



SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. RITTER (Paraguay)

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

AGENDA ITEM 87: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORTS OF THE SECRETARY-GENERAL (continued) (A/42/3, A/42/492, A/42/493)

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: REPORTS OF THE SECRETARY-GENERAL (continued) (A/42/448)

AGENDA ITEM 92: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/42/18, A/42/449, A/42/468 and Corr.1 and Add.1)

1. Ms. CLARK (New Zealand) said that the first matter for discussion in any consideration of racism was the persistence of apartheid in South Africa where racism, in its most pernicious manifestation, was a State doctrine maintained by force of arms. Regrettably, there seemed to be little prospect that the South African Government would voluntarily abandon its apartheid policy, and virtually no prospect of eliminating it unless more countries took effective action. Her country had implemented the measures agreed upon by the Commonwealth Heads of Government in 1985, had given effect to all relevant decisions and recommendations of the Security Council, and was ready to comply fully with all sanctions imposed by the Security Council.

2. New Zealand was a member of the Intergovernmental Group established by the General Assembly to monitor the supply and shipping of oil and petroleum products to South Africa. There was no doubt that South Africa's dependence on imported oil was one of its most vulnerable points; despite the embargo, however, oil was continuing to reach South Africa. Without strict enforcement of the embargo and the adoption by all South Africa's major trading partners of other measures already widely agreed on, there was no reason to believe that international pressure would persuade the South African Government to negotiate a just and lasting solution that required participation by genuine representatives of the black majority population of the country.

3. Even in societies where equality was respected and there was no discrimination, constant vigilance and efforts were needed to ensure that those principles continued to be upheld. Her country took very seriously its obligation as a Member of the United Nations to work towards the elimination of racial discrimination in its own society. Much had happened in New Zealand in the past 12 months. Rapid social change was taking place, catalyzed by the Maori "renaissance". The Maori people were increasingly asserting the rightful place of their culture, language and values in New Zealand society, offering an education in racial equality to all racial and ethnic groups, including other minority groups.

(Ms. Clark, New Zealand)

4. The requirement that the two most important cultures in New Zealand should adjust to each other had not met with the same reception in all quarters. There were many reasons for that, in particular, fear and ignorance. The Government of New Zealand was confident that the current frank and public dialogue, conducted through newspapers, television, schools and other public fora between all sections of society, would ultimately dispel fear and prejudices.
5. One of the major steps taken by the Government in the past year had been to amend the Treaty of Waitangi Act. The Treaty had been signed in 1840 between representatives of the British Crown and the Maori people. A tribunal had been set up in 1975 to hear grievances about alleged breaches of the Treaty by the Crown, and to make recommendations on the subject. The 1987 amendment extended the jurisdiction of the tribunal back to 1840 and provided that Maoris could submit claims arising from the prejudicial consequences of any legislation, policy or action of the Crown since that date. The Parliament had recently passed an act recognizing Maori as an official language of the country. Furthermore, a Ministry of Pacific Island affairs had been created to provide support for the various racial groups living on the islands of New Zealand.
6. The International Convention on the Elimination of All Forms of Racial Discrimination was the foundation of all United Nations efforts against discrimination. Her country was proud to be a party to it, and ensured that it was respected in both spirit and letter. The work done by the Committee on the Elimination of Racial Discrimination was an essential element in the international community's fight against racial discrimination. It was to be regretted, therefore, that the problems facing that Committee - the lack of money to cover the costs of its meetings, and the problem of overdue reports - had not yet been resolved and had been debated at length within the Third Committee.
7. The fact that some States parties did not pay their assessed contributions diminished the effectiveness of the Committee, which was prevented from meeting as often as necessary. Of the \$204,000 in assessed contributions for 1986 and before, \$151,000 still remained to be paid. The Committee had recommended the General Assembly to consider the possibility of authorizing the Secretary-General to continue to meet the expenses incurred by Committee members, which would mean a reversion to the practice applied before the financial crisis of the United Nations. Her country did not consider that a solution. The financial crisis of the Organization had not been resolved; moreover, there was a question of principle involved. Under the Convention, States parties undertook responsibility for the expenses of the members of the Committee while they were in performance of Committee duties, and failure to meet that obligation was not an inconsequential matter. It was to be hoped that States parties would manifest their commitment to the Convention by paying their respective contributions.
8. The problem of overdue reports, which now totalled 135, was being aggravated by the Committee's inability to meet. For financial reasons, the August session had been reduced from the usual three weeks to just one, leaving the Committee unable to consider the 42 periodic reports from States parties which were before

(Ms. Clark, New Zealand)

it. If reports were neither submitted nor considered on time, the entire reporting mechanism lost its *raison d'être*. Her country hoped that the experts on the Committee would support the proposal for reporting requirements which had been endorsed in April by the States parties; namely, that States parties, after the submission of comprehensive initial reports, should submit comprehensive reports only every second time thereafter, and briefer interim reports in between. Such a step would help to resolve the problem caused by the backlog of reports and maintain confidence in the reporting mechanism and, thus, the Committee.

9. The Charter of the United Nations proclaimed the right of peoples to self-determination, but there were parts of the world where the decolonization process still had some way to run. In particular, there was Namibia, illegally occupied by the South African Government in direct contravention of the principles of the Charter. Her Government would not settle for anything short of full implementation of the United Nations plan for the independence of Namibia contained in Security Council resolution 435 (1978).

10. At its forty-first session, the General Assembly had restored New Caledonia to the list of Non-Self-Governing Territories. In August 1987, the Committee on Decolonization had reaffirmed the inalienable right of the people of New Caledonia to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples. Her country strongly supported that decision.

11. Mrs. BARRON (Barbados) said that although deeds were more important than words, it was sometimes necessary to emphasize the arguments in order to make people realize how important it was to act decisively in the field of racial discrimination, apartheid and self-determination.

12. With regard to the proposal to reduce by one day the time allotted for consideration of those items and to increase that allotted for consideration of human rights accordingly, she said that, although human rights were of vital importance, the issues which the Committee was now considering demanded the greatest possible attention. In any event, it was clear that both sets of issues were closely related. Nothing could be more terrible than to be denied the most basic human rights because of the colour of one's skin. Nothing could be more terrible than to live in one's own country without having the right to vote and other basic rights which were fundamental aspects of self-determination.

13. The institutionalization of apartheid had been the subject of many debates; however, the human aspect, in particular, the repercussions which apartheid had on two groups which were of particular concern to the Committee, women and children, could not be over-emphasized. Apartheid was embodied in the legislation but it also had a profound impact on peoples' entire lives. For example, some people did not have access to decent housing because the areas assigned to the black population were totally dehumanizing. Furthermore, some people had to resign themselves to sub-human wages simply because of the colour of their skin. Accordingly, apartheid was much more than words. Those who opposed the system were

(Mrs. Barrow, Barbados)

forced to go into hiding so as to escape arrest and children were separated from their parents. During the past 11 months, 12,000 children had disappeared, having been taken from their homes for re-education because it was felt that children did not need their parents between the ages of 7 and 14 years and that the State could bring them up as it saw fit.

14. Apartheid could not be softened or changed so long as the legislation which supported it remained in effect, so long as people remained under arrest and so long as there was no freedom of opinion. It was necessary to combine words with action and to try to adopt specific measures. In that connection, the views of all States, whether large or small, were equally important.

15. With regard to decolonization, it was necessary to take into account what was happening in Namibia and, more recently, in New Caledonia. The Committee could work effectively only if all States, both the industrialized nations and the newly-independent nations, put their intentions into practice and reminded those who seemingly could not be persuaded that resolutions adopted by the United Nations concerned human beings in the first instance.

16. Mrs. GORBUNOVA (Byelorussian Soviet Socialist Republic), referring to the United Nations many achievements in the field of decolonization and the struggle against racial discrimination and racism, said that in the Byelorussian SSR, and in the other Socialist countries, the situation in that respect was highly satisfactory, since exploitation of man by man, unemployment, ethnic oppression, poverty and illiteracy had been eliminated and all ethnic groups enjoyed fundamental rights and freedoms. The Soviet Revolution had made it possible to consolidate the equality of peoples.

17. The campaign against racism was vital in order to establish international relations based on mutual trust. The Socialist countries considered that it was now more important than ever to achieve fruitful co-operation with all Governments, international organizations and movements concerned with the future of the world. All States must take concrete measures at the national level and must co-operate at the international level in order to eradicate apartheid and other forms of racial discrimination.

18. The Byelorussian SSR had ratified and signed all the international instruments in that area and it adhered to their provisions; it therefore considered that it had sufficient moral authority to urge other States to follow suit and to call upon countries which had not yet become party to those instruments to accede to them so as to secure universal implementation of the norms set forth therein.

19. Notwithstanding the great efforts made by the international community during the first Decade for Action to Combat Racism and Racial Discrimination and the early years of the second decade, the objective had still not been reached. Millions of people continued to be the victims of inequality. There were manifestations of racism even in some countries which professed to be democratic. South Africa continued to pursue its policy of apartheid, the most abhorrent form

(Mrs. Gorbunova, Byelorussian SSR)

of racism. In that context and bearing in mind the increasingly explosive situation prevailing in southern Africa, Economic and Social Council resolution 1987/2 whereby the Council decided to give particular attention to the specific activities of the Programme of Action for the Second Decade, acquired particular relevance.

20. Irrespective of what they said the position which States took on apartheid reflected their real attitude towards the most serious human rights violations. As stated in the report of the Secretary-General concerning the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/42/449, para. 6), the total number of ratifications of and accessions to the Convention came to 85. Her delegation endorsed resolution 1987/12 of the Commission on Human Rights which appealed to States to ratify, accede to and implement the international instruments against racism and racial discrimination. Support for the Convention and implementation of its provisions were prerequisites for the Convention's effectiveness. As was pointed out in the report of the Group of Three established under the Convention (E/CN.4/1987/28), the Convention must be ratified by the States which had jurisdiction over the transnational corporations operating in South Africa and in Namibia. The complicity of the transnational corporations in racist exploitation in South Africa and Namibia and the various forms of assistance they afforded the racist régimes meant that the States Parties to the Convention must deem those corporations guilty of the crime of apartheid, in accordance with article I, paragraph 2, of the Convention.

21. The Byelorussian SSR felt that it was necessary to implement the decisions of United Nations bodies concerning South Africa and it supported the just demand of the African countries and other States that the Security Council should implement mandatory measures under Chapter VII of the Charter. Security Council resolution 435 (1978) concerning the independence of Namibia must be implemented. Her delegation also endorsed the communiqué issued on 21 August 1987 by the Co-ordinating Bureau of the Movement of Non-Aligned Countries (A/42/520).

22. During the remainder of the Second Decade for Action to Combat Racism and Racial Discrimination the holding of public hearings on the activities of transnational corporations in South Africa and in Namibia and the preparation of studies such as that prepared by the Special Rapporteur, Mr. Hammé Khalifa, (E/CN.4/Sub.2/1987/8/Rev.1) would be particularly important. Implementation of the Programme of Action for the Second Decade must not be impeded by the financial difficulties of the United Nations.

23. The Byelorussian SSR strongly supported the national liberation movements which were struggling for their peoples' independence and self-determination. The African National Congress (ANC), which had just celebrated its 75th anniversary, was remarkable for the dedication of its members to the struggle for full equality. The international community demanded the release of the ANC leader, Mr. Nelson Mandela, who had been in detention for 25 years, and it protested the recent detention of leaders of the South West Africa People's Organization (SWAPO) and of trade union organizations. Determined support for the national liberation movements and for the front-line States must be a major part of the Programme of Action.

(Mrs. Gorbunova, Byelorussian SSR)

24. Her delegation endorsed the plan of activities proposed by the Secretary-General for the second half of the Second Decade for Action to Combat Racism and Racial Discrimination, 1990-1993 (A/42/493, sect. IV). She trusted that implementation of that plan would help eliminate apartheid in South Africa, eradicate the vestiges of colonialism, enable the Arab people of Palestine to obtain its sovereignty and self-determination and develop relations of mutual respect among States. Improving the social situation of millions of people thanks to the Plan of Action would, in turn, enhance the authority of the United Nations.

25. Mr. BOSLEY (Canada) said that racism and racial discrimination was not so much a legal or constitutional problem, because all members of the Committee rejected racism as a matter of policy, but more a problem of moral sensitivity. The answer lay in education, changing the way people thought and disseminating the conviction that all human beings had the same rights. Although much had been done to achieve that goal, much still remained to be done.

26. Referring to the financial difficulties with respect to the meetings of the Committee on the Elimination of Racial Discrimination, he emphasized that efforts must be made to overcome those difficulties creatively so that they should not prevent the Committee from achieving its fundamental objectives.

27. Referring to the question of apartheid, he observed that South Africa was the only country where racism was practised as State policy and where there were gross social, economic and political inequalities based on race. In that connection, he noted that Canada followed a very clear policy towards apartheid and he recalled that its Prime Minister, Brian Mulroney, had condemned that system, calling it intrinsically evil. Pressure had to be brought on the Government of South Africa to adopt meaningful measures to dismantle the system of apartheid and initiate negotiations with authentic black leaders towards a representative government based on racial pluralism. The international community must make that point quite clear to the Government of South Africa in collective actions in the United Nations and other multilateral bodies such as the Commonwealth and the French-speaking community and in bilateral actions taken by each country towards South Africa.

28. Canada, which had acted on all the measures agreed to at the Nassau and London Meetings of the Commonwealth Heads of Government, was participating in a number of direct and multilateral programmes with scholarships, legal aid and other types of assistance to the victims of apartheid. It was also supporting the efforts of the front-line States to develop their economies and reduce their economic dependence on South Africa. Canada had recently hosted the Second Summit of the French-speaking Nations, which had condemned apartheid and had established a new scholarship programme for black South Africans. Consideration of the various means of combating apartheid would also be a priority item at the meeting of Heads of State and Government of the Commonwealth nations to be held in another week at Vancouver.

29. Mr. QUINN (Australia) stressed the profound impact which the United Nations had had over the years in the areas of self-determination and the elimination of racial discrimination. Although the process of decolonization was virtually complete, important residual problems remained to be resolved. In particular, Australia regretted that South Africa was continuing to flout Security Council resolution 435 (1978) and had made a linkage between negotiations on the implementation of the resolution and the presence of Cuban personnel in Angola. It was also concerned about the fate of the Namibians, who were labouring under a variety of impediments to the enjoyment of their human rights and fundamental freedoms.

30. With regard to the problem of the Middle East, Australia wished to place on record its support of the right to self-determination of the Palestinian people and their right, if they so chose, to establish a State of their own. At the same time, the right of Israel to exist within secure and recognized borders must be recognized in pursuance of Security Council resolutions 242 (1967) and 338 (1973).

31. He deplored the continued denial of the right of self-determination to the people of Kampuchea. The plight of the Kampuchean refugees, especially those in the border camps in Thailand, highlighted the strong antipathy to the Vietnamese presence. Australia had endeavoured to bring about a solution acceptable to all the parties on the basis of the withdrawal of Vietnamese forces and measures to prevent a return of Pol Pot.

32. In Afghanistan, the Secretary-General had made commendable efforts to find a political solution to a problem which could only be rooted out when the Soviet Union withdrew from the country in accordance with United Nations resolutions. Australia lamented the huge loss of life and the material destruction wrought by the conflict and could not overlook the humanitarian burden borne by Pakistan resulting from the outflow of millions of refugees.

33. In the area of racial discrimination, United Nations efforts had been focused squarely on apartheid. The Third Committee could make a significant contribution to those efforts by giving primary emphasis to the plight of individual South Africans struggling to assert their rights and fundamental freedoms. Australia had intervened directly in various human rights cases and had been conscious of the need to support courageous individuals opposing apartheid and seeking to defend the rights of its victims. Australia had also tried to promote the welfare, education and training of black South Africans and Namibians by launching a five-year \$A 5 million programme. Those bilateral activities were an important complement to the multilateral measures it supported. With regard to the effects of the restrictions imposed on the media by the South African authorities, it deplored the strict curbs on the press because they had seriously set back the effort to create an informed world public opinion.

34. All societies suffered in varying degree from the scourge of racial discrimination. His delegation therefore viewed with profound concern the fact that the Committee on the Elimination of Racial Discrimination was being paralysed by the failure of the States parties to pay the contributions which they had been

(Mr. Quinn, Australia)

assessed under the Convention. It was not an acceptable solution to use the regular budget to bail out the Committee because it would mean that the countries which complied with their financial obligations would have to pay not only their regular budget contributions, but special assessments to CERD. As a co-sponsor of General Assembly resolution 41/105, Australia fully supported the efforts initiated by Yugoslavia at the forty-first session to find a practical solution to the problem. It looked forward to contributing to a further resolution on the question to be submitted to the current session. With regard to the system of periodic reporting to CERD, it was gratified that the meeting of States parties held in April had endorsed the Australian proposal for an adjustment of the format and hoped that the adjustment would yield better results.

35. Since 1983, Australia had sought to maintain consensus on the Decade to Combat Racism and Racial Discrimination and had supported the Secretariat's practical approach to the activities of the Decade. It welcomed the adjustments made by the Secretariat in response to suggestions and views expressed concerning activities for the second half of the Decade. The approach in the Secretary-General's report, which would consolidate system-wide activities of the United Nations in the field of racial discrimination and apartheid under the umbrella of the Decade, was logical and helpful. On that point, the review being undertaken by the Special Commission of the Economic and Social Council should take due account of the need to improve co-ordination between the various United Nations organs dealing with racism. He deplored the fact that he had been unable thus far to elicit the total figure for United Nations expenditure in that field, despite repeated requests by his delegation.

36. The initiatives relating to the preparation of teaching materials, in which Australia had actively participated, might help to develop tolerance and understanding in young people. When the Secretariat presented human rights materials on 10 December, delegations should use the opportunity to offer comment on what more could be done in the public information field to deal with racism. With resources so scarce, priority should be given to practical activities like the training course for legislative draftsmen given in New York, the preparation of the handbook of recourse procedures for the victims of racial discrimination and the collection of model legislation.

37. The activities proposed under the Decade programme for the biennia 1990-1991 and 1992-1993 required careful examination. For example, the emphasis on seminars in preference to training courses, which were more cost-effective, should be reconsidered. A few of the proposals seemed to lack focus and practical orientation. Items (f) and (g) of the list of activities to be included in the programme budget for 1990-1991 were a case in point (A/42/493, para. 56). His delegation hoped that the programme for the Decade, especially elements scheduled for future biennium budgets, would be adjusted and refined on the basis of further inputs from delegations, including comments made in the course of the discussions in the General Assembly and the Economic and Social Council.

The meeting rose at 4.20 p.m.