



SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. ABULHASAN (Kuwait)

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The meeting was called to order at 10.15 a.m.

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

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 (A/43/646)

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1. Mr. MARTENSON (Under-Secretary-General for Human Rights) said that the promotion of the self-determination of peoples and the fight against racial discrimination were fundamental objectives in the work of the United Nations. The long-standing fight against racial discrimination had involved the preparation of studies, the adoption of many international instruments outlawing discrimination and the elimination of racism through the United Nations Decade for Action to Combat Racism and Racial Discrimination and followed by the Second Decade to Combat Racism and Racial Discrimination, one of whose prime objectives was the elimination of apartheid.

2. The successful implementation of the programme of action for the Second Decade called for a concerted effort by many United Nations organizations and bodies, and for co-ordination of their activities as recommended by General Assembly resolution 42/47. As Co-ordinator for the Decade, he attached high priority to establishing better contacts both within the Secretariat and among the various organs and organizations of the United Nations system. He had, for instance, raised the question of the implementation of the Programme of Action for the Decade with the Executive Heads of the specialized agencies at the April 1988 session of the Administrative Committee on Co-ordination, suggesting a strengthening of each agency's own programme and an improvement in inter-agency co-ordination. He hoped that the Administrative Committee on Co-ordination would keep the matter under review and develop appropriate means for improving co-operation.

3. In furthering the implementation of the Programme of Action for the Second Decade he was seeking to give a new priority to the need for greater co-operation with non-governmental organizations and other members of the human rights community and for more effective use of communication, information and education. The need for stronger contacts with non-governmental organizations had been raised at his February 1988 meeting with the Sub-Committee on Racism, Racial Discrimination, Apartheid and Decolonization of the Special NGO Committee on Human Rights at Geneva, and at a similar meeting with non-governmental organizations in New York in

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May. He would shortly be addressing the International NGO Conference for Action to Combat Racism and Racial Discrimination.

4. In the area of public information, public commemorative meetings were being held to focus attention on racism and racial discrimination. A round-table discussion had been held under his chairmanship in March 1988 in connection with the International Day for the Elimination of Racial Discrimination, and a meeting was to be held in October 1988 on the occasion of the Week of Solidarity with the people of Namibia and the South West Africa People's Organization. A fact sheet on the First and Second Decades was also being prepared for use by the media and the general public, and the newly established External Relations Section of the Centre for Human Rights was involved in that and similar activities. The proposed World Human Rights Information Campaign to be considered by the General Assembly should also lend impetus to public information activities.

5. He had taken action to ensure that the Centre for Human Rights strengthened its activities under the Decade as part of the commemoration of the fortieth anniversary of the Universal Declaration of Human Rights, which provided a unique opportunity to promote public awareness of international efforts to further human rights and eliminate discrimination.

6. Turning to agenda item 87, he said that the documents before the Assembly would enable it to evaluate the results achieved in implementing the Programme of Action for the Second Decade and to suggest the direction of future activities. In the coming year, many activities were planned at all levels. The Centre for Human Rights would be organizing a number of seminars, producing the final text of the global compilation of national legislation on racial discrimination and drafting the model legislative texts for national legislation against racism.

7. One of the major events of 1988 had been the Global Consultation against Racism and Racial Discrimination, held the previous week at Geneva pursuant to General Assembly resolution 42/47. A conference room paper containing the proceedings of the Consultation would be circulated for information and a comprehensive report of the proceedings would later be disseminated widely in book form. The purpose of the Consultation had been to focus on the co-ordination of international activities to combat racism and racial discrimination. In organizing the Consultation, the Centre for Human Rights had given particular attention to the General Assembly's request to mobilize maximum international support for the Second Decade and for the implementation of the measures laid down in the Programme of Action. Participants had been drawn from all sectors of the international community and had also included non-governmental organizations and human rights activists and experts. Emphasis had been placed on describing and evaluating the work done both within and outside the United Nations. The results of the Consultation, at which a broad variety of issues relating to racism, racial discrimination and ~~apartheid~~ had been considered and new and interesting proposals and recommendations for further action had emerged, prompted him to suggest that the General Assembly might authorize a further consultation of that kind at a later stage.

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8. Pending circulation of the conference room paper and of the report of the Consultation, he wished to draw attention to the main conclusions and suggestions that had emerged from the Global Consultation. First, Governments should establish legal sanctions for racist offences, and it had been suggested that racism and racial discrimination should be referred to as a crime under international law. In order to combat racism and racial discrimination more effectively, special emphasis should be placed on identifying the legal and other components of apartheid. The United Nations should encourage States which had not yet done so to accede to or ratify the relevant regional and international instruments. The international community should increase its efforts to provide practical assistance to the victims of racism, racial discrimination and apartheid and to peoples and movements struggling against those evils both in South Africa and in neighbouring countries. An international appeal might be launched to that end. The Security Council should continue to give urgent consideration to the imposition of mandatory sanctions against the apartheid régime of South Africa, foremost among them being the ending of all collaboration with South Africa, the prohibition of loans and investments, the termination of trade and an embargo on the supply of petroleum products and other strategic commodities to South Africa.

9. It had also been suggested that co-operation and co-ordination among the relevant United Nations bodies in implementing the Programme of Action for the Second Decade should be strengthened and that new substantive contributions, for instance in terms of specific programmes, should be sought from United Nations organs, regional commissions and specialized agencies. The Centre for Human Rights might be requested to organize inter-agency meetings to consider further co-ordination measures. New ways and means should also be considered of ensuring the co-ordination of technical advisory services offered by the Centre for Human Rights and other United Nations entities, with a view to carrying out joint programmes and strengthening existing human rights mechanisms, including the possible establishment of national human rights commissions. The Centre for Human Rights should also continue to develop a broader relationship with non-governmental organizations.

10. The Consultation had also concluded that wider publicity should be given to the work of the Committee on the Elimination of Racial Discrimination and that a campaign should be launched for the ratification of the relevant international instruments. The proposed World Human Rights Information Campaign could play an important role in that connection. The General Assembly should also look into the future financing of the Committee on the Elimination of Racial Discrimination in order to resolve the Committee's unsatisfactory financial situation, which was seriously undermining its functioning.

11. Further suggestions had included updating existing studies on racism, racial discrimination and apartheid and undertaking new ones on specific factors leading to racism, racial discrimination and apartheid and on contemporary forms of violations of the human rights of persons belonging to particularly vulnerable groups. Emphasis should be placed on education and, in that context, new efforts made, in co-operation with UNESCO, to apply the principle of non-discrimination and

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equality at all levels of the education system, giving strong support to endeavours to mobilize the resources of young people in combating racism, racial discrimination and apartheid. Non-official channels, such as sports and artistic activities, should also be used to encourage a fruitful dialogue among cultures and make the public more sensitive to racial issues.

12. Participants in the Consultation had also suggested that Governments should create favourable conditions and take legal measures to protect the human rights of minorities, indigenous peoples, migrant workers and refugees. Attention should be given to studies on the link between the elimination of racism, racial discrimination and apartheid and the full implementation of economic, social and cultural rights. Lastly, it had been agreed that the Centre for Human Rights should be strengthened in order to enable it to discharge its growing responsibilities even more effectively.

13. Turning to item 88, the key role of the international community in putting an end to apartheid could not be over-emphasized. Apartheid involved the systematic denial to the majority of South Africa's population the most elementary human rights inherent in human dignity. It was a bitter paradox that South Africa's laws and judicial system were being used to impose and perpetuate human rights violations and to oppress the vast majority of citizens by classifying and reclassifying them into various racial groups. As long as apartheid was allowed to continue, the achievements of societies the world over in guaranteeing human rights and equality through law would be endangered and no group would be completely free of the spectre of eventual subjugation to a similar system.

14. It had long been clear to the United Nations that apartheid could not survive in South Africa without external support and that the international community must act against that external assistance. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had requested Professor Ahmed Khalifa to prepare a study of that external support and its impact on the enjoyment of human rights in South Africa. Since then, Professor Khalifa had compiled a list of the banks, insurance companies, firms and other organizations that were providing such assistance to South Africa.

15. Turning to agenda item 96, the right of peoples to self-determination figured prominently in the Charter and, as early as 1952, the General Assembly had proclaimed that "the right of peoples and of nations to self-determination is a prerequisite for the full enjoyment of all fundamental human rights" (resolution 637 (VII)). That right had grown in importance and become the subject of the Declaration on the Granting of Independence to Colonial Countries and Peoples; it had also been embodied in the International Covenants on Human Rights. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had mandated the preparation of two very important studies on the right to self-determination. Each year, the Commission on Human Rights followed closely the general aspects of respect for self-determination and its impact on the enjoyment of human rights; it had also dealt with a number of specific situations in which the exercise of the right to self-determination was jeopardized.

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16. In recent years, the United Nations had focused on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination. The Commission on Human Rights had appointed a Special Rapporteur on that issue; his report to the Commission was before the General Assembly, and he would also be presenting a preliminary report to the General Assembly at its current session.

17. Turning to agenda item 91, it was heartening to note from the reports before the Committee that the number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which had remained stable for four years, had increased to 125 with the accession of the Congo in July 1988. That constituted the highest number of adherents to an international human rights instrument. It was regrettable, however, that only 12 States parties had so far made the declaration under article 14 of the Convention, recognizing the competence of the Committee on the Elimination of Racial Discrimination to consider communications from individuals or groups of individuals. Individual recourse to an international authority was the best defence against the possibility of national abuse or ignorance. It was to be hoped that the General Assembly would continue to urge States parties which had not yet done so to accept that optional provision of the Convention.

18. The work of the Committee on the Elimination of Racial Discrimination (CERD) had unfortunately been impaired for the third consecutive year by financial difficulties resulting from the repeated failure of several States parties to pay their assessed contributions under the Convention. Despite repeated appeals by the Secretary-General, that financial situation had remained unchanged in 1988. As a result, the spring 1988 session of CERD had had to be cancelled and its thirty-sixth session had had to be reduced from three weeks to two. As the report of the Secretary-General (A/43/607) indicated, assessed contributions outstanding from States parties as of 1 September 1988 had still totalled over \$US 149,000. Barbados had since paid its assessed contribution for 1988. At the end of its curtailed thirty-sixth session, CERD still had a backlog of 48 reports, a situation which had not existed previously. To deal with that exceptional situation and at the same time streamline its method of examining reports, it had decided, on an experimental basis, to appoint rapporteurs from among its members to be responsible for thoroughly studying and evaluating individual reports, preparing a comprehensive list of questions to be put to the representatives of the reporting State and leading the discussion on that report. It had further endorsed the proposal made at the 11th (emergency) meeting of States parties that, as a general rule, following the submission of initial comprehensive reports under article 9 of the Convention States parties should submit further comprehensive reports on every second occasion thereafter and brief updating reports on each intervening occasion. CERD had also adopted an opinion and relevant recommendations on a communication brought before it under article 14 of the Convention; that opinion was contained in the annex to its report (A/43/18).

19. The International Convention on the Elimination of All Forms of Racial Discrimination was the most comprehensive United Nations instrument dealing with discrimination on grounds of race, colour or national or ethnic origin. The

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procedures and mechanisms established by the Convention were unique in the United Nations system and had been utilized and elaborated upon in other United Nations instruments adopted subsequently in the field of human rights. It was therefore unfortunate to see the important work of the Committee on the Elimination of Racial Discrimination jeopardized; he invited the Third Committee to focus its attention on that critical situation. Decision I (XXXVI) of the Committee on the Elimination of Racial Discrimination, on the financing of the expenses of the members of that Committee from the United Nations regular budget, was brought to the attention of the Third Committee in chapter VII of CERD's report.

20. The Committee had before it the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/43/516), which also included a section on the implementation of that Convention and a list of the States which had signed, ratified or acceded to it. By its resolution 42/56, the General Assembly had appealed once again to those States that had not yet done so to ratify or accede to the Convention without further delay, in particular those States which had jurisdiction over transnational corporations operating in South Africa and Namibia and without whose co-operation such operations could not be halted. The Group of Three on the implementation of the Convention, appointed by the Chairman of the Commission on Human Rights at its forty-third session, had met at the United Nations Office at Geneva in January 1988. It had considered reports submitted by eight States parties since its 1987 session and had made a number of recommendations concerning the form and content of reports; it had reported to the Commission on Human Rights at its forty-fourth session and the Commission had adopted resolution 1988/18 in that connection. By notes verbales dated 6 and 10 June 1988, the Secretary-General had brought to the attention of States parties the relevant provisions of the Convention and of Commission resolution 1988/18, as well as the conclusions and recommendations of the Group of Three on its 1988 session, and had requested States parties to submit their reports within the time-limits indicated in Commission resolution 7 (XXXIV), for transmission to the Group of Three at its 1989 session.

21. The United Nations had made appreciable progress in the world-wide promotion and protection of human rights and in the struggle against racism and racial discrimination, yet violations, abuses and discrimination remained rife throughout the international community. As Co-ordinator of the Second Decade to Combat Racism and Racial Discrimination, he would make unstinting efforts to achieve the Organization's common objectives; he would strive to mobilize all partners in the international struggle against racial discrimination and to make maximum use of the instruments of communication, education and information.

22. Mr. ZEPOS (Greece), speaking on behalf of the Twelve member States of the European Community, said that the Twelve had always condemned and rejected all forms of discrimination based on race, colour, descent or ethnic origin. Racism and racial discrimination were irreconcilable with the ideals of free and democratic societies based on the principles of equality, justice and liberty. They were a universal phenomenon fostered by ignorance, fear, mistrust and rejection and they threatened all societies to varying degrees. As a first step towards eliminating those evils, all countries must recognize their existence at

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home as well as abroad, and react accordingly. Governments themselves bore within their respective jurisdictions principal responsibility for the eradication of racism and racial discrimination.

23. The European Community had taken firm legislative and administrative action to combat racial discrimination. Laws had to be duly implemented and enforced, however, and education had an important role to play: the younger generation must be educated to respect the human rights and fundamental freedoms of all people without discrimination. Public dissemination of information concerning racism was also important as a means of combating racial discrimination.

24. The United Nations had played a significant role in increasing public awareness of the evil of racism and had been instrumental in establishing international standards and mechanisms to combat it. The Second Decade to Combat Racism and Racial Discrimination and the plan of activities for the first half of the Decade were further evidence of the international community's determination to eliminate racism and racial discrimination. The Twelve welcomed the importance given in the report of the Secretary-General on the Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination to co-ordinating activities under the Second Decade; effective co-ordination was a prerequisite for the successful implementation of the Programme. They also welcomed the continuing emphasis on education and training, in addition to legislative and administrative measures, to combat racial discrimination. In 1988, the member States of the European Community had organized and participated in a large number of training courses, seminars and symposia related to the fight against racism. The global compilation of national legislation, the preparation of model legislation and the handbook of recourse procedures were steps in the right direction.

25. In most countries racial discrimination existed in spite of the law, but in South Africa it had been institutionalized in the policy of apartheid, which ran counter to all United Nations principles and violated basic human rights in a unique and flagrant way. The Twelve were gravely concerned about the lack of progress towards the abolition of apartheid in South Africa, as the Foreign Minister of Greece had indicated in his statement in the general debate on behalf of the European Community.

26. The Twelve were implementing a concerted European programme to help the victims of apartheid; the European Community had provided in ECU the equivalent of \$39 million in 1986 and 1987, and \$28 million had been allocated for 1988. Since 1986, 178 projects in the fields of education and training, social and humanitarian aid and legal assistance had been channelled through non-violent organizations. The Community was also providing assistance to South Africa's neighbours bilaterally and through the Southern African Development Co-ordination Conference (SADCC). Under the Third Lomé Convention, the Community had allocated the equivalent of \$1.8 billion to SADCC for programmes in the areas of transport, infrastructure, agriculture and food security.

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27. Since 1985, the Community had introduced a series of measures designed to impress on the South African régime the urgent need for fundamental change and to make it clear to the white community in South Africa that the Twelve were absolutely opposed to the continuation of apartheid in any form. A second objective was to provide assistance to the victims of apartheid, both inside South Africa and in the southern African region as a whole. In 1986, the Twelve had adopted decisions whereby the necessary measures had been taken to prohibit new investments in South Africa, as well as imports of iron, steel and gold coins. The Twelve had for some years been operating a code of conduct for European Community companies with branches or subsidiaries in South Africa, which had played an important role in efforts to eliminate apartheid from the workplace and ensure that all workers were given equal opportunities. The code had been updated and strengthened to give greater emphasis to the role of independent trade unions representing black African workers, and companies had been asked to pay greater attention to education, training, African career development and wider community projects.

28. 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. It was gratifying that one more State had acceded to it and the Twelve hoped that all States which had not yet done so would soon ratify or accede to it. Although the Committee on the Elimination of Racial Discrimination had a substantial role to play in ensuring compliance by States parties with the terms of the Convention, it faced serious financial difficulties that hampered its important task. That situation, which undermined the efforts of all countries to eliminate racial discrimination, must cease so that the objectives of the Convention could be realized. The Twelve member States of the European Community strongly urged all States parties in default to settle their arrears. With a few unfortunate exceptions, those arrears were very small and should cause no problems to the States concerned. The Twelve would then be ready to work for a solution that enabled the Committee on the Elimination of Racial Discrimination to fulfil its mandate.

29. It was regrettable that the report submitted under item 88, like previous reports on the subject, did not represent a useful basis for discussion. It consisted of little more than lists of companies which maintained open commercial links with South Africa; the lists were inaccurate, selective and excluded - apparently for political reasons - many States and other corporations which were well known to conduct regular trade with South Africa.

30. Turning to agenda item 96, the Charter and the International Covenants on Human Rights proclaimed self-determination as the right of all peoples without discrimination; the Twelve fully supported that right and worked for its universal application. They had contributed to and continued to uphold the exercise of the right of self-determination by peoples formerly under colonial rule or otherwise unable to exercise that right. The fundamental right of self-determination was violated either by the existence of a racist régime such as South Africa's or by foreign intervention or occupation, or by denying people regular opportunities to choose their governments and social systems freely.

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31. The Twelve commended the efforts of the United Nations and its Secretary-General to resolve regional conflicts around the world and hoped that the peoples involved would soon be able to exercise their right of self-determination fully. They welcomed the peace proposals on Western Sahara submitted by the Secretary-General and accepted by the parties concerned and were gratified that the Security Council had authorized the Secretary-General to designate a special representative for Western Sahara. There had also been recent encouraging signs of progress in southern Africa and the Twelve supported the efforts currently underway aimed at securing peace for Angola and independence for Namibia on the basis of Security Council resolution 435 (1978). They hoped that the dialogue thus initiated would ease tensions and pave the way for peace, security, stability and socio-economic development based on respect for human rights in the entire region.

32. The Geneva agreements on Afghanistan were an important step towards resolving the situation in that country. An overall political settlement would involve the withdrawal of all Soviet troops in accordance with the agreed timetable, the unimpeded return of refugees in safety and honour, the establishment of a fully representative Government through a genuine act of self-determination, and the re-establishment of a genuinely independent and non-aligned Afghanistan. It was essential that the Afghan resistance be involved fully in that process.

33. The informal Jakarta meeting had been an encouraging step towards a political solution of the situation in Kampuchea resulting from foreign military occupation in violation of the fundamental principles of the United Nations and international law. The Kampuchean people must be allowed to decide their own future, free from any prospect of a return to the universally condemned policies and practices of the recent past.

34. The Twelve had repeatedly deplored Israel's repressive measures in the occupied Arab territories, which made a peaceful settlement harder to find. The two principles which were fundamental to a solution of the Middle East conflict were the right of all States in the area, including Israel, to exist within secure, recognized and guaranteed borders and the right of the Palestinian people to self-determination, with all that that implied.

35. The Twelve called on all Governments which operated on the principle that only they knew what their peoples wanted to fully respect the principles of the Charter. The exercise of the right to self-determination was not a single event but a continuous process. Peoples must have regular opportunities to choose their Governments and social systems freely and to change them if they so wished. Each individual must be able to exercise the other rights set out in the Covenants. Only when self-determination was universally implemented could the foundations of peace be strengthened. The Twelve were doing everything possible in that direction.

The meeting rose at 11.40 a.m.