



SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. ABULHASAN (Kuwait)

CONTENTS

AGENDA ITEM 87: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued)

AGENDA ITEM 88: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued)

AGENDA ITEM 91: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

AGENDA ITEM 96: 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)

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2.750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

The meeting was called to order at 3.10 p.m.

AGENDA ITEM 87: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (A/43/3, 370, 491, 631, 637 and 644)

AGENDA ITEM 88: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued) (A/43/207-S/19588, A/43/370, 491 and 646)

AGENDA ITEM 91: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/43/18, A/43/226-S/19649, A/43/230, 263, 320, 354, 370, 491, 516, 517 and 607)

AGENDA ITEM 96: 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/43/163 and Corr.1, A/43/235-S/19674, A/43/370, A/43/384-S/19915, A/43/491, 538, 632 and 633)

1. Mr. KHALIFA (Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) said that in the last few years there had been no progress with respect to economic sanctions against South Africa. In particular, transnational corporations continued to play an important role in the South African economy through their direct investments and loans and by ensuring a capital continued flow of capital into the country. While the United States of America, the United Kingdom and the Federal Republic of Germany continued to be the major home countries of the firms investing in South Africa, the trend was to less growth in direct investment by United States companies, and there were indications that the same was true of companies based in the other two countries.

2. As to trade, the main exporting countries were the Federal Republic of Germany (25 per cent), which now ranked first as a result of a vigorous intensification of its trade in the past few years, Japan (18 per cent), the United Kingdom (16 per cent) and the United States (3 per cent). Despite the ban on direct investments it had imposed as far back as 1965, Japan continued to be South Africa's leading trading partner, with \$4.27 billion of business in 1987, or 20 per cent more than in 1986. There were other such paradoxes: some countries had outstanding records in banning investments in and trade with South Africa, and yet they secretly sold weapons to that country.

3. As far as the divestment movement was concerned, the most recent data, contained in the updated report of the Special Rapporteur (E/CN.4/Sub.2/1988/6), showed that corporations withdrawing from South Africa since 1987 numbered 263 from the United States, 23 from Canada, 88 from the United Kingdom, 11 from the Federal Republic of Germany and 143 from other countries, and that United States companies had been subjected to more pressure from shareholders and consumers to disinvest than firms based in European countries. In that connection, he made special mention of the Royal Dutch Petroleum Company (Shell), which had more than

(Mr. Khalifa)

8,000 employees and whose armed security personnel worked closely with the South African Defence Force. Shell not only refined oil but also invested, through its subsidiaries, in petrochemicals, metals, mining and supplies to the army and police.

4. On the plus side, the Government of Canada deserved commendation for the ban it had imposed on new investment and bank loans and the trade restrictions it had introduced. He also expressed satisfaction at the measures taken by the Nordic countries.

5. Elsewhere in the world, the cases of Taiwan and Israel gave rise to special concern. Taiwanese firms were quickly taking the place of companies withdrawing from South Africa and in the past two years alone as many as 20 factories had been opened. Israel's relations with South Africa were amply documented in special reports of the Special Committee against Apartheid.

6. The lists included in the Special Rapporteur's report were not meant to be final. They were intended as a warning to the companies appearing in them and they were open to denial and rectification. In addition, because the situation changed rapidly, it was necessary constantly to update the lists of those who, by lending support of any kind to South Africa, were guilty of violating not international law but rather the moral commitment to match with deeds their professed indignation at apartheid.

7. There were other lists that were more detailed but limited in coverage. Special mention should be made of the updated list of transnational corporations compiled by the United Nations Centre on Transnational Corporations, the list of United States companies with investments or loans in South Africa and Namibia drawn up on June 1985 by the Pacific Northwest Research Center in co-operation with the United Nations Centre against Apartheid and the list of companies doing business in South Africa published by the International Confederation of Free Trade Unions (ICFTU), which mentioned 1,200 companies and every country in the European Community, with the exception of Luxembourg.

8. Sanctions must be implemented honestly and diligently. Otherwise those who said that sanctions would not work would be proven right. The oil embargo should not be a repetition of the United Nations arms embargo, which had taken 17 years to impose, with the result that the South African régime had had time to get ready by making counterplans.

9. South Africa would stop at nothing to convince the black population that it too would feel the impact of sanctions. An idea which was gaining ground of late was to broaden the involvement of blacks in the country's white-dominated economy by offering them shares in the companies in which they worked. The aim was to get blacks to have a more positive view of the status quo, the centre-piece of which was apartheid, while instilling greater worker loyalty.

10. In one of the most infamous "stings" in the history of human rights violations, South Africa had announced that it intended to dismantle apartheid by

(Mr. Khalifa)

giving priority to economic changes over political change in the coming decade. It was thus seeking to bribe blacks by giving them a stake in the apartheid system, which meant their own slavery.

11. The very premise that economic expansion alone could be the means of bringing about change and the eradication of apartheid was false, contradictory and ridiculous. A recently published book entitled A future South Africa, the work of a multiracial group of 20 South African, American, German and British scholars, reached the conclusion that a democratic, non-racial and prosperous South Africa was possible and could achieve annual growth rates of 6 or 7 per cent.

12. While it was difficult to measure the effect of sanctions on the South African economy, it was known that South Africa's exports to the United States had decreased by around 40 per cent. The combination of sanctions and low gold prices could threaten South Africa's ability to keep up the heavy payments on its foreign debts. In any event, the price which South Africa had to pay to maintain apartheid was increasing, although research would be needed to show to what extent. The assessment of the impact of sanctions called for in the Okanagan Declaration, issued in 1987 by the heads of Government of the Commonwealth Countries, with the exception of the United Kingdom, was expected to be finalized in early 1989. An interim study, however, revealed that despite only limited sanctions and the obstructionist efforts of certain countries, South Africa's trading partners had reduced their trade by \$1.2 billion, or about 7 per cent of South Africa's exports.

13. Although sanctions alone without domestic pressure would not be enough to end apartheid, without sanctions there might never have been negotiations between blacks and whites on labour relations and a fair sharing of wealth, Afrikaners would never have thought to meet with leaders of the African National Congress as they had done in Dakar in the summer of 1987, and the Dutch Reformed Church would never have announced that apartheid was not in accordance with Christian principles.

14. The conclusion drawn in a report by the respected Stamberger Institute of the Federal Republic of Germany was that six rich industrialized countries (the United States, the United Kingdom, the Federal Republic of Germany, France, Switzerland and Japan) could end apartheid by effectively applying a selective and relatively small package of sanctions which would sever all of South Africa's links with the world economy, provided they had the political will, which was now lacking.

15. On the contrary, the current practice was to shift from direct to indirect investments. Approximately half the firms which had disinvested since 1984 and nearly half of the American companies which had disinvested last year were still making money in South Africa through other deals. While South African operations did not pay dividends, they did pay royalties and the South African economy still had unrestricted access to United States products and to much of the United States technology that it needed. The truth was that disinvestment implied the severing of all links; to do less was to continue to support the South African economy.

(Mr. Khalifa)

16. From his consultations with the Directors and staff of the Centre Against Apartheid and the Centre on Transnational Corporations, the Special Rapporteur had concluded that there should be only one list emanating from the United Nations system for which the Special Rapporteur, with the collaboration of the two Centres, would be responsible. In that task, he should be assisted by two economists whose services he had repeatedly requested. A more refined list was required, showing the distribution of activities by economic sectors and disclosing incomplete or fictitious investments. It must be borne in mind that an attempt was being made to fight the gigantic powers of world finance with very limited means.

17. The apartheid régime was keeping racism alive; the idea of white supremacy and the Nazis' wildest dreams, it was designed to wipe out all that humanity had gained in terms of freedom, equality, legality, justice and compassion. Although the blacks of South Africa were the victims today, the whole world could eventually be victimized by the ideas South Africa stood for. Assistance to South Africa was a threat to peace, civilization and progress. If the dream of mankind to create a new international human rights order was to be realized, its primordial responsibility was to eradicate apartheid.

18. Mrs. AIQUAZE (Algeria) commended the Special Rapporteur upon his work and the list he had provided and requested that the text of his statement should be distributed to the Committee members.

19. The CHAIRMAN said that it had been his intention to distribute the full text of the Special Rapporteur's intervention. He further reminded the members of the Committee that at the forty-second session, the Third Committee had decided to limit the first intervention in exercise of the right of reply to five minutes and the second, to three minutes. If he heard no objection, he took it that the Committee wished to follow the same procedure at the current session.

20. It was so agreed.

21. Mr. CABRAL (Guinea-Bissau) said that in the last few years, the General Assembly had attached increasing importance to the questions of racism, racial discrimination and the right of peoples to self-determination and independence, which were directly linked with human rights. In the last quarter of a century, the questions of decolonization and the arms race, while no less important or pressing, had gradually yielded priority to human rights questions. Consequently, it should be borne in mind that it was imperative to focus the efforts of the international community on achieving the well-being of the whole person, which necessarily implied the full enjoyment of his social, cultural, economic, civil and political rights. As the President of the Council of State of Guinea-Bissau had emphasized in his statement of the plenary Assembly, the world was witnessing a resurgence of humanism which demanded and justified greater interdependence among nations and the interpenetration of peoples, cultures and development processes.

22. Guinea-Bissau attached great importance to the questions under consideration, particularly at this juncture when the international community was celebrating the

(Mr. Cabral, Guinea-Bissau)

fortieth anniversary of the Universal Declaration of Human Rights, which had spearheaded 40 years of efforts demonstrating that there was no substitute for United Nations action. Racial discrimination was rooted in an inability to accept contacts between different racial or ethnic communities as a natural and enriching phenomenon. Just as there was no such thing as unconscious and natural racial discrimination, racial discrimination, and particularly the inhuman system of apartheid, could not be fought without conscious and organized effort. United Nations action was based on that premise; it had proclaimed two decades to combat racism and racial discrimination and developed programmes of action to that end. Now, in the final stage of the first half of the Second Decade, the activities it had proposed had to be implemented speedily and effectively, with top priority given to the struggle against apartheid.

23. His delegation endorsed the statement in the Secretary-General's report (A/43/644) concerning the need to improve co-ordination of the various programmes during the Second Decade and was gratified that the task had been entrusted to the Under-Secretary-General for Human Rights. He congratulated the latter on his introductory statement and his many initiatives, particularly his initiative relating to the Global Consultation held in Geneva. He regretted, however, that no request had been made in General Assembly resolution 42/47 for a report on the results of that Consultation for consideration at the current session. Perhaps such a recommendation could be made with emphasis on the need to give wide publicity to the results of the Consultation.

24. With regard to the report on the global compilation of national legislation against racial discrimination (A/43/637), his delegation shared the view of other delegations that more constitutional and legislative texts should be obtained from Member States in order to present a true picture of the world situation.

25. An examination of the results obtained during the First Decade to Combat Racism and Racial Discrimination and the obstacles which had had to be overcome would help to define clearer and more rational ways to implement the current Programme of Action and to exploit the improved climate in international relations and, in particular, the positive developments in southern Africa and other regions.

26. The right of peoples to self-determination and its direct link with the full enjoyment of fundamental human rights constituted the basic principle of modern international law. The importance of United Nations action was clearly reflected in the assistance provided to the African national liberation movements and the people of the Arab occupied territories by such agencies as UNDP, FAO, WHO and UNESCO. It was especially appropriate that UNESCO should promote teaching, training and educational activities on human rights and against racism and racial discrimination in implementation of paragraph 10 of General Assembly resolution 42/47.

27. The continued existence of the apartheid régime in South Africa and the occupation of Namibia, as well as the absence of a solution to the Middle East conflicts were deplorable situations which had been hampering the exercise of human

(Mr. Cabral, Guinea-Bissau)

rights; in those regions for many years. It was vital for the international community to provide effective support for the democratic forces in South Africa, which primarily meant that the objectives of the current Decade should be realized and the relevant international conventions implemented.

28. As the Secretary-General had said in his report on the work of the Organization, neither the Charter nor the world Organization promised a problem-free world (A/43/1, sect. XV). Nevertheless, it was possible to reduce injustice by gradually eliminating the factors which generated that injustice. The resolutions and decisions adopted during the current session would constitute a sound basis for the adoption of even more resolute and effective measures.

29. Dame Ann HERCUS (New Zealand) said that racial discrimination involved an assumption of inherent inferiority and that such attitudes constituted a fundamental injustice. Since the pursuit of justice underlay the endeavours of the United Nations, the struggle against racism had rightly become a focus of action by the Organization.

30. In only one country, South Africa, was racism enshrined as a doctrine of State. Together with the international community, New Zealand had expressed its abhorrence of the policies of the Government of South Africa. And yet that Government had not yet abandoned its abominable practices. The tragedy was that Pretoria failed to see that apartheid could not work. The state of emergency, with its repressive outrages, was no answer to the will of the majority.

31. For its part, New Zealand had given effect to all the measures against South Africa recommended by the Commonwealth and also to all relevant decisions and recommendations of the Security Council. New Zealand was ready to comply fully with sanctions imposed by the Security Council. It continued to participate actively in the work of the intergovernmental group set up to monitor the oil embargo against South Africa. It strongly urged universal compliance with General Assembly resolution 41/35 F in order to maximize the impact of the embargo. In the final analysis, embargoes leaked because of the lack of political will.

32. Equality and non-discrimination had long been basic principles which had helped to shape New Zealand society. Biculturalism involved a partnership between the white majority and the indigenous people and was an essential part of the development of a multicultural society which had become increasingly diverse and pluralistic. It also required the elimination of conscious or unconscious prejudices opposed to that kind of society.

33. At the forty-first session, the New Zealand delegation had referred to the remarkable rate of social change currently under way in New Zealand. Creative responses were being developed to the growing assertion of the Maori people of the rightful place of their culture, language and values in New Zealand society.

34. In 1987 the Treaty of Waitangi had been amended so as to extend the reach of the Treaty back to 1840, when it had been originally signed between representatives

(Dame Ann Hercus, New Zealand)

of the British Crown and the indigenous Maori people. The Maori Council (a consultative group representative of the Maori people) successfully sought to restrain the Crown from transferring certain assets to State-owned enterprises, claiming that such a move would be in breach of the Treaty. The case was settled by agreement between the parties and given legislative form. The Waitangi Tribunal itself had received a large number of claims concerning the Treaty, including the celebrated case of Bastion Point. The Tribunal found that the Ngati Whatua had been wrongfully deprived of their property and in July 1988 the Government accepted the Tribunal's recommendation and returned the land to them. Another recent Tribunal recommendation had provided the impetus for the Government's Maori Fishing Bill which, if enacted, would have a significant impact in safeguarding Maori fishing rights.

35. At the heart of those changes lay both the cultural and political resurgence in the Maori community and the Government's determination to resolve issues with equity and justice. Important as such legislative measures were, they were not of themselves sufficient to eradicate deep-seated attitudes of prejudice. Such attitudes needed to be addressed through education and consciousness-raising activities. The Race Relations Conciliator and the Department of Education had an important role to play in that area. As well as intensive education programmes throughout the country during the last year, a number of special activities had been undertaken. For example, New Zealand had instituted a programme of cultural exchange under which students moved to schools and communities which were ethnically and culturally very different from their own and they lived with families which were ethnically different. Such activities were a vital component in reaching the goal of a non-discriminatory society.

36. New Zealand followed with close interest the activities of the Working Group on Indigenous Populations. New Zealand's support for the advancement of indigenous peoples was also reflected in its contribution to the United Nations Voluntary Fund for Indigenous Peoples.

37. New Zealand took seriously its own compliance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, which required States to report periodically to the Committee so as to ensure the effectiveness of the Convention. New Zealand welcomed the decision of CERD to rationalize its method of work and to allow States Parties, following the submission of initial comprehensive reports, to alternate comprehensive reports every four years with brief updating reports. That procedure would enable the problem of overdue reports to be alleviated, without implying a diminution in the accountability of States to the Committee.

38. The Convention also required States to pay the expenses of Committee members while the Committee was meeting. However, some States had not paid their contributions and hence in 1988 CERD had only been able to hold a reduced session. In the face of that serious failure, New Zealand endorsed the Secretary-General's appeal to States Parties to pay their outstanding contributions in full.

(Dame Ann Hercus, New Zealand)

39. Self-determination was one of the cornerstones of the Charter. In 1987 New Zealand had mentioned Namibia and New Caledonia where the process of decolonization had still some way to run. Her delegation was pleased to note that in both cases there had been some very positive developments in recent months. It paid tribute to the role of the United Nations in achieving significant progress in Namibia. In New Caledonia, the Prime Minister of France and the leaders of the loyalist and independence movements had worked together on a plan for political development. That development had been recognized by the Special Committee on Decolonization in a consensus resolution. New Zealand strongly supported that resolution and hoped that it would also be adopted by consensus when considered in the Fourth Committee.

40. Mr. BARNETT (Jamaica) said that the United Nations had expanded the concepts related to racism and racial discrimination by drafting a number of other legal instruments. Of paramount importance among them was the Universal Declaration of Human Rights whose fortieth anniversary was being celebrated. Its principles were of overriding relevance today. For example, the opening article formed the background for the Committee's deliberations on racial discrimination. Later, the United Nations had adopted the International Convention on the Elimination of All Forms of Racial Discrimination, which now had 125 signatories, the highest number for any international human rights instrument. The international community had thus recognized the immoral character of discriminatory practices and was pledged to eliminate them.

41. Regrettably, such a response was not equalled with regard to the International Convention on the Suppression and Punishment of the Crime of Apartheid. The denial of support for that important instrument by a large section of the membership of the Third Committee was significant, for it corresponded with a similarly ambiguous attitude of some States with regard to the adoption of measures to destroy the illegal South African system.

42. Even with a comprehensive framework in national and international law aimed at attacking racist practices, the world was still far from ridding itself of racial discrimination. Today, in many areas, there was an upsurge in racial attacks. Racism flourished in an atmosphere of ignorance and fear; it was prompted by the desire for dominance or the fear of being dominated. The racist argument, buttressed with pseudo-theology and pseudo-rationality, was used to suppress one group in order to secure the continued superiority of the other. It was difficult to eliminate because it was deeply grounded in the economic and socio-cultural system. It must be treated and uprooted at that level and within the context of the particular social system in which it thrived.

43. Nowhere were the concerted efforts of the international community more needed than in South Africa. Much pain had been inflicted on the black majority under the oppression of the racist system of apartheid. That policy was an assault on all common sense and decency and constituted a reckless disregard of the basic principles of the United Nations. There was no possibility of any reform of apartheid. It must be eradicated altogether and the dominance over the black majority by the white minority must be terminated.

(Mr. Barnett, Jamaica)

44. While the recent talks on Namibia between Angola, Cuba, the United States and South Africa were welcome, Jamaica was wary of the promises and assurance of the Government of South Africa, because on other occasions that régime had blatantly disregarded its commitments.

45. Jamaica stressed that the pressure of sanctions against South Africa must be intensified as long as it refused to release all political prisoners, enter into real dialogue with the majority population and put an end to its illegal occupation of the Territory of Namibia.

46. His delegation deplored the financial difficulties of the Committee on the Elimination of Racial Discrimination and was gratified that it had rationalised its work so as to cope with the situation. He had taken note of the Committee's proposal for funding the expenditures of its members, on a temporary basis, from the regular budget, until a permanent solution was found (A/43/18, chap. VII). He supported any measure that would allow the Committee to resume its normal functioning.

47. The report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/43/644) showed that greater impetus had been given to the Programme. Jamaica congratulated the Under-Secretary-General for Human Rights on his initiatives aimed at improving co-ordination among the United Nations agencies in that field. Similarly, he agreed that it was necessary to inform the communication media and the general public about the objectives of the Decade. He strongly believed that education at all levels, both in the home and in school, was essential to overcome racism and promote understanding and respect for human equality.

48. His delegation had noted the proposals arising from the Global Consultation on Racial Discrimination and believed that, in addition to educational activities, legislative changes were necessary to ensure due protection equally for all against all forms of racial discrimination.

49. The United Nations had achieved major successes in the area of decolonization. In the past 40 years, many peoples had broken the chains of colonialism and, free to determine their own existence, had considerably increased the membership of the Organization. Namibia and South Africa were flagrant anomalies which should be remedied by removing as quickly as possible the present Government of South Africa. In other regions of the world, such as Afghanistan, Kampuchea, Cyprus and Western Sahara, important changes had taken place thanks to the continuing efforts of the United Nations, which had thus demonstrated its effectiveness in helping to achieve the aspirations of many peoples. His delegation was anxious to see a successful solution to the conflict in the Middle East.

50. Jamaica was a country composed of different races, peoples and religions. Consequently, its legal system and practices guaranteed equality of rights for all,

(Mr. Barnett, Jamaica)

without distinction as to race, colour, religion, national origin, age, sex or ability. Those principles had guided the movement for the country's independence and continued to guide its international conduct.

51. Mr. BLANC (France) said that discrimination based on membership of one race or one specific group amounted to denying the dignity of the human person and his most sacred rights. The fortieth anniversary of the Universal Declaration of Human Rights was being celebrated on the eve of the bicentenary of the French Revolution and France felt it must reaffirm the unchangeable principles which guided it and which must forever remain stamped on the conscience of mankind.

52. In many regions of the world there was currently a resurgence of racism which manifested itself in many ways: fanaticism, oppression, the law of the jungle, not to mention poverty and abandonment. While in other regions racism was not overt, that did not mean that there was a continent, country or community which could regard itself as being safe from that threat. The struggle against racism and for its eradication was therefore of concern to all international organizations and agencies, but also to all individual women and men. His delegation reaffirmed its condemnation of the intolerable system of apartheid, which was the most outrageous form of racial discrimination.

53. The United Nations had done invaluable work in the crusade against racism. Despite the fact that in the quarter of a century since the adoption of the Convention on the Elimination of All Forms of Racial Discrimination there had been momentous difficulties, the proclamation in 1983 of the Second Decade to Combat Racism and Racial Discrimination, in a General Assembly resolution adopted by consensus, had laid the groundwork for the adoption of constructive measures. It was to be hoped that that consensus, which represented a victory for the cause of peace and brotherhood in the world, would be preserved in future.

54. General Assembly resolution 42/47 set forth a series of priority activities for achieving the objectives of the Decade. The report of the Secretary-General (A/43/644) showed that the work carried out to date had been fruitful. France agreed in general terms with the activities proposed within the framework of the Second Decade and hoped that it would be carried out within the time-frame set.

55. Governments and public entities were not the only ones responsible for the fight against racism. France attached special importance to the contributions of non-governmental organizations, associations and groups of all types in that field.

56. On the other hand, efforts should be pursued towards the preparation of a collection of legislative models that would serve to guide Governments in the promulgation of new laws against racial discrimination and establish procedures for adequate recourse for the victims of racism.

57. His delegation shared the opinion expressed by many other representatives that priority consideration must be given to information activities because that would

(Mr. Blanc, France)

be the only way of making national and international public opinion aware of the resurgence of racism.

58. The recent Global Consultation held at Geneva was an important step in that direction, and he thanked the Under-Secretary-General for the initiatives he had taken in that regard.

59. The system of apartheid was a serious attack against human rights and every day inflicted suffering, repression and violence on the majority of the South African people. Despite some adjustments, there was no fundamental change. The international community must concentrate its efforts more resolutely than ever on the abolition of apartheid. France, together with the other members of the European Community, would continue to use its influence on South Africa to ensure the establishment of a society based on the values of freedom, equality and justice for all its inhabitants without exception.

60. To that end, in addition to the restrictive measures applied by the Twelve, assistance must be given to the victims of apartheid in the areas of humanitarian and medical aid, education and vocational training. France would continue to support the efforts of the United Nations Trust Fund for South Africa and the United Nations Educational and Training Programme for Southern Africa and would continue to channel some of its contributions through non-governmental organizations operating in the region.

61. The Committee on the Elimination of Racial Discrimination, whose activities were shared by the 125 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination - i.e., the vast majority of States Member of the United Nations - had discharged an essential function for almost 20 years. Unfortunately, a great many States parties (as of that date, 69) had not paid their contributions and the Committee had had to cancel one of its 1988 sessions and shorten the other to two weeks. It was an alarming situation that might well lower the quality of the Committee's monitoring work or excessively delay consideration of pending reports (A/43/18, para. 29). France therefore echoed the appeal made by the Greek representative on behalf of the 12 members of the European Community that States which had not yet done so should pay their contributions as early as possible. With rare exceptions, the amount due was extremely reasonable. Temporary measures must be arranged in order not to compromise the Committee's effectiveness and the very credibility of the Convention.

62. The elimination of racism and all forms of racial discrimination was an absolute necessity for all peoples who valued freedom and justice. The United Nations must reaffirm its determination to eliminate racism, for which it could count on France's assistance.

63. Mr. SKIBSTED (Denmark), who was also speaking on behalf of Finland, Iceland, Norway and Sweden, said that the Nordic countries condemned and rejected all forms of discrimination based on race, colour, descent or ethnic origin, which were an affront to human dignity. Racism and racial discrimination, which sprang from ignorance, fear, mistrust, rejection - and even false philosophies of alleged superiority and inferiority - were irreconcilable with the principles of equality, justice and liberty. Racism and racial discrimination transcended regional groupings and national boundaries. They affected all countries and societies, including the Nordic countries, in differing degrees.

64. The principal responsibility for the eradication of racism and racial discrimination rested with national Governments. The Nordic countries had taken firm legislative, administrative and educational measures, but implementation of them was what counted. In order to resolve a problem, it must be recognized and analysed. Its existence must not be denied, as was often the case in the debates of the United Nations.

65. International action was also necessary. The United Nations had played an essential part in increasing public awareness of the evils of racism and establishing international standards and mechanisms to combat it.

66. The Second Decade to Combat Racism and Racial Discrimination and the Programme of Action for it were concrete evidence of the international community's will to eliminate such evils throughout the world. The Nordic countries welcomed the strengthening of the consensus in that regard and were ready to work actively with all interested parties in order to maintain the consensus at the current session. Only through united efforts would progress be achieved, for division bred ignorance and prejudice.

67. The Nordic countries 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 (A/43/644). The comprehensive list of activities already undertaken or proposals for the future satisfactorily reflected the broad scope of the Second Decade. The Nordic countries agreed that importance must be attached to co-ordinating international activities, a prerequisite for the successful implementation of the Programme. They commended the Under-Secretary-General for Human Rights on the constructive and effective manner in which he had discharged his mandate as co-ordinator of Decade-related activities.

68. Likewise, the emphasis placed on education and vocational training, the most important tools in the fight against racism and racial discrimination, was to be commended. Of particular importance were the manuals already published or under preparation such as the model legislation and the handbook of recourse procedures. The translation and broad dissemination of the basic Convention were equally important.

69. It was to be hoped that the studies, meetings of experts and seminars proposed for the future, as well as the activities of national Governments, would make significant contributions to that end, and that the difficulties encountered in implementing the Programme of Action would be overcome as early as possible.

(Mr. Skibsted, Denmark)

70. It was altogether appropriate that the highest priority should be accorded to measures to combat apartheid. While racial discrimination was a universal phenomenon, in most countries, it existed not because of the law, but in spite of the law. Such was not the case in South Africa, where no major changes had been introduced and the abhorrent system of apartheid - unique in the world - continued to be a form of systematic racial discrimination incorporated into the legal foundation of South African society and a flagrant violation of the fundamental human rights laid down in the Charter of the United Nations and the Universal Declaration of Human Rights. The policy of apartheid and South Africa's continued illegal occupation of Namibia were sources of serious tension in all of southern Africa.

71. Thousands of persons, including a large number of children, were jailed for political reasons, and others had been forced to seek refuge abroad. Even children were subjected to torture and other forms of inhuman treatment. For the millions of victims of apartheid who remained in South Africa, the situation was constantly deteriorating. The International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa recently held in Oslo, had focused inter alia on the situation of the oppressed and deprived people of South Africa. The Nordic countries fully supported the Programme of Action adopted at that Conference.

72. The Nordic countries were striving to bring about a democratic South Africa with equal rights for all, regardless of race. For many years, they had actively supported the struggle against apartheid and lent assistance to the countries of southern Africa in their development efforts. The Nordic countries considered apartheid a serious threat to international peace and security. They had worked systematically for the adoption by the Security Council of mandatory and comprehensive sanctions against South Africa as a way of achieving the abolition of apartheid by peaceful means.

73. Pending the adoption of such mandatory sanctions, the Nordic countries had taken extensive unilateral measures in order to restrict their economic and other relations with South Africa. Such measures included prohibitions against investments in or trade with South Africa and Namibia. The Nordic countries urged other countries to adopt similar measures in order to increase international pressure on South Africa and make it more effective.

74. In March 1988, the Nordic countries had adopted a revised Nordic Programme of Action against Apartheid, circulated as a document of the General Assembly (A/43/284), which called for stepping up the economic boycott of South Africa and increasing assistance to South Africa's neighbouring countries in order to alleviate the effects of South Africa's policy of destabilization, strengthen their capacity for resistance and reduce the extent of their dependence on South Africa.

75. At their meeting at Kiruna in August 1988, the Ministers for Foreign Affairs of the Nordic countries reaffirmed the revised Programme of Action and particularly emphasized the necessity of making the mandatory United Nations arms embargo against South Africa more effective and of having the embargo upheld by all countries.

(Mr. Skibsted, Denmark)

76. Apartheid could not be reformed; it had to be abolished. To do so, the South African Government must take the necessary steps to initiate a genuine national dialogue: unconditionally releasing all political prisoners; ending the ban on all political groupings; and lifting the state of emergency. The longer the South African authorities postponed that urgent task, the more difficult it would become.

77. The report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/43/646 and E/CN.4/Sub.2/1988/6 and Add.1) was an update of previous lists of companies which were allegedly involved in various kinds of relations with South Africa. Confusion had arisen concerning the purpose and nature of the list. In the view of the Nordic countries, the list was incomplete, inaccurate and, to a certain degree, selective. For that and other reasons, the parties concerned had not given much attention to the list.

78. 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 125 States parties, it was the most widely accepted. The Nordic countries fervently hoped that all the other States would ratify or accede to the Convention. The Committee on the Elimination of Racial Discrimination, established by the Convention, had a key role in ensuring compliance by States parties with the terms of the instrument, but that Committee had been facing mounting difficulties in its work.

79. Some of those difficulties stemmed from the fact that many States parties submitted their obligatory reports very late; furthermore, the nature of some of those reports made it difficult to give them a serious and thorough examination.

80. Another type of difficulty stemmed from the fact that some States parties were greatly in arrears in payment of their contributions. In its resolution 42/57, the General Assembly had called on the States parties to pay their contributions as soon as possible and that appeal had been reiterated at the twelfth meeting of the States Parties, held in January 1988. Regrettably, sizeable arrears still remained, and had forced the cancellation of one session of the Committee in 1988 and the reduction of the other to two weeks. That critical financial situation was seriously affecting the Committee's ability to discharge effectively its monitoring functions, was embarrassing in light of the unanimous condemnation of racial discrimination and was undermining the common objective: to eradicate that evil. As the amount outstanding for each State party was very small, no State could justifiably claim that it was not in an economic position to pay. The Nordic countries once again appealed for the immediate settlement of all arrears and urged that every effort should be made to find a solution to the Committee's financial problems in order that it might effectively discharge its functions.

81. Mrs. BYRNE (United States of America) said that the United States abhorred racism, racial discrimination and apartheid, and its history and record established that beyond a shadow of a doubt. To assert otherwise merely because the United States had not been able to accept the extreme and tendentious wording of certain resolutions which in previous years had been put to a vote in the General Assembly

(Mrs. Byrne, United States)

was false and slanderous. Words such as liberty, justice and democracy had weight, value and meaning. If those ideals were void of content and if they could be used to permit any arbitrary action which happened to be fashionable, civilization was in mortal peril.

82. The authority of the Government of the United States was limited by the express consent granted by its people. Her Government could not embrace General Assembly resolutions which called for actions which would be unconstitutional or in violation of federal or State laws, nor it could it act to abridge the legal and constitutional rights of its citizens on the grounds that certain other Governments would like that to occur, or on any other grounds.

83. Throughout its history, the United States had grappled with the problem of racial discrimination, to a degree and with an intensity almost unparalleled elsewhere. The original goal had been the abolition of slavery. It was achieved in 1865, following the bloodiest armed conflict the continent had ever seen, when the Thirteenth Amendment to the United States Constitution entered into force. In the next five years, two further amendments had established that in no case could equal protection under the laws or the right to vote be denied on account of race. Nevertheless, those noble principles had not been implemented for more than three quarters of a century. Then, in the 1950s and 1960s, with the advent of the civil rights movement, there had been a large number of new laws and court decisions resulting substantial progress in the quest to eliminate racial discrimination; the quest still continued.

84. In the international context, the United States firmly agreed that the racist system of apartheid in South Africa could not be justified and must be ended. The international community had the responsibility to work toward that goal.

85. The United States was doing so: its legislation imposed some of the world's most severe restrictions on trade with South Africa. In private diplomatic contacts, the United States had repeatedly made known its abhorrence of apartheid and had urged the South African Government to abandon that inhuman and immoral system. As preliminary steps toward the fundamental reform of political life in South Africa, the United States supported the release of Nelson Mandela and all other political prisoners and an end to the ban on political parties.

86. The United States would like to see South Africa establish the following: a new constitutional order with equality of political, economic and social rights for all, without regard to race, language, national origin or religion; a democratic electoral system featuring multi-party participation and universal franchise for all adult South Africans; effective constitutional guarantees of basic human rights for all South Africans, as provided for in the Universal Declaration of Human Rights and in the canons of representative democracies throughout the world; a constitutional allocation of powers between the national Government and its constituent regional and local jurisdictions, in keeping with the traditions of South Africa; and an economic system guaranteeing economic freedom for every South African, which would allocate government, social and economic services fairly and

(Mrs. Byrne, United States)

would enable everyone to realize the fruits of their labour, to acquire their own property and to attain a decent standard of living for themselves and their families.

87. The United States, as a member of the Namibia Contact Group, was engaged in seeking a regional agreement on the independence of Namibia, in compliance with Security Council resolution 435 (1978). It firmly believed that the forthcoming settlement in Namibia would greatly assist the efforts of the international community to bring an end to the system of apartheid in South Africa.

88. The principle of equal rights and self-determination of peoples was enshrined in Article 1 of the Charter and constituted as one of the pillars of the international community. The General Assembly had repeatedly condemned the presence of foreign troops on the territories of other nations. The United States joined with others in calling for a complete withdrawal of Soviet troops from Afghanistan and of Vietnamese forces from Cambodia. In Afghanistan, progress thus far in the implementation of the Geneva Accords attested to a significant improvement in the international climate. It was to be hoped that in the near future, the people of Cambodia would also benefit from international arrangements which would bring them lasting peace.

89. Self-determination was a continuous process which required the periodic and active consent of the governed. For that reason in 1987 her delegation had submitted, under the agenda item on self-determination, a draft resolution on the principle of periodic and genuine elections. While her delegation remained unconvinced by the arguments of some delegations to the effect that the discussions on the item should be limited to time-honoured patterns, it had nevertheless decided in 1988, to introduce its draft resolution under some other agenda item at the appropriate time.

90. During private discussions on the draft resolution in 1987, a number of delegations had indicated that they had no difficulty with the principle of periodic and genuine elections which, after all, was clearly stated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights; their only objection was that the draft resolution had been presented under the item on self-determination, and they would have supported it under some other more general agenda item. Her delegation had taken note of those assurances and would like to reaffirm its interest in the social and humanitarian issues on the agenda of the Third Committee and its hope that the Committee would maintain the constructive spirit which had characterized the debate thus far; her delegation would co-operate fully.

91. Mr. GARVALOV (Bulgaria) said that the abolition of apartheid continued to be the most urgent task on the international humanitarian agenda. His delegation had always participated in the various United Nations programmes of activities to do away with racism and racial discrimination. While there was no doubt about the importance of the commemorative, scientific and educational events included within the framework of the Programme of Action for the Second United Nations Decade to

(Mr. Garvalov, Bulgaria)

Combat Racism and Racial Discrimination, progress had unfortunately been slow in the realm of practical political steps to eliminate apartheid. In that field there were broad opportunities for action by the United Nations, particularly on the "new initiatives" to which the report of the Secretary-General (A/43/644, para. 18) referred.

92. It was necessary to build upon recent welcome changes in attitudes and policies against apartheid. There could be no return to the time when most Member States had boycotted apartheid while others had boycotted international action against apartheid. Accordingly, his delegation associated itself with the overwhelming majority of Member States in their call for comprehensive mandatory sanctions against South Africa under Chapter VII of the Charter of the United Nations. The urgent need to take that step had once again been emphasized in the excellent report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

93. The elimination of apartheid was a manifold and arduous task. Success would send a powerful message throughout the world and greatly enhance the effectiveness of further efforts to do away with racism and racial discrimination.

94. The work performed by the Group of Three on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid had been very valuable. All Member States should give the most serious consideration to, and take appropriate action on, its conclusions regarding the collusion between foreign economic activities in South Africa and Namibia and the criminal system of apartheid.

95. The Committee on the Elimination of Racial Discrimination (CERD) was also playing a most important role. Bulgaria, which had been one of the first countries to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, believed that urgent steps should be taken in order to overcome the serious financial difficulties which CERD was experiencing. It welcomed the efforts of the Committee to improve and rationalize its work and supported the decision taken at the eleventh meeting of States Parties to the Convention to the effect that the general practice should be that States Parties should submit comprehensive reports every four years, with brief updated reports in between.

96. As a Vice-Chairman of the Committee, he felt duty-bound to inform the Third Committee of the concern of the members of CERD that its current financial crisis would endanger its whole work; he also expressed the hope that the General Assembly would provide the necessary assistance to that body - the oldest of the expert bodies in the field of human rights - by approving the draft resolution recommended by the Committee (A/43/18, chap. VII) or any other workable solution which would ensure its normal functioning.

97. He stressed the importance attached by his country to the self-determination of colonial countries and peoples; that position was dictated not by political expediency but by humanitarian considerations deeply rooted in his country's moral

(Mr. Garvalov, Bulgaria)

values and political commitments. It would be unrealistic to expect a safe and prosperous future in a world where entire peoples were denied their right to self-determination and to choose freely their own form of government and the path of their socio-economic development.

98. The positive trends which had recently emerged in world problems and regional conflicts justified new hope. There appeared to be a clear desire to seek agreement with the assistance of the international community. Nevertheless, most of the problems concerning self-determination, in the Middle East, in Namibia and in the so-called small territories, were nowhere near reaching a just and lasting solution.

99. In the Middle East, where the struggle of the Palestinian people was continuing, the virtually unanimous agreement on the need to convene an international conference was a positive development. His delegation believed that such a conference should be convened on the basis of the relevant United Nations resolutions and with the participation of all parties concerned, including the five permanent members of the Security Council and the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people.

100. A multilateral dialogue was currently under way on the issue of southern Africa. The time had come for the international community to adopt concerted measures for the full implementation of Security Council resolution 435 (1978) concerning the independence of Namibia. Bulgaria hoped that that resolution would soon be recognized by all parties and that the Namibian people would shortly attain self-determination.

101. The people and Government of Bulgaria supported the just cause of all peoples struggling against colonialism for self-determination and freedom.

The meeting rose at 5.30 p.m.