mayo of 8 November 1985, in which Abu Iyad, the second most important leader in the PLO, had said that the actions committed by Syria against Palestine were more criminal than those of any other Government and that Syria was destroying the PLO as a military and political force.

43. Mr. BOKHARI (Pakistan), exercising the right of reply, referred to the remarks of the delegation of India with respect to the situation in Jammu and Kashmir. His delegation had already made a statement on that subject and did not care to enter into a discussion since its position was well known.

44. Mr. TERZI (Observer of the Palestine Liberation Organization) reiterated what he had said earlier, i.e., that Israel had not even allowed the Palestinians to elect their mayors and municipal councillors. Israel had expelled the mayors of several cities who had been elected in 1976 and assassinated others, whose posts had then been filled by Israeli military personnel.

45. Mr. ABOU-HADID (Syrian Arab Republic), exercising the right of reply, said that in his statement at the morning meeting, the representative of Israel had shown to what depths he could stoop in the language he had used in describing the PLO, and he had underestimated the right of the Palestinian people to self-determination. He wondered whether the representative of Israel had the right to be present at a meeting of civilized countries, because the régimes of Pretoria and Israel were the only ones that rejected the principle of self-determination, advocating racism instead.

46. Mr. DOWEK (Israel), exercising the right of reply, said that he did not need to take any lessons in courtesy from Syria, and, to be sure, did not need to take any criticism from a country that made terrorism the sole instrument of its international relations and whose prisons were a disgrace to humanity.

47. Mr. QUINN (Australia) welcomed the statement by the representative of the Budget Division. It had provided a clear picture of the financial situation of the Committee on the Elimination of Racial Discrimination. He wondered whether members' assessments were based on the usual duration of the Committee's sessions and how advances could still be borrowed from the General Fund, since the latter was exhausted. Was there any flexibility in the payment of arrears, and were the arrears of the last few years an important component of the financial situation?

48. Mr. ALDRED (Budget Division) said that the assessments for 1986 and the previous years had been calculated on the basis of first-class travel for the participants in the meeting. For 1987, the calculations were based on executive-class for journeys of up to nine hours and first class for nine hours or more, which was now the rule in the United Nations. Furthermore, the members of the Committee had received a 40 per cent increase in per diem. The figures for 1987 were based on the net calculations of total costs and were then reduced, taking into account any unexpended balance from previous years. The calculations of expenses for 1986 had been reduced because of the small 1984 surplus, which had shown up in the books but had not existed in reality, because the money had not been there. With regard to the second question, given the general financial situation of the United Nations, it could not be said what flexibility there might be for 1987. That depended largely on the payment arrears for the regular budget of the United Nations. The Controller should take a decision at least six weeks before the date set for the 1987 meeting of the Committee.

49. Ms. CLARK (New Zealand) asked whether the stipulated sum of \$230,000 would be needed before the next meeting of the Committee and whether a plan could be worked out now which would allow flexibility in repayment of the arrears.

50. Mr. ALDRED (Budget Division) replied that that was the minimum amount required for holding another meeting of the Committee on the Elimination of Racial Discrimination.

The meeting rose at 5 p.m.