



OCT 22 1984

THIRD COMMITTEE  
5th meeting  
held on  
Tuesday, 9 October 1984  
at 3 p.m.  
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. MADAR (Somalia)

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

AGENDA ITEM 84: 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/39/534; A/C.3/39/3; E/CN.4/Sub.2/1984/8 and Add.1 and 2)

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AGENDA ITEM 87: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS: REPORTS OF THE SECRETARY-GENERAL (continued) A/39/133, A/39/140, A/39/185, A/39/307, A/39/505 and Add.1)

AGENDA ITEM 88: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/39/79 and Corr.1, A/39/133, A/39/180 and Corr.1, A/39/484)

- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (continued) (A/39/18)
- (b) STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL (continued) (A/39/459)
- (c) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL (continued) (A/39/460)

1. Mr. MASSOT (Brazil) welcomed Brunei Darussalam as a new Member of the Organization and said that its independence symbolized the fulfilment of its national aspirations and that it was necessary for other peoples, specifically the Namibian and Palestinian peoples, also to be able to realize such aspirations in the near future.

2. With regard to item 86, he noted that Brazil had taken an active part in the drafting of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, adopted by consensus at the Second World Conference, held in 1983. Brazil felt that the document was a major achievement of the international community in the struggle, which it firmly supported, against racism, racial discrimination and apartheid. The suggestions for the plan of activities for the Decade submitted by the Secretary-General (E/1984/33 and A/39/167/Add.2), as requested by Economic and Social Council resolution 1984/43, corresponded in general to the expectations of the international community and were useful guidelines for future action. His delegation felt that it was important for the United Nations to concentrate as much as possible upon apartheid, without neglecting the other forms of racial discrimination, in an attempt to eradicate that shameful practice.

(Mr. Massot, Brazil)

3. With respect to item 88, his delegation praised the report submitted by the Committee on the Elimination of Racial Discrimination and felt that it should adopt a flexible approach to the implementation of article 9 of the Convention, because the quality of the information provided in the reports was more important than the strict observance of biennial periodicity for their submission. His delegation hoped that the recommendation contained in decision 2 (XXX), in which the Committee requested the General Assembly to authorize the publication of two studies on articles 4 and 7 of the Convention, would be approved.

4. His delegation wished to reaffirm in connection with document E/CN.4/Sub.2/1984/8/Add.1, annex III, that there were no Brazilian investments in South Africa, that the firm International Basic Economic Corporation (IBEC) was not Brazilian, and that the Brazilian authorities did not know of the existence of a company called "Delmada Farms". As for the three other companies later included in the list, two of them were shipping lines which had used a South African harbour for purely technical reasons, and one had been included in the list on the basis of a paper published in 1983 by the World Federation of Trade Unions, which listed 150 oil tankers from different countries which were said to have made trips to South Africa in 1979 and 1980. Of those, four were alleged to be Brazilian: one of them, the Brazilian Peace had made port in Capetown from 8 to 17 September 1979 to repair one of its engines; of the other three, two had never been to South Africa and one had been sub-freighted from March 1978 to August 1980 to a foreign shipping line, Clermont Shipping Co., Inc. The third firm was a privately-owned airline which flew to the African continent, among other destinations. Those companies had never assisted South Africa, either directly or indirectly, and their inclusion in the report could be attributed only to a flaw in the criteria used to prepare the list. There was undoubtedly tremendous diversity in the degree to which countries were involved in what was considered by the Rapporteur as assistance to South Africa, and the Rapporteur himself had recognized the need to improve his method of work in that respect. The Brazilian delegation welcomed the more detailed list to be found in E/CN.4/Sub.2/1984/8/Add.2, and asked that the list should be amended as soon as possible.

5. Mr. LUNGU (Zambia) said that the grave situation which continued to exist in southern Africa was caused by the fact that the racist régime of South Africa persisted in implementing its policies of apartheid and its illegal occupation of Namibia, in open defiance of the expressed will and repeated appeals of the international community. The people of South Africa continued to be denied their right to participate in the political life of their country, to receive a good education and to have privacy, decent housing and adequate remuneration.

6. In the face of strong resistance by the oppressed black majority, the Pretoria régime had responded by applying more ruthless methods of repression. To the strikes and demonstrations against the so-called "new constitution", whose aim was to entrench the apartheid régime, the latter had responded with a brutal campaign of repression, detentions and tortures. The people of South Africa needed the full support of the international community to combat apartheid, which was correctly qualified as a crime against humanity and a threat to international peace and security.

(Mr. Lungu, Zambia)

7. Despite numerous United Nations resolutions and decisions, the Pretoria régime had persisted in its refusal to co-operate with the international community and change its policies. That defiance must therefore be met by strong and energetic measures, such as those which had been very appropriately suggested in the Secretary-General's reports (A/39/167 and Add.1 and 2 and A/39/460).
8. On 28 September the General Assembly had adopted resolution 39/2 on the situation in South Africa, in which it urged all Governments and organizations to take appropriate action to assist the oppressed people of South Africa in their legitimate struggle for national liberation. The United Nations had also declared the presence of South Africa in Namibia to be illegal, although the Pretoria régime continued to refuse to find a peaceful solution to the problem and to implement Security Council resolution 435 (1978), which laid down the bases for the peaceful transition of Namibia to independence.
9. The South West Africa People's Organization (SWAPO), the authentic representative of the Namibian people, had repeatedly expressed willingness to implement Security Council resolution 435 (1978) and thus to prevent the further loss of human life and the situation of general insecurity in Namibia. However, South Africa's intransigence was standing in the way of the achievement of that goal. The South African régime was also continuing its policy of destabilizing neighbouring independent countries in an effort to discourage them from supporting the liberation struggle being waged against the racist régime, and it continued its delaying tactics by linking the independence of Namibia to extraneous issues. The liberation movements were thus left with no other option than to continue the struggle, including armed struggle, against the illegal occupier of their country. Peace in Namibia and neighbouring countries could be assured only if South Africa co-operated with the international community and agreed to implement Security Council resolution 435 (1978).
10. The Palestinian people had also suffered many years of oppression and had been denied their inalienable natural right to self-determination and national independence in their own homeland. As long as that basic right was denied, there would be no peace in the Middle East. The countries of the region could live in peace within secure and recognized boundaries only if Israel recognized the right of the Palestinian people to self-determination and independence in their own homeland. The United Nations had adopted various resolutions with a view to finding a peaceful solution to the problem, but the lack of co-operation from those concerned in the implementation of those resolutions and decisions had prevented their success. Zambia supported the Palestine Liberation Organization (PLO) in its just struggle for liberation and self-determination and was convinced that any attempt at a peaceful settlement of the problem of Palestine required the full participation of that organization.
11. Mr. THWAITES (Australia), after noting that his delegation reserved the right to speak on item 88 at a later time, reaffirmed the importance of the universal realization of the right of peoples to self-determination. That right, which, as everyone knew, was not reflected in the United Nations Charter, had had significant influence on international relations and on the pursuit by peoples everywhere of

(Mr. Thwaites, Australia)

their deepest aspirations. Although the Third Committee had not played a major role in the historic process of decolonization, which had drawn its inspiration from the Declaration on the Granting of Independence to Colonial Countries and Peoples, it was precisely the right forum for evaluating the special significance of the right to self-determination as a foundation for the capacity of peoples and individuals to exercise the full range of their human rights. The decolonization process was coming to an end, and so the remaining situations in which peoples were deprived of their right to self-determination were all the more intolerable. It was necessary to re-examine the concept of the right to self-determination from the standpoint of international law; from that perspective, the right to self-determination was clearly affirmed in article 1 of the two International Covenants on Human Rights. That right was not limited by time or by geographical criteria, nor could it be claimed that that right could be exhausted following its initial exercise. Self-determination was a permanent right which could not be regarded as being guaranteed once and for all by a process of decolonization or by an act of self-determination leading to independence. Self-determination implied the continuing right of all peoples and individuals within each nation to participate fully in the political process by various means, including free and fair elections. His delegation hoped that the comment on the implementation of article 1 of the International Covenant on Civil and Political Rights, which had been adopted by the Human Rights Committee and was to be incorporated in its report, would receive careful consideration from all States parties to the Covenant and from all Governments.

12. Unfortunately, situations continued to exist in which the exercise of the right to self-determination was denied, as, for example, in Namibia. The parties to the most recent round of negotiations, the results of which were still awaited, had agreed to abide by Security Council resolution 435 (1978); it was therefore regrettable that the negotiations on Namibia's self-determination should be linked to the presence of Cuban personnel in Angola.

13. With regard to the situation in the Middle East, Australia acknowledged the right of the Palestinian people to self-determination, including the right to independence and the possibility of establishing an independent State. PLO must participate in the search for peace in the Middle East, even though it was clear that the results of that search would be limited so long as PLO persisted in denying Israel's right to exist within secure and recognized borders. The Government of Australia would continue to refuse to recognize PLO for as long as that denial was maintained.

14. It was particularly difficult to witness situations in which the right to self-determination of peoples who earlier had expressed and realized their right to act as independent nations was suppressed by force, as in the cases of Afghanistan and Cambodia. Australia had condemned the invasion of Cambodia at the time it had occurred and had called for the withdrawal of Vietnamese forces and for self-determination for Cambodia. In the case of Afghanistan, it was ironic that a super-Power which advocated the right of States to self-determination was deploying its might against a nation which had maintained its independence for centuries. The tragic consequences of that situation could be brought to an end only by a Soviet withdrawal from Afghanistan in accordance with successive United Nations resolutions.

(Mr. Thwaites, Australia)

15. In the South Pacific, a number of States had gained independence; nevertheless, a colonial situation continued to exist in New Caledonia. Australia proposed that New Caledonia should become independent through peaceful means, and welcomed the recognition by the French Government of the right of the Kanak people to self-determination.

16. A clear link existed between the eradication of racism and self-determination. In the case of South Africa, the recent constitutional reform had only worsened a situation based on violence and injustice which Australia found abhorrent. One step in its effort to fulfil its obligations to the people of South Africa and the international community with respect to the struggle against apartheid was the Australian Government's granting of permission, for the first time, for the establishment in Australia of information offices of the African National Congress and SWAPO. Australia believed it was imperative to fight against the various forms of racism and was determined to see that the consensus reached with regard to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination was maintained and built upon during the current session. While his delegation had difficulty in accepting some points of that Programme, it had supported its adoption both at the Conference and in the General Assembly, in the conviction that it offered a reasonable basis for renewing co-operation in the struggle against racism in the wake of the frustration of the first Decade. It was encouraging that the Programme contained a broad range of practical measures directed at eradicating the conditions in which racism could emerge. For its part, Australia was committed to implementing the Programme of Action, but was convinced that an international consensus would give greater force to the measures adopted at the national level.

17. His delegation had supported the conduct of the study entrusted to the Special Rapporteur and was disappointed at the focus of that study; he also thought that the end result might undermine the credibility of United Nations measures against apartheid.

18. Mr. MATELJAK (Yugoslavia) said that, despite the achievements of the first Decade, racism and racial discrimination continued to be very serious problems. The brutal oppression of the African population of South Africa and Namibia was especially serious, since it constituted a crime against humanity and a threat to international peace and security. The superficial changes introduced by South Africa did nothing more than strengthen and perpetuate racism; no one gained anything from them. Yugoslavia firmly believed that only effective international pressure and isolation, combined with increasing internal resistance, could eliminate apartheid. "Constructive engagement" served only to prolong it, and the countries and transnational corporations which maintained relations with South Africa helped to prolong the suffering of the African population and consequently assumed historical responsibility for it.

19. The same held true for the Arab population in the occupied Arab territories, whose rights were being flagrantly violated. In many other parts of the world, various forms of discrimination were practised on the basis of race or colour, especially against vulnerable groups such as refugees and indigenous populations, and also against migrant workers, whose situation had worsened with the

(Mr. Mateljak, Yugoslavia)

deterioration in the world economic situation and the discriminatory measures adopted by many Governments. Those workers were victims of Fascist, neo-Fascist and Nazi organizations which were growing increasingly active in many countries, in defiance of articles 4 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.

20. In accordance with its policy of non-alignment, Yugoslavia fully supported the struggle of the oppressed peoples of southern Africa and Palestine, maintained friendly relations with their liberation movements and actively participated in the efforts of the United Nations, the Movement of Non-Aligned Countries and the international community to eliminate colonialism, racism and apartheid. Yugoslavia had ratified and was implementing 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, and believed that those two instruments should be ratified by all Members of the United Nations.

21. His delegation would spare no efforts to bring about a consensus with regard to the programme of activities for the Decade and welcomed in that respect the studies prepared by the Committee on the Elimination of Racial Discrimination for the Second World Conference to Combat Racism and Racial Discrimination. Those studies should be issued as United Nations publications. He commended that Committee's decision to participate in the activities of the Second Decade to Combat Racism and Racial Discrimination and to contribute towards the realization of its Programme of Action. He supported its stand with regard to the implementation of the Convention in Namibia; he also felt that it was unnecessary to change the periodicity of reports of States parties. He supported the proposal for co-ordination of the work of bodies which monitored the implementation of human-rights instruments so as to avoid duplication. During the two most recent sessions of that Committee the need to have States provide sufficient information in their reports about the demographic composition of their population had been clearly demonstrated. In addition, greater attention should be paid to cultural, social and economic characteristics and conditions of States parties when the reports were considered.

22. His delegation held the view that more publicity should be given to the work of that Committee within the United Nations system and in individual Member States; it would also be useful for the Committee to hold at least one of its forthcoming sessions in an African country.

23. In keeping with what had now become a tradition the Yugoslav delegation, in consultation with other interested delegations, would prepare and submit the draft proposal for the resolution on the report of the Committee on the Elimination of Racial Discrimination. In conclusion, his delegation wished to stress once again that the causes of racism and racial discrimination were primarily of a political nature and lay in the efforts of the rich and the strong to maintain their privileges and exploitation of the poor and weak.



24. Mrs. BIHI (Somalia) reaffirmed the inalienable right of peoples to self-determination and strongly opposed all forms of racism and racial discrimination, including the denial of fundamental human rights. The international community must support all forms of social and economic pressure on racist régimes in order to enforce their isolation, and must even endorse the use of force against them as a last resort. Collaboration with the racist régime in South Africa only prolonged the agony of the oppressed majority. The constitutional juggling on which the so-called independence of South Africa was based could not obscure the increasingly violent situation facing the people of South Africa, as shown, by recent events.

25. In accordance with the principle of self-determination enshrined in the Charter of the United Nations and international instruments on human rights, the international community must demand the full independence of all territories which still languished under colonial repression or military occupation.

26. The roots of the current crisis lay in the creation of expansionist, settler States and their struggles to preserve their privileges in disregard of the rights and wishes of the majority, and specifically its right to full citizenship status in its own land. The essence of imperialism was precisely to impose upon other peoples an alien national identity, at terrible expense to the oppressed population.

27. The Government of Somalia remained unwavering in its support for the principle of self-determination and in its condemnation of all racist and colonialist régimes, and régimes which oppressed minorities or majorities, in South Africa and elsewhere. It was the duty of the United Nations to extend protection to all victims of racial persecution.

28. Mrs. MARKUS (Libyan Arab Jamahiriya) said that despite the efforts made in connection with the first Decade for Action to Combat Racism and Racial Discrimination, millions of people were still the victims of discrimination and of the apartheid régime. The delegation of Libya therefore considered the Declaration and Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, adopted by the General Assembly in its resolution 38/14, in the context of the Second Decade to Combat Racism and Racial Discrimination, were extremely important and timely.

29. The work done by the United Nations, since its inception, in the area of human rights had helped to establish a new system of international relations based on the principle of self-determination enshrined in the Charter of the United Nations, in the Universal Declaration of Human Rights, and in various other international covenants and instruments.

30. Her delegation welcomed the report of the Special Rapporteur on the adverse consequences for the enjoyment of human rights of the continued assistance given by certain Western States, in particular the United States and the Zionist entity, to the racist and colonialist régime in South Africa.



31. Mr. SUFOT (Israel), speaking on a point of order, said that any reference to the Zionist State of Israel should be by its name, which had been recognized by the United Nations.
32. Mrs. MARKUS (Libyan Arab Jamahiriya) said that the struggle for the liberation of Namibia and the peoples of southern Africa and the struggle waged by the Palestinian people against zionism were one and the same. Likewise, the illegal occupation of Namibia by South Africa and the acts of aggression committed by the racist régime against the front-line States were akin to the occupation of Palestine by the Zionist entity and strengthened the collaboration between the latter and the apartheid régime, particularly in the nuclear and military spheres. As a result of such collaboration those dangerous racist policies were being intensified and consolidated to an increasing extent, in open violation of the resolutions adopted by the international community.
33. The policy of apartheid and racial discrimination in all its forms had been condemned as a crime against humanity. The international community must therefore intensify its efforts to eradicate one of the worst scourges that still afflicted the world. The peoples of southern Africa and of Namibia in particular and the Palestinian people as well as the black minority and migrant workers in the United States were victims of many violations of their human rights. In defiance of General Assembly resolution 3379 (XXX), in which the Assembly affirmed that zionism was a form of racial discrimination, the Zionist entity had despoiled the Arab people of their territory and their homes, desecrated their holy places and perpetrated massacres of entire populations, as in the case of the camps of Sabra and Shatila with the aim of achieving their total extermination.
34. In adopting and ratifying the international instruments on human rights and on the elimination of all forms of racial discrimination, including apartheid, the Libyan Arab Jamahiriya had placed itself in the vanguard of the struggle against racism. It therefore fully supported the national liberation movements in their struggle against the colonialist and imperialist yoke, and urged all countries to do the same.
35. Lastly, her delegation wished to underscore the special significance of document A/39/167, which contained a plan of activities for the period 1985-1989, and to express the hope that efforts would focus on that plan with a view to achieving the objectives of the Second Decade to Combat Racism and Racial Discrimination.
36. Mr. SUFOT (Israel), exercising his right of reply, said that at the previous meeting the representative of the Soviet Union had made a number of malicious statements about Israel.
37. The Soviet Union's contribution to human rights could be clearly seen in the gulag and everything which that implied. As regards racism and racial discrimination, the most striking characteristic of the Soviet Union was its extreme anti-semitism. What the Soviet Union was really seeking to achieve by its tactic of denigrating Israel with invective worthy of Goebbels, was simply to distract attention from its own violations of the human rights of its dissident minorities.

(Mr. Sufot, Israel)

38. Moreover, in supporting the stale rhetoric and dubious motives of the Soviet Union, those States which had disputes with Israel were only damaging their own cause.

The meeting rose at 4.50 p.m.