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SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. TSHERING (Bhutan)

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* Items considered together.

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

AGENDA ITEM 103: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued)
(A/50/18, A/50/425-S/1995/787, A/50/467, 468, 476 and 493)

AGENDA ITEM 104: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/50/390
and Add.1, 407 and 485)

1. Mr. LACLAUSTRA (Spain), speaking on behalf of the European Union, firmly condemned the practice of ethnic cleansing in the former Yugoslavia and stressed that it should in no way be considered legitimized in the context of a peace settlement. It was of great importance that those responsible should be tried by the International Criminal Tribunal for the former Yugoslavia and that the international community should contribute decisively to the rebuilding of societies shattered by years of conflict. The Union hoped that stable political settlements could be reached in the conflicts in Chechnya, Tajikistan, Nagorny Karabakh and Abkhazia and called on all parties concerned to redouble their efforts in that respect.

2. The States members of the European Union were concerned about the many serious incidents of racial or ethnic discrimination and racially motivated violence in their own societies. In addition to actions undertaken at the national level, they had launched a Union-wide effort to combat those manifestations. In 1994, the heads of State and Government of the European Union had decided to elaborate an overall strategy to combat acts of racism and xenophobic violence. A consultative commission of eminent personalities had been assisting the Union in that regard. Other measures relating to the laws and judicial and administrative procedures of member States concerning racism and xenophobia were under consideration. The work of the International Tribunal for Rwanda and the setting up of a commission of inquiry in Burundi should help counter the pervasive climate of impunity in those countries.

3. Wherever racial violence occurred, a sound judicial system, including an adequate legal basis and sufficient enforcement mechanisms, must be ensured. The European Union had contributed both observers and resources to the human rights field operations in Rwanda and Burundi and called for an increase in the financial means placed at the disposal of the High Commissioner for Human Rights in that regard. The Union was convinced of the need for a conference on peace, security and stability in the Great Lakes region in Africa to reduce the deep-seated causes of instability in the region. All countries in the area must commit themselves to the same objectives, at the same time and with the same determination.

4. Addressing the root causes of ethnic violence involved the development of early-warning measures to prevent and respond to conflicts. The treaty-monitoring bodies were in a position to make a significant contribution in that regard. As part of the ongoing efforts for the Third Decade to Combat Racism and Racial Discrimination, the Committee on the Elimination of Racial Discrimination and other relevant mechanisms, in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, should devise an active approach to promoting

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tolerance. Other relevant actors, such as regional bodies and non-governmental organizations, should also contribute to the implementation of the Decade.

5. Turning to item 104, he said that the European Union reaffirmed its full recognition of the right to self-determination, the exercise of which was intrinsically linked to the enjoyment of other human rights. Democratic and representative political structures could be of paramount importance in averting any potential conflicts between the right of self-determination and the territorial integrity of sovereign States. Massive violations of the human rights of persons belonging to minorities had accounted for some of the most persistent conflicts in the past few years. Efforts by Governments to strengthen the rule of law and democratic institutions could help avert serious crises. The international community could play an important role in supporting those efforts through technical assistance and advisory services.

6. The European Union expressed its deepest satisfaction at the recent signing of the Interim Agreement between Israel and the Palestine Liberation Organization, and urged both sides to continue working to implement the provisions of the Agreement and to refrain from any action that might affect the status quo until the conclusion of the ongoing negotiations. The Union, which continued to be the main donor for the occupied territories, remained concerned about the budget deficit of the Palestinian Authority for 1995 and called upon all members of the donor community to make their contributions to meet its needs.

7. The European Union welcomed the signing of the Treaty of Peace between Israel and Jordan and the recent resumption of negotiations between Israel and the Syrian Arab Republic. It also hoped that the sovereignty and territorial integrity of Lebanon would soon be restored within the framework of the Middle East peace process.

8. The European Union reiterated that the status quo in Cyprus was unacceptable and supported the efforts of the Secretary-General to bring about a negotiated and comprehensive settlement of the Cyprus question in accordance with the relevant Security Council resolutions. With regard to Western Sahara, the Union called upon both parties to refrain from anything that would hinder the holding of a free and fair referendum for the exercise of the right of self-determination. The European Union continued to support a dialogue without preconditions between Portugal and Indonesia on East Timor and encouraged all efforts aimed at a just, comprehensive and internationally acceptable settlement of the question of East Timor in accordance with the principles of the Charter of the United Nations.

9. The Union called upon the Myanmar authorities to ensure full and free participation by all political and ethnic groups in the political process and the restoration of democratic institutions in that country. It welcomed the release of Daw Aung San Suu Kyi as a first step in that direction. The Union welcomed the steps towards national reconciliation in Haiti and stressed again the need for a thorough review of logistical and administrative procedures in time for the presidential elections scheduled for the end of 1995. The Union continued to support the efforts of the people of Haiti themselves to ensure security and democracy.

10. Mr. MEKIDAD (Syrian Arab Republic) said that his country's Constitution and laws demonstrated its active participation in the fight against racism and racial discrimination, as did the fact that it was a signatory to all the relevant international conventions.

11. He said that his country supported the Middle East peace process because of its belief in the underlying principles of that process, which should not be used to satisfy Israeli ambitions and confirm its control over occupied Syrian and Palestinian land. Israel had continued for nearly five decades to deny the Palestinians their most basic human rights, the most important of which was the right to self-determination.

12. He wondered why so much of the world kept silent in the face of Israel's infractions of human rights and continued illegal occupation of the Syrian Golan and South Lebanon, which did nothing to promote regional peace and security, but rather, exposed the region and the rest of the world to serious danger.

13. The right to self-determination and the elimination of all forms of racial discrimination were prerequisites for all human rights. Failure to grant the freedom of people living wholly or partly under foreign occupation would in no way contribute to security and stability, nor achieve the goal of those who had founded the United Nations, that mankind should enjoy rights and live in dignity.

14. Mr. FERNÁNDEZ (Cuba) said that, despite the great victory for humanity represented by the dismantling of apartheid, the emergence in recent years of new forms of racism, more insidious and difficult to combat, had demonstrated the need for continuing vigilance and action. The resurgence of racism and xenophobia, combined with the emergence of extreme right-wing political organizations, Fascist groups and neo-Nazi parties were cause for grave concern. The right to freedom of expression and the right of association must no longer be used as a smokescreen to hide incitement to racial hatred and xenophobic violence and, in that connection, he stressed the importance of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. His country endorsed the call for more forceful action against such repugnant practices.

15. His delegation was particularly concerned by the institutionalization of racism. In such cases, hate and discrimination were fomented to serve political ends, borders between countries were blocked to stop immigration, social welfare programmes were cut and affirmative action programmes eliminated, and draconian legislation was instituted to prevent the children of immigrants from gaining access to basic health and education services. In that connection, his Government fully endorsed the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. It also supported the recommendation of the Economic and Social Council with regard to the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance. It hoped that the Special Rapporteur and the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination would receive the additional resources needed.

16. The right of every State to the full exercise of its national sovereignty and of every people to self-determination, free of foreign interference or intervention, was the foundation of the post-war legal order and of the United Nations. Yet concepts such as "limited sovereignty" and the "right of interference" were gaining influence. The United Nations had to seek other ways to promote peace, security and development. A matter of concern were the repeated attempts to modify the concept of self-determination, introducing ideas and criteria which failed to correspond to the Charter and to the relevant resolutions of the General Assembly. The Third Committee must, sooner or later, take that matter into consideration in order to eliminate such inappropriate approaches.

17. Peace could be attained, above all, by respecting the territorial integrity, cultural diversity and political plurality of all nations. Certain States, far from yielding to ideas imposed from without or to the call of uniformity, were claiming their own voice within the United Nations and the right to development and to provide their people with a dignified life.

18. Exercise of the right of self-determination was a precondition for the realization of all human rights. Universal respect for human rights could not be attained under conditions of foreign occupation or domination. In that connection, the agreement concluded between Palestine and Israel was encouraging. His country hoped that it would lead to a just and lasting solution which would embrace all the States in the region and under which the Palestinian people could exercise its inalienable rights, including the right to its own fully independent State.

19. His Government would also continue to claim from the United States of America the return of the territory of the naval base of Guantánamo, taken from Cuba against the will of its people.

20. His country commended the work and endorsed the recommendations of the Special Rapporteur on the question of the use of mercenaries. It was to be hoped that such pernicious practices could be stopped by the end of the century.

21. Mr. TELLO (Mexico) said that United Nations efforts to combat racism and racial discrimination over the past 50 years had mainly been directed towards the eradication of apartheid. The fruit of those efforts, was a united and democratic South Africa, without racial distinctions.

22. Sadly, new forms of racism and xenophobia were emerging throughout the world, giving rise to concerns within the international community and preventing thousands of individuals from the full exercise of their human rights and fundamental freedoms. The United Nations must make one of its primary goals the eradication of those phenomena, basing its efforts on the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. In that connection, his Government wished to acknowledge the important contribution of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, especially in view of the severe financial limitations under which he had been working.

23. His delegation was concerned by the significant delay in issuing the documentation related to the agenda item on racism and racial discrimination. As in the previous year, it regretted the tardy publication of the report of the Special Rapporteur which, had it been available, could undoubtedly have contributed more to efforts in that area.

24. Respect for the richness of cultural diversity was basic to the elimination of racism and xenophobia. In practical terms, the campaign against racism and xenophobia must be carried out by developing educational programmes, punishing those responsible for such practices, opening up new opportunities for members of racial and ethnic minorities and ensuring, at all levels, respect for human dignity.

25. Of particular concern to his delegation was the increase in racism and xenophobia against migrant workers and their families. Racist statements, blaming all the evils of society on immigration, were often part of election campaigns. Such pronouncements resulted in a climate of hostility and violence against immigrants. In that connection, his Government opposed proposition 187 which, if implemented, would bar children of immigrants in the state of California from health, education and social services, in violation of the basic human rights of one of the most vulnerable migrant groups. Respect for the human rights of migrant workers, independent of their status, must be granted in countries where those workers lived. All Governments should accordingly take firmer action to combat racism directed against migrant worker populations.

26. Ms. FENG Cui (China) said that the fiftieth anniversary of the United Nations gave added significance to consideration of the topic of the elimination of racism and racial discrimination. Over the past 50 years, in accordance with its Charter, the United Nations had made outstanding contributions towards decolonization, the elimination of apartheid and the promotion of international cooperation in the economic and social fields. Its efforts to combat racism had been vital to ensuring human rights and fundamental freedoms and maintaining international peace and security. Today the international community had accepted as a basic human right the idea of equality among individuals regardless of race, colour or religion. Activities implemented during the first two decades to combat racism and racial discrimination had had an important impact in many countries. The Third Decade would take the struggle to a new level.

27. In 1994, South Africa, under United Nations auspices, had held its first democratic election, signalling the end of apartheid. That great victory for the South African people, and the African peoples in general, had grown out of a long and arduous struggle, supported by the international community. Yet, the struggle against racism around the globe was far from over. Neo-Nazi activities, xenophobia, intolerance and racial conflict were part of the current climate. The world was going through a transitional period as old patterns were being replaced by new ones. It was a good opportunity for the international community to eliminate all forms of racism.

28. The reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had helped provide a better understanding of racism in its current forms and had given

impetus to the fight against it. The international community must create the conditions needed for the Special Rapporteur to continue his work. It must also mobilize more resources and take more effective action to realize the objectives of the Programme of Action for the Third Decade.

29. The right to self-determination of nations and peoples under colonial rule and foreign occupation was a principle of international law and a universal right recognized by the United Nations. A correct understanding and preservation of that right was in keeping with the interests of all peoples and of the international community as a whole. It precluded foreign invasion or interference, and implied respect for the independence, sovereignty and territorial integrity of nations and for the right of peoples to choose their own political future and social system. The numerous United Nations instruments on human rights provided clear explanations as to the application of the principle of the right to self-determination. The international community must support the struggle of people for self-determination and oppose any attempt to create racial tension or violate the territorial integrity of a nation under the pretext of safeguarding self-determination; such attempts only intensified racial conflicts, which might trigger civil war and regional conflict and, ultimately, threaten international peace and security.

30. Her delegation welcomed the recent signing by Israel and the Palestine Liberation Organization of the Interim Agreement on the West Bank and the Gaza Strip, which represented a further step on the road to peace in the Middle East. It was not the final solution, however. The Palestinian people would not yet be able to enjoy fully the human rights and fundamental freedoms, including self-determination, which had long been denied to it. The international community should continue to strive for a comprehensive, just and lasting peace in the Middle East, which would contribute to stability in the region and the world as a whole.

31. Mr. BOUCHMARINOV (Russian Federation) said that the 1993 World Conference on Human Rights had defined the speedy elimination of all forms of racism, xenophobia and related intolerance as a priority task of the international community. Stepped-up efforts at the national level to prevent and eliminate those phenomena were essential. A presidential decree on measures to coordinate action by State bodies in combating fascism and other forms of political extremism had entered into force in the Russian Federation in March 1995; it provided for a range of measures to prevent the stirring up of racial, national and religious discord and intolerance. In order to strengthen domestic legislation guaranteeing equality, the Russian Federation was interested in the speedy preparation and dissemination by the Secretary-General of draft model laws against racial discrimination.

32. Education in the field of human rights and tolerance was an important factor in combating racism. Although his country had already taken steps in that regard, more remained to be done. The speedy development by the United Nations Educational, Scientific and Cultural Organization, in accordance with General Assembly resolution 49/146, of educational materials and training courses on human rights and combating racism were particularly relevant. The Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related

intolerance and other United Nations treaty-monitoring bodies should give due attention to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and provide information on how they were promoting observance of the Declaration. As requested in General Assembly resolution 49/146, the Secretary-General should continue the study on the effects of racial discrimination on the children of minorities and migrant workers in the fields of education, training and employment, and should submit specific recommendations.

33. In order to enhance the protection of minorities, contacts should be established between the inter-sessional group on minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities, the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism. In addition, the inter-sessional group should consider the question of setting up a mechanism to prevent and settle disputes connected with minorities.

34. It was important to identify new types of racism and step up efforts to combat them. United Nations human rights bodies should investigate discrimination against ethnic minorities based on "historical justice" before that phenomenon gave rise to further conflicts. It would also be useful to conduct research and put forward conclusions on the effects of indirect forms of discrimination on the implementation of basic human rights, such as freedom of movement.

35. Mr. CONTINI (France), speaking in exercise of the right of reply, said that his delegation deeply regretted the surprising, arbitrary and unjust connection drawn at the previous meeting by the representative of Papua New Guinea between the elimination of racism and nuclear testing. That manner of thinking represented a confusion of topics, an amalgam which appeared deleterious to the harmonious and non-political progress of the work of the Committee.

36. With regard to the substance of the issue, he wished to reiterate that his country was carrying out its final nuclear tests with a view to a definitive end to testing, which would be enshrined in its choice of the zero option under the Test Ban Treaty.

37. Mr. RAI (Papua New Guinea), speaking in exercise of the right of reply, said that in his statement he had only been reflecting the outrage of the leaders of the countries of the South Pacific, whose concerns had been dismissed by the French Government as irrelevant. In his view, that constituted racial discrimination. Furthermore, if those concerns had been respected, the tests would have been carried out in the Atlantic Ocean. His country, along with the others in the region, firmly opposed any continuation of nuclear testing in the South Pacific by the French Government.

The meeting rose at 11.45 a.m.