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New York

SUMMARY RECORD OF THE 23rd MEETING

Chairman: Mr. RITTER (Panama)

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6 p.

The meeting was called to order at 3.25 p.m.

AGENDA ITEM 87: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/42/L.10)

AGENDA ITEM 91: 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/C.3/42/L.11, L.12, L.14 and L.15)

AGENDA ITEM 92: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/C.3/42/L.9 and L.13)

Draft resolution A/C.3/42/L.10

1. Mrs. SYLLA-LINGAYA (Madagascar), introducing draft resolution A/C.3/42/L.10 on behalf of the Group of African States, said that, following the statement made to the Third Committee by the Under-Secretary-General for Human Rights, she wished to make a correction to paragraph 20. Rather than reading "and emphasizes the urgency of having the Secretary-General designate operational, viable and effective institutional machinery to this end;", it should read "and emphasizes the importance of having operational, viable and effective institutional machinery to this end;".

2. Although the African Group endorsed the overall thrust of the proposed plan of activities for the second half of the Second Decade to Combat Racism and Racial Discrimination, it noted that the heartbreaking and alarming situation created in South Africa by the racist and criminal policy of apartheid had not been taken into account. The draft resolution therefore was an attempt to improve upon the proposed plan of activities and, if effectively implemented, would constitute an important contribution by the international community to the fight against racial discrimination, racism and apartheid.

3. Mr. ALDRED (Budget Division) said that the collection of model legislation requested in paragraph 8 of draft resolution A/C.3/42/L.10 and the handbook of recourse procedures requested in paragraph 15 had already been mandated by the General Assembly in its resolution 41/94. Both were expected to be finalized in 1988 without the need for additional resources under the regular budget. The costs of the handbook were expected to be financed partially from voluntary contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination. The Centre for Human Rights would be organizing in 1988 the global consultation requested in paragraph 13 of the draft resolution. Provision for that activity had already been made in the proposed programme budget for the biennium 1988-1989.

4. A statement of the programme budget implications of the aforementioned activities had been given to the Third Committee at the forty-first session (A/C.3/41/L.22). Should the General Assembly decide to adopt the draft resolution, the Secretary-General would, as requested in paragraph 18, include the activities embodied in the annex in his programme budget proposals for the biennia 1990-1991 and 1992-1993, for consideration by the General Assembly at those times.

Draft resolution A/C.3/42/L.11

5. Mr. MARWAT (Pakistan), introducing draft resolution A/C.3/42/L.11, said that it was essentially identical to General Assembly resolution 41/100. However, several minor changes had been incorporated to update the draft resolution, including references to the latest resolutions of the General Assembly and the Commission on Human Rights. He hoped that, as had happened the previous year, the draft resolution would be adopted without a vote.

Draft resolution A/C.3/42/L.12

6. Mrs. SYLLA-LINGAYA (Madagascar), introducing draft resolution A/C.3/42/L.12 on behalf of the Group of African States, recalled that the African Group had initiated resolution 41/101, on the same item, at the forty-first session of the General Assembly. The sponsors called on the international community to reaffirm the importance of the Declaration on the Granting of Independence to Colonial Countries and Peoples and also its expression of grave concern and repugnance at apartheid and its determination to eliminate the scourges of racism and racial discrimination.

Draft resolution A/C.3/42/L.14

7. Mrs. GARUBA (Nigeria), introducing draft resolution A/C.3/42/L.14, said that Afghanistan, Bulgaria, Czechoslovakia, Democratic Yemen, Guyana, Mauritania, Seychelles, Syrian Arab Republic, Tanzania and Viet Nam had become co-sponsors. The draft resolution was similar to the relevant Economic and Social Council resolution adopted earlier that year. Drawing attention to paragraph 8, she said that the sponsors hoped that the Special Rapporteur recently appointed by the Commission on Human Rights would be given all possible facilities to enable him to complete his mandate. She reiterated the sponsors' conviction that the draft resolution did not duplicate the Sixth Committee's efforts, which were being conducted on an ad hoc basis and concerned the legal aspects of drafting a convention against mercenarism; the Third Committee was seeking to protect the rights of victims of mercenarism and she appealed to all delegations to support the draft resolution.

Draft resolution A/C.3/42/L.15

8. Mr. STIRLING (United States of America), introducing draft resolution A/C.3/42/L.15, said that, although the concepts in the resolution were not new, the resolution itself was and had engendered much comment, inquiry and consultation in the Committee. Paragraph 1 recalled Article 55 of the Charter, which established a link between respect for, and observance of, human rights and the creation of the conditions necessary for peaceful and friendly relations among nations based upon respect for equal rights and self-determination of peoples. That link was further manifested by the inclusion of the right of self-determination in the International Covenants on Human Rights. The draft resolution promoted the idea that one of the human rights necessary to uphold the principle of self-determination was the right

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of everyone to take part in the government of his country. His delegation emphasized that it was not seeking to reduce the scope of the principle of self-determination. It considered the right to take part in government an important, but not the only, component of self-determination. He drew attention to paragraph 3 of the draft resolution.

9. Articles 73 and 76 of the Charter discussed the obligation of those with administration responsibilities over Non-Self-Governing Territories to promote progressive development towards self-government and free political institutions. The drafters of the Charter had not intended that a process determined according to the freely expressed wishes of the peoples concerned might produce an outcome in which the freely expressed wishes of the people were disregarded or suppressed. Other United Nations documents, including the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, affirmed that action under the rubric of self-determination to dismember or impair the political unity or territorial integrity of States was not justified. That concept was included in paragraph 5 of the draft resolution. His delegation emphasized that nothing in the proposed resolution should be seen as an assault upon the political unity or territorial integrity of any State.

10. Two major studies on self-determination had been produced by Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, one entitled "The Right to Self-determination: Historical and Current Development on the Basis of United Nations Instruments" (E/CN.4/Sub.2/404/Rev.1), carried out in 1981 by Mr. Aureliu Critescu of Romania, and the other entitled "The Right to Self-determination: Implementation of United Nations Resolutions" (E/CN.4/Sub.2/405/Rev.1), conducted in 1980 by Mr. Héctor Gros Espiell of Uruguay. The conclusions of both studies were consistent with the view of self-determination promoted in draft resolution A/C.3/42/L.15. The 1980 study had been cited by Mr. Van Boven, then Director of the United Nations Division of Human Rights, in introducing the item on self-determination to the Third Committee in September 1981. The concept of an internal component of self-determination had also cut across ideological lines when it had been included in the language on self-determination in the Helsinki accords, signed by 35 participating States.

11. The free expression of the will of people and respect for civil and political rights and individual liberties therefore played an essential role in the continuing process of self-determination. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights proclaimed that the expression of the will of the people, which should be the basis of the authority of government, and participation in government and the conduct of public affairs, was guaranteed through the holding of genuine and periodic elections by universal and equal suffrage and secret ballot.

12. The draft resolution was not intended to promote any single type of election or electoral system, but to bring to the attention of the international community the principal work done by the United Nations on the subject of elections. The Draft General Principles on Freedom and Non-Discrimination in the Matter of

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Political Rights, adopted by consensus in the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1962, served to elaborate on the articles pertaining to elections in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It was for each country to decide how its elections were to be conducted but taken as a whole, the Principles were fundamental to carrying out genuine elections.

13. Ms. TEEKAMP (Netherlands) said that her delegation wished to become a sponsor of draft resolution A/C.3/42/L.15.

Draft resolution A/C.3/42/L.9

14. Mr. DUEHRING (German Democratic Republic), introducing draft resolution A/C.3/42/L.9, said that the International Convention on the Suppression and Punishment of the Crime of Apartheid was the most comprehensive, binding instrument of international law for combating the crime of apartheid. According to the report of the Secretary-General (A/42/449), 85 States had ratified or acceded to the Convention, thereby demonstrating the great importance which the majority of Member States, in conformity with their obligations under the Charter, attached to the struggle against racism as embodied, in particular, by the inhuman system of apartheid in South Africa. Definite action to overcome apartheid, which involved mass violations of human rights, must not be delayed further. The main objective of the draft resolution, as in previous years, was therefore to further enhance the universality and effectiveness of the International Convention.

Draft resolution A/C.3/42/L.13

15. Mrs. NIKOLIC (Yugoslavia), introducing draft resolution A/C.3/42/L.13, said that Colombia, Pakistan and Sweden had become co-sponsors. The principal aim of the draft resolution was to help resolve the continuing financial difficulties which were impeding the normal functioning of the Committee on the Elimination of Racial Discrimination (CERD). At a time of disquieting racial prejudice and discrimination, it was paradoxical that the unique monitoring machinery established under the most universally accepted human rights instrument was being paralysed by the failure of a number of States parties to fulfil their financial obligations under the Convention. In order to avoid uncertainty regarding the convening and duration of future sessions of CERD, ensure continuity in its work and effect savings, particularly in air fares for experts, the possibility of holding a single annual session of extended duration as an exceptional measure seemed to be a logical approach. The final decision would, of course, rest with the States parties at their meeting in January 1988. The sponsors hoped that the draft resolution would be adopted by consensus.

16. The CHAIRMAN said he understood that further consultations were needed in order to reach agreement on the draft resolutions just introduced to the Committee. He urged delegations to expedite those consultations so as to enable the Committee to take action on the draft resolutions as soon as possible and conclude its consideration of the first cluster of items.

17. Mrs. WARZAZI (Morocco) suggested that the Committee should make a start by approving the draft resolutions adopted by consensus in previous years.

18. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolutions A/C.3/42/L.10, L.11 and L.13 without a vote.

19. It was so decided.

The meeting rose at 4.25 p.m.