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SUMMARY RECORD OF THE 3rd MEETING

Cnairman: Mr. RITTER (Panama)

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The meeting was called to order at 10.20 a.m.

ORGANIZATION OF WORK (A/C.3/42/L.1/Rev.1)

1. The CHAIRMAN said that consultations had been held with the Chairmen of the regional groups and with the Group of 77, but that there had been no agreement on the proposals made by Denmark and no change in the programme of work submitted by the Secretariat and distributed to the Committee. He would therefore take it that the Committee wished to adopt the preliminary draft programme of work it had approved at its second meeting.

2. It was so decided.

- 3. <u>Miss YOUNG</u> (United Kingdom) said that her delegation welcomed the Committee's expeditious adoption of the programme of work notwithstanding financial and other pressures.
- 4. Mr. SCHW.NDT (Federal Republic of Germany), supported by Mr. QUINN (Australia), said that he was disappointed that the Bureau had been unable to reach a better solution in its consultations with the regional groups.

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- 5. Mr MARTENSON (Under-Secretary-General for Human Rights) said that no question could be more fundamental to the success of the global endeavour of the United Mations than the protection and promotion of human rights. There could be no lasting security or sustained economic and social progress without respect for human rights. By the lame token, the most essential human rights those enshrined in the Universal Declaration of Human Rights were rendered meaningless by the slaughter and destruction of war and the misery of poverty.

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- 6. One of his priorities in coming to the Centre for Human Rights had been to examine how to improve public awareness of what was at stake. People must be made aware that there were univ. Hally agreed standards to which they could appeal and by which national legislation could be measured, and they must know that international machinery existed to help them exercise those rights.
- 7. Moreover, very few human rights campaigns could continue without the assistance and unceasing support of non-governmental organizations. He expressed the hope that co-operation with all the members of the wider human rights community might be expanded and deepened. Indeed, it might be worthwhile to consider initiating a co-ordinated programme for the world-wide, balanced dissemination of information in order to inform, educate and generate public understanding and support for United Nations aims in the field of human rights. With some of those aims in mind, a new Section for External Relations had just been established in the Centre for Human Rights.
- 8. Another level at which the United Nations should also endeavour to meet the need of national officials and institutions for information and assistance. responsible for the administration of justice at the national level might not always be aware of human rights advances or of progress made in the ability to monitor the implementation of human rights agreements and to investigate abuses. The Secretariat had attempted to provide a range of advisory services to Governments and national institutions, and it was his intention to expand those activities considerably to include more training courses, seminars, meetings of experts and fellowship programmes. In that connection, a training course had recently been organized for legislative draftsmen under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. The structure of the fellowship programme was being reviewed with a view to integrating it more fully into the Centre's activities. The Centre was also examining other means of furnishing advice and assistance; in that regard, an encouraging development had been the establishment of a voluntary fund for advisory services and technical assistance in the field of human rights.
- 9. The commemoration of the fortieth anniversary of the Universal Declaration of Human Rights in 1988 would serve as a catalyst for further advances and would help generate increased public understanding of human rights. The Centre intended to prepare a broad programme of activities to take maximum advantage of the occasion.
- 19. With regard to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (agenda item 87), it was clear that the efforts of the international community in the past one and one half Decades had not resulted in a significant reduction in racism. The Organization's financial situation was one factor that had restricted the implementation of the Programme of Action in the first half of the Decade and ne hoped that at the current session of the General Assembly, another appeal would be made for generous contributions to the Programme's Trust Fund.

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- 11. He drew attention to the Secretary-General's reports on proposed activities for the period 1990-19 (A/42/493) and on racial discrimination in the field of education, training and employment as it affected the children of minorities, in particular those of migrant workers (A/42/492). The United Nations Training Course for Legislative Draftsmen Dealing with Issues of Racism and Racial Discrimination, held in early September 1987, had provided a valuable opportunity for participants to exchange information and share national experience. The Course had identified guidelines for use by States in the preparation of national legislation and had considered the compilation of a handbook which would serve as a practical tool in the anti-racism struggle.
- 12. At their 1987 sessions, both the Commission on Human Rights and the Economic and Social Council, had placed emphasis on the struggle against racism and racial discrimination. As a result, the General Assembly had before it, in addition to the Secretary-General's report on the children of migrant workers (A/42/493), the reports requested in General Assembly resolution 41/94, paragraphs 16 and 21 and in Economic and Social Council resolution 1987/2.
- 13. Referring to agenda item 91, the 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, he said that the General Assembly had kept the item under continuous review since the International Conference on Human Rights held at Teheran in 1968. At its forty-first session, the General Assembly had passed a number of resolutions on the question, including resolution 41/101 in which the Secretary-General was requested to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples and the struggle of oppressed peoples to achieve self-determination; resolution 41/100, declaring firm opposition to foreign military intervention, aggression and occupation and the human rights violations associated with them; and resolution 41/102 urging States to exercise vigilance against the menace posed by the activities of mercenaries. Those items would be taken up again at the current General Assembly session.
- 14. In the spring of 1987, the Commission on Human Rights had adopted six resolutions on self-determination, relating to the Palestinian people, Kampuchea, Afghanistan, Western Sahara, southern Africa and to the use of mercenaries. The issue of mercenaries had also been an important question at the first regular session of the Economic and Social Council: the Council had adopted resolution 1987/61 and had endorsed the decision of the Commission on Human Rights to appoint a Special Rapporteur on mercenaries.
- 15. The documents relating to agenda item 92 included the Secretary-General's report on the status of the International Convention on the Suppression and Punishmen: of the Crime of Apartheid (A/42/449), the 1986-1987 consolidated report of the Committee on the Elimination of Racial Discrimination (A/42/18) and the Secretary-General's report on the question of financing the expenses of the members of the Committee (A/42/468 and Corr.l and Add.l). According to those reports, the number of States parties to the International Convention on the Elimination of

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- All Forms of Racial Discrimination had remained stable for several years at 124, with only 12 of those States recognizing the Committee's competence to consider communications from individuals or groups.
- 16. The 1986 summer session of CERD had been cancelled, and its 1987 summer session drastically curtailed for lack of funds. Despite several appeals made by the Secretary-General and the Genoral Assembly, contributions from States parties had fallen far smort of the sum required to cover Committee members' expenses for the 1987 March session. That meant that the necessary funds had been advanced, once more, from the United Nations General Fund. Despite appeals to States parties from April to July 1987, it seemed the contributions received would not be sufficient for the convening of the thirty-fifth session of the Committee. Finally, in August, CERD had held a one-week session based on promises of early payments, but was informed that the Secretary-General could no longer advance funds for future sessions.
- 17. It was most unfortunate to see the Committee's important work jeopardized by the failure of a number of States parties to meet their financial obligations. As at 30 September 1987, assessments and arrears amounted to \$US 151,623. CERD had a pioneering role to play in ensuring States parties' compliance with their treaty obligations, and in considering individual communications. The Third Committee must therefore focus its attention on the critical situation confronting the Committee.
- 18. Referring to agenda item 92 (b), he said that as at 1 October 1987, 86 States had become parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid. He drew attention to document A/42/449 on the status of that Convention, and to General Assembly resolution 41/103, appealing to States to ratify or accede to the Convention, particularly when they had jurisdiction over transnational corporations operating in South Africa and Namibia. He referred to the report of the Group of Three composed of Algeria, Nicaragua and Sri Lanka, which was based on reports submitted by 15 States parties and contained a number of recommendations on the form and content of reports. He drew attention to resolution 1987/11 of the Commission on Human Rights dealing, inter alia, with reporting guidelines, and inviting States parties to express their views on the responsibility of transnational corporations for apartheid.
- 19. He drew attention to the Secretary-General's notes verbales of 25 June 1987, which highlighted relevant portions of the Convention, the Commission's resolution and the 1987 report of the Group of Three. Those notes also specified time-limits for submitting reports to the Group's 1988 session.
- 20. It was most fitting for the Third Committee to begin its discussion of human rights questions by considering the insidious practices of discrimination. Progress towards eradicating discrimination and racism would be a fitting tribute to the Universal Declaration of Human Rights as its fortieth anniversary drew near.

- 21. Mr. HOPPE (Denmark), speaking on behalf of the Twelve member States of the European Community, said that they rejected all forms of racial discrimination as an affront to human dignity. Racism and racial discrimination were irreconcilable with the ideals of free and democratic societies and the principal responsibility for their eradication rested with Governments. The member Governments of the Community had accordingly taken firm legislative, administrative and educational measures to combat racism and racial discrimination, bearing in mind that enactment of such laws was only a beginning, and subsequent implementation and enforcement were essential. To deny the existence of the problem only made matters worse.
- 22. The United Nations had played a pivotal role in increasing public awareness of the evil of racism and in establis ing international standards and mechanisms to combat it. The Second Decade to Combat Racism and Racial Discrimination and the plan of activities for the first half of the Decade were concrete evidence of the international community's will to make determined and co-ordinated efforts to eliminate racism and racial discrimination throughout the world. The Twelve were ready to work actively to maintain that consensus.
- 23. The Twelve thanked the Secretary-General for his report on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, which presented an overall picture of the efforts within the United Nations system to eliminate racism and racial discrimination. However, they would have appreciated some analytical comments regarding the implementation of the Programme.
- 24. The Twelve noted with satisfaction that the report reflected the broad scope of the Second Decade, and welcomed the continuing emphasis placed on education and training as important tools in the fight against racism and racial discrimination. They appreciated the various handbooks and manuals already prepared or under preparation, and also supported efforts to translate and disseminate the International Convention on the Elimination of All Forms of Racial Discrimination.
- 25. The training course for legislative draftsmen given in New York and focusing on the preparation of national legislation against racism and racial discrimination represented the United Nations at its best, offering the opportunity to translate broad mandates into concrete undertakings. The Twelve hoped that future courses would not be limited to one language.
- 26. Referring to resolution 41/94, he said that the Twelve looked forward to discussing the result of the global consultation on racial discrimination which the Secretary-General would convene in 1988 at the forty-third session of the General Assembly.
- 27. With regard to future activities, the Twelve noted the continuing emphasis on studies, meetings of experts, and seminars, and hoped that such activities, as well as increased efforts on the part of national Governments, would make significant contributions towards the elimination of racism and racial discrimination. They also hoped that the difficulties experienced in the past with regard to the

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implementation of the Programme of Action would be overcome and that the Programme would be implemented as soon as possible.

- 28. Racial discrimination was a universal phenomenon that, in most countries, existed not because of the law but in spite of it. In South Africa, however, the system of apartheid was especially repugnant and unique because it represented an institutionalized, systematic and all-encompassing practice of racism and racial discrimination, which was a gross and flagrant violation of human rights. The Twelve remained gravely concerned about the lack of progress towards the abolition of apartheid in South Africa. However, they noted an increasing awareness on the part of some sectors of the white community that radical changes were necessary. The meeting between a group of individual South Africans and some African National Congress leaders in Dakar showed that common ground could still be found; nevertheless, recent overall developments inside South Africa had not been encouraging. Apartheid could not be reformed; it had to be abolished. The South African Government had to take steps to allow a genuine national dialogue, including the unconditional release of Nelson Mandela, Zephanian Motopheng and all political prisoners; lifting the ban on the African National Congress, the Pan Africanist Congress of Azania and other political parties; and terminating the state of emergency.
- 29. The Twelve had introduced a series of restrictive and positive measures designed to impress upon the South African Government the urgent need for fundamental change and to provide assistance to the victims of <u>apartheid</u>. They were also operating a code of conduct for European Community companies with branches or subsidiaries in South Africa.
- 30. The Twelve continued to monitor developments in South Africa very closely and would continue to review their policies and exert pressure in order to bring about the elimination of apartheid.
- 31. The International Convention on the Elimination of All Forms of Racial Discrimination was one of the most important legal instruments in the field of human rights, and with 124 States parties, had the highest degree of adherence. The Twelve hoped that all States would ratify or accede to the Convention.
- 32. The Committee on the Elimination of Racial Discrimination, which was the monitoring organ established under the Convention, had been facing mounting difficulties. Many States parties were late in submitting their obligatory reports. The Twelve underlined the importance of providing timely, comprehensive and balanced reports to CERD. They supported the invitation extended by resolution 41/121 to the Chairmen of the supervisory bodies to consider a revision of the periodicity of reporting, and welcomed CERD's practice of considering multiple overdue reports in consolidated form.
- 33. Not all States parties had met their financial obligations under the Convention. As was clearly evident from the report of the Secretary-General, the amount outstanding for each States party was very small and no State could justifiably claim that it was not in an economic position to pay. The Twelve

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therefore appealed to the States parties for the urgent settlement of all arrears to enable CERD to proceed with its heavy workload.

- 34. The Twelve underlined the importance of reaching consensus on the draft resolution relating to the report of CERD, and regretted that the consensus had been gradually undermined by the inclusion of divisive and extraneous issues. The resolution should reflect the views of all States parties, and the Twelve were ready to work actively with other interested delegations to re-establish consensus.
- 35. With regard to item 91, it was important to recall that under both International Covenants on human rights, self-determination was the right of peoples, not States. It applied with equal force to all peoples, without discrimination. The Twelve fully supported that right and continued to work for its universal application. They were deeply concerned, however, that many peoples continued to be denied or deprived of their right to self-determination.
- 36. In South Africa a small minority continued to suppress the will of the majority through the system of <u>apartheid</u>. South Africa was also continuing its illegal occupation of Namibia, and the Twelve reiterated their appeal to the Pretoria Government to allow Namibia to become independent on the basis of Security Council resolution 435 (1978).
- 37. The right to self-determination was also being violated through foreign intervention and occupation, as in Afghanistan and Cambodia. The Twelve again called on the invading and oppressing foreign powers to implement the relevant United Nations resolutions and allow those peoples freely to determine their own future. The right to self-determination was further infringed by the entrenchment of régimes which in effect operated on the principle that only they knew what their people wanted, and did not have to elicit the opinion of those people. The Twelve appealed to the Governments concerned to fully respect the principles of the Charter.
- 38. The exercise of the right to self-determination was a continuous process, not a single event. People must have regular opportunities to choose their Gover ments and their social systems freely and to change them if they so wished, without the threat of foreign intervention, a coup d'état or a state of emergency. The United Nations had a very important role to play in this regard.
- 39. Mr. WIRYONO (Indonesia), referring to agenda item 87, said that based on the experience of the first Decade for Action to Combat Racissa and Racial Discrimination, more intensive efforts needed to be made towards the implementation of the Programme of Action for the Second Decade. His delegation looked forward to the finalization of the proposed plan of activities to be implemented during the second half of the Second Decade, and consider that the proposed activities for the biennia 1990-1991 and 1992-1993 met the urgent need to further the cause of combatting racism and racial discrimination for those periods. However, it was necessary to give greater attention to the implementation of the activities for the period 1985-1989.

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- 40. His delegation commended the Department of Public Information for its continuing efforts to disseminate information on combatting racism and racial discrimination, and thought that the recommendation to organize international and regional seminars on the outstanding subjects enumerated in paragraph 39 of document A/42/493 was worthy of consideration by the Committee.
- 41. No single form of discrimination embodied all that civilized nations found regugnant and contrary to the hopes and desires reflected in the United Nations Charter more intensely than the virulent system of apartheid. Despite international condemnation and in flagrant discegard of the resolutions and descisions of the United Nations, South Africa had embarked on an escalating spiral of terror and repression to maintain its institutionalized recism. In that context, his delegation reiterated its demand for the immediate release of Nelson Mandela and all political prisoners. It was imperative that those countries which continued to assist South Africa in the hope that the South African régime would reform its ways should immediately cease all co-operation, aid and support. Any attempt to perpetuate a system which had been denounced as criminal by the entire international community was unacceptable as apartheid could neither be reformed nor improved, but must be eliminated.
- 42. His delegation continued to support the application of mandatory sanctions to bring about the desired changes in South Africa. Indonesia continued to participate in enforcing trade embargoes and other sanctions that would further isolate and eventually bring down the apartheid régime. The increasing divestment by international corporations was encouraging; however, corporations still operating in South Africa should cease their operations until the system of apartheid had been eliminated. It was also necessary to remain vigilant against any attempts to circumvent the sanctions already in place.
- 43. Indonesia, having fought a war of national liberation, attached great importance to the objectives stated in agenda item 91 and remained deeply committed to the ongoing struggles for liberation. His delegation was profoundly concerned over the continuation of the occupation of Namibia by South Africa and the extension of the system of apartheid to the Territory. Indonesia condemned the interim administration of Namibia by South Africa and the unjustified delay in granting total independence. Indonesia would continue to lend aid and support to the people of Namibia and to work with them towards the realization of the right to self-determination and independence.
- 44. The crimes of the South African régime extended beyond the South African and Namibian borders. The South African régime had adopted a belligerent policy against its neighbours and had resorted to military force to destabilize the front-line States. The international community had a moral obligation to render aid and support to those countries.
- 45. The denial of the fundamental and inalienable rights of the Palestinian people and Israel's expansionist activities in the Middle East continued to destabilize the entire region and blocked the effort to achieve a just and lasting peace. His

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delegation supported the convening of an international peace conference on the Middle East. The convening of a conference, however, was contingent on the political will of all the parties concerned. His delegation hoped that the substantive issues to be addressed at such a conference would not founder on matters of procedure.

- 46. Mr. BELASHOV (Ukrainian Soviet Socialist Republic) said that, in proclaiming 1973 the Decade for Action to Combat Racism and Racial Discrimination, the General Assembly had made the complete elimination of racism one of its main objectives. The struggle against racism was based on a firm foundation of international law. Yet racism persisted, including its most dangerous form, as a State ideology. policy and practice, in the case of the system of apartheid.
- 47. In an attempt to preserve its domination at any price, the Pretoria régime was resorting to cruel repression and violence against the indigenous inhabitants of South Africa which was assuming the proportions of genocide.
- 48. The Ukrainian SSR was an active member of the Special Committee against Apartheid. He himself had taken part in the international conference on "Children, Repression and the Law in Apartheid South Africa" held in Harare in September 1987 and had shuddered to hear child victims of the racist terror describe how they had been beaten or tortured with electric shocks or tear-gas and had seen their families and friends shot and killed.
- 49. It had been rightly noted that repression would lead to greater opposition, which could turn into full-scale revolution.
- 50. The apartheid régime also threatened free African States and undermined international peace and security. Pretoria's policy of destabilization in southern Africa was impeding the normal development of many countries in the region and intensifying political, economic, social and other problems affecting the lives of more than 60 million people. The course of events demonstrated that waiting for apartheid to die a natural death or be miraculously transformed meant condemning thousands of inhabitants of South Africa and Namibia to further suffering and death, and perpetuating a hotbed of aggression on the continent.
- 51. The international community could not remain indifferent to the situation in southern Africa. No one was trying to justify apartheid any longer, but verbal condemnation was not enough; effective action was needed so as to close all channels of political, military and economic assistance to the racist régime. Comprehensive mandatory sanctions must be imposed against South Africa under Chapter VII of the Charter. Those who opposed mandatory sanctions were actually provoking racial war in South Africa.
- 52. The apartheid régime remained in power largely because of the assistance provided to it by certain Western countries. The concern in the capitals of those countries about the crisis in South Africa was engendered not so much by gross and mass violations of human rights as by the damage to their political and economic

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interests in the region. The adoption of limited sanctions against South Africa by a number of Western countries represented a definite step forward, but co-peration with the racists was continuing although the United Nations had called for the severing of all ties with the Pretoria régime. A large number of foreign companies and banks maintained links with South Africa. The closing down of operations by a number of companies in South Africa did not indicate a change in their attitude towards apartheid but a decline in the profitability of those enterprises as was openly admitted in some cases.

- 53. The situation in the Arab territories siezed by Israel was another source of serious concern; the occupying forces were treating the Arab population as second-class citizens and subjecting them to mass repression and humiliation. Racist motives lay behind the Israeli leadership's concept of its legitimate living space and its unwillingness to conduct negotiations with the PLO. Israel's policy denying the Arab people of Palestine the exercise of their inalienable rights created a focus of tension in the Middle East which could be eliminated only by convening an international conference on the Middle East with the participation of all interested parties, including the PLO.
- 54. Neo-colonialism, involving the sophisticated plunder of the peoples of developing countries, was also largely based on racism. Failure to recognize the right to development fell into the same category, when the ability of peoples of entire regions to manage their own affairs without outside interference was called into question.
- 55. Racism was not yet extinct in a number of Western countries, whether or not they had anti-racist legislation. The increasingly brutal exploitation of broad masses of the population and its social defencelessness had particularly adverse consequences for racial and ethnic minorities who encountered discrimination in respect of education, medical care and employment. The districts of major cities of developed countries, where the black population, or people of Asian, African or Latin American origin lived, were a sharp contrast to the comfortable white suburbs. Migrant workers were perhaps the most powerless, and were most often targets of constant oppression and humiliation. Reactionary organizations of the host countries, in connivance with the ruling circles, frequently tried to blame migrant workers for the deterioration of standards of living. Thugs from right-wing extremist and pro-fascist organizations openly propagated racial hatred, carried out terrorist acts and harassed foreign workers.
- 56. It was clearly necessary to intensify the struggle against the resurgence of nazism, fascism and neo-fascism in the context of the overall struggle to eradicate racism and all forms of racial discrimination. The full implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination would undoubtedly contribute to the success of that struggle.
- 57. The International Convention on the Elimination of All Forms of Racial Discrimination was an important instrument in the struggle to eradicate racism. The Ukrainian SSR had been a party to it from the outset and faithfully fulfilled

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all its obligations. It had also ratified the International Convention against Apartheid in Sports. His delegation was convinced that if all States became parties to the Conventions against racism and apartheid, the complete elimination of racism would be accelerated. It called upon Governments of States which had not yet done so to adhere to those Conventions.

The meeting rose at 12.05 p.m.