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at 3 p.m.
New York

SUMMARY RECORD OF THE 14th MEETING

Chairman: Mrs. SHAHANI (Philippines)

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The meeting was called to order at 4.05 p.m.

AGENDA ITEM 82: 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: REPORT OF THE SECRETARY-GENERAL (continued) (A/33/199 and Add.1; E/CN.4/SUB.2/404 (vols. I, II and III), E/CN.4/405 (vols. I and II), A/33/151 and A/33/206)

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- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (A/33/18)
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- (c) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL (A/33/148)

1. Mr. MATELJAK (Yugoslavia) said his delegation attached great importance to the efforts of the Committee on the Elimination of Racial Discrimination to eradicate one of the worst forms of humiliation of the human person and one of the most serious threats to international peace and security. It appreciated the fact that that Committee had concentrated its attention on the elimination of the main strongholds of racism, namely the régimes of Pretoria and Salisbury, while also devoting adequate attention to discrimination on other grounds, especially national and ethnic grounds.

2. In Yugoslavia, all ethnic minorities enjoyed the same political, economic and cultural rights. In order to reflect that equality, the notion of minority had been replaced in Yugoslavia's political terminology by the notion of nationality. The Federal Secretary for Foreign Affairs of Yugoslavia, speaking in the General Assembly at its current session, had observed in that connexion that the nation that constituted the majority was responsible for the realization of the rights of the national minority, for it was difficult to imagine a majority enjoying genuine freedom if it had not ensured the same freedom for the national minority. Guided by that principle, his Government had created the necessary conditions enabling all nationalities in his country to enjoy equal possibilities for their development. Thus, article 170 of the Constitution of the Socialist Federal Republic of Yugoslavia guaranteed citizens the right to opt for the nation or nationality of their choice, to express their national culture and to use their language and alphabet freely. Those rights were given concrete form in the constitutions of the republics and provinces as well as in the statutes of communes. To give a concrete example, according to official data in Yugoslavia in 1975 there had been 1,538 elementary schools and 288 secondary schools offering instruction in the languages of nationalities.

3. The situation was similar with regard to the information media, notably radio and television. Furthermore, 64 newspapers and 54 magazines, as well as 654 books

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(Mr. Mateljak, Yugoslavia)

of various kinds, had been published in the languages of nationalities in 1975. The bulletins issued for representatives of nationalities in Parliament and other governing bodies were likewise published in their languages.

4. Members of the various nationalities enjoyed the same rights in the courts. Thus, article 7 of the Yugoslav Law on Criminal Procedure provided that they were entitled to use their languages in judicial proceedings.

5. Those were but a few illustrations of the rights enjoyed by nationalities in Yugoslavia, in full accordance with the Charter and other United Nations documents. In that connexion, his delegation welcomed the work of the Commission on Human Rights on a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities.

6. Reverting to the report of the Committee on the Elimination of Racial Discrimination, he said his delegation appreciated the Committee's co-operation with UNESCO in the efforts to implement article 7 of the Convention concerning measures in the fields of teaching, education, culture and information, in order to combat racial prejudices in the world. The Committee should pursue its efforts to that end at its nineteenth session, particularly since those prejudices were gaining further strength in some countries. In that connexion, his delegation considered that freedom of the press and freedom of expression could not be used by some States parties to the Convention to justify inadequate application of article 7. Furthermore, his delegation supported the Committee's view that, as far as the obligations of States parties were concerned, only the reservations made by States parties when they ratified or acceded to the Convention should be taken into account.

7. His delegation commended the Committee on the Elimination of Racial Discrimination for its valuable contribution to the World Conference to Combat Racism and Racial Discrimination, held in Geneva in August 1978. The study it had prepared had been one of the most important pre-session documents prepared for the Conference and should be widely distributed.

8. The Committee also deserved praise for its efforts to obtain on time the reports on the implementation of the Convention to be prepared by States parties in accordance with article 9 of that instrument. Furthermore, the Committee had made repeated appeals to the relevant United Nations body to supply it with sufficient information about racial discrimination in Trust and Non-Self-Governing Territories, in order to be able to carry out properly its functions under article 15 of the Convention. It was important to continue the dialogue between the General Assembly and the Committee and between States parties and the Committee, for that could only benefit both the work of the Committee and the implementation of the Convention.

9. With regard to the discussions recorded in document CERD/C/SR.402, his delegation wished to stress that the maintenance of economic and other relations with the racist régimes in southern Africa was in contradiction with the Convention

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and numerous United Nations resolutions. Only by total isolation of the racist régimes in Pretoria and Salisbury could racism and apartheid in southern Africa be effectively eliminated and the dignity, freedom and independence of its peoples restored.

10. His delegation welcomed the increasingly universal character of the International Convention on the Elimination of All Forms of Racial Discrimination, which thus far had been ratified or acceded to by 100 States. That was only a partial success, however, since one third of the States Members of the Organization had not yet acceded to it. Regrettably, only 40 States had thus far become parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid. Those two Conventions were so important that no State Member of the Organization should fail to accede to or ratify them.

11. Before turning to the next item, he wished to commend the Committee once more and to announce that, as in previous years, his delegation was preparing the draft resolution on the report of that body.

12. Turning to agenda item 82, he expressed dissatisfaction at the fact that, despite the Charter of the United Nations, resolution 1514 (XV) and numerous other resolutions dealing with decolonization, so many peoples were still under colonial rule or foreign occupation. Depriving peoples of their right to self-determination constituted not only a violation of their basic rights, but also a serious threat to international peace and security. Currently, the most dangerous focal points of conflict were situated precisely in the regions where those rights were most frequently violated, i.e. southern Africa and the Middle East.

13. In conclusion, he recalled that in Belgrade, the Ministers for Foreign Affairs of the Non-Aligned Countries had reaffirmed the right of peoples to self-determination and independence, the legitimate right of peoples under foreign domination to resort to armed struggle for their independence, and the duty of colonial, neo-colonial and racist Powers not to use armed force to deprive peoples of their freedom.

14. Mr. SAMHAM (United Arab Emirates) said that racial discrimination, which had been a matter of concern to the international community since 1946, was unfortunately still practised, particularly in South Africa, occupied Palestine, Zimbabwe and Namibia. The international situation had never been so serious; now the condemnations which had been reiterated time and again no longer sufficed, and it was a matter of urgency to take effective measures to put an end to the criminal policy of the régimes that were tyrannizing that part of the world.

15. The oppressive and inhuman nature of the régimes in power in Zimbabwe and South Africa had been demonstrated at the time of the negotiations recently held with a view to solving the problems confronting those countries. The sterile discussions in which the representatives of those régimes had engaged, and the blind fanaticism they had shown, provided further evidence of their total disregard of all human values, particularly for the Western countries which had not

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been convinced of that fact. In accepting, on behalf of the Namibian people, the proposal made by the Western Powers in the Security Council, and thereby facilitating the effort to find a just solution to the conflict, SWAPO had shown that it was conscious of the national and historic responsibilities it bore. The South African régime, however, had failed, as usual, to honour the commitments it had made in accepting that proposal, and had taken advantage of the respite afforded to it in order to strengthen its military positions in the region. The delegation of the United Arab Emirates considered that a settlement of the problem of Namibia must be based solely on respect for the integrity of that territory, from which Walvis Bay could not be separated, in accordance with Security Council resolution 431 (1978), and on the consent of the lawful representatives of the Namibian people, namely, the leaders of SWAPO. Furthermore the solution must be sought exclusively within the framework of the United Nations. The international community, and particularly the Western Powers belonging to the Security Council, must exert pressure on the South African Government to bring it to terms. His delegation hoped that Namibia would become independent very soon and also become a member of the United Nations.

16. With regard to Israel, its continued presence in the occupied Arab territories and its disregard for the rights of the Palestinian people were a constant violation of the principles governing international relations, of the Charter of the United Nations and of the Universal Declaration of Human Rights. His delegation called on all countries, and particularly those that were friends of Israel, to stop supplying it with weapons which it used to oppress the Palestinian people and prevent them from exercising their inalienable rights, particularly their right to return to their homeland and their right to decide their own future and set up an independent State in Palestine, under the leadership of the Palestine Liberation Organization. Israel must implement General Assembly resolution 3236 (XXIX) and, if it refused to do so, his delegation felt that it should be subjected to the sanctions provided for in the Charter. His delegation appealed to all countries to condemn zionism, which was a movement based on racial discrimination.

17. The United Arab Emirates attached the utmost importance to the elimination of all discrimination based on colour, race or political affiliation, and to the principle of equality before the law. In those countries where distinctions based on colour or race were unknown, a climate of tolerance, trust and mutual understanding prevailed. It was in that spirit that the Government of the United Arab Emirates had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. From the very beginning the United Arab Emirates had pursued a policy of supporting peoples in their struggle for freedom and for the preservation of their territorial integrity. Firmly believing that the right to self-determination, proclaimed in 1960 in the Declaration on the Granting of Independence to Colonial Countries and Peoples, must be guaranteed in all parts of the world, without exception, they had consistently provided all possible material and moral assistance to the African liberation movements.

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18. Mr. MERKEL (Federal Republic of Germany) said that the right to self-determination - a universal right, respect for which was an essential component of international law and peace - was embodied in the Charter of the United Nations and in various international instruments. As could be seen from paragraph 107 of its report (E/1978/34), the Commission on Human Rights, in amending the wording of the corresponding item on the agenda for its thirty-fourth session, had made it clear that the right to self-determination applied to all people, irrespective of colour, race, religion or regional consideration.

19. The Federal Republic of Germany had guaranteed the right to self-determination by enshrining it in its constitution and ratifying the two covenants on human rights. It had consistently supported the speedy elimination of the last remnants of colonialism in accordance with principle VIII of the Final Act of the Conference on Security and Co-operation in Europe, adopted at Helsinki in 1975.

20. He recalled that the Minister for Foreign Affairs of his country had stated in the general debate at the current session of the General Assembly that the aim of the policy of the Federal Republic of Germany was to work for a state of peace in Europe in which the German nation would recover its unity in free self-determination.

21. The right of self-determination entailed the right to suffrage, as required by article 25 of the International Covenant on Civil and Political Rights.

22. The Federal Republic of Germany was participating actively in the efforts undertaken by the United Nations in Namibia and would support other peoples endeavouring to establish their right to self-determination. It welcomed the independence of the Solomon Islands, which had become the 150th Member of the United Nations.

23. However, as Mr. Gros Espiell had pointed out in his study (E/CN.4/SUB.2/405, vol. I) the right to self-determination had an economic content as well as a political content. For that reason his Government endeavoured to contribute to the economic development of newly emerging States and considered that the dialogue between industrialized countries and developing countries played an important role. The Lomé Convention, concluded between the European Community and 55 African, Caribbean and Pacific States, provided a good example of how economic relations could be promoted on the basis of equality for the benefit of all concerned. He hoped that other groups of States would follow the same road, on which the final communiqué of the Bonn economic summit constituted a new milestone.

24. He was sure that a peaceful and just world order would be established if only the right of self-determination were translated into practice fully in all parts of the world, and his country would do everything in its power to promote that right everywhere.

25. Mr. KEILAU (German Democratic Republic), exercising his right of reply, said that respect for the principle of equal rights and for the right to self-determination figured prominently in contemporary international law. However, any

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interpretation of that principle that was designed to undermine the sovereignty of another State was incompatible with international law and could only disturb the peace and impair the development of peaceful co-operation among peoples and States. Since there had been such an interpretation of that principle in the Third Committee, he deemed it necessary to call attention to the fact that such a policy had a historical parallel in that of German fascism prior to the out-break of the Second World War. Invoking the fictitious right to speak on behalf of all Germans, no matter in what State they lived, and propagating the policy of Anschluss, Hitlerite fascism had interfered in the affairs of other countries, questioned the frontiers in Europe, and thus plunged the European peoples into the most disastrous catastrophe in human history.

26. He emphasized the dangers to the well-being of the people - which the Government in question had declared to be its goal and responsibility - of a political concept which, while professing a commitment to peace, harboured designs for changing irrefutable realities in Europe.

27. He wished to recall the statement made by the Minister of Foreign Affairs of the German Democratic Republic, who had said during the general debate that it remained the declared objective of his Government to work towards a situation in Europe where peace was lastingly ensured on the basis of the irrefutable realities of post-war development, where peaceful coexistence governed the life and conduct of States having different social systems, and where the people of the German Democratic Republic could pursue their peaceful socialist construction work free from outside interference or even threat.

The meeting rose at 4.50 p.m.