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SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. KABORE (Burkina Faso)

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

AGENDA ITEM 89: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (A/44/240 and Corr.1, A/44/409-S/20743 and Corr.1-2, A/44/574, 575, 595; A/C.3/44/L.3; E/1989/42 and Add.1-4)

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AGENDA ITEM 105: 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/44/526, 548)

1. Mr. BALLESTEROS (Special Rapporteur on the question of the use of mercenaries), pursuant to General Assembly resolution 43/107 of 8 December 1988 and Commission on Human Rights resolution 1989/21, introduced the report made as part of his mandate (A/44/526), for which he had managed to obtain up-to-date information on situations that might impede the exercise of the right of peoples to self-determination and that involved proven mercenary activities. In compliance with paragraph 14 of Commission on Human Rights resolution 1989/21, he had continued to develop further the position that mercenary acts and mercenarism in general were a means of violating human rights and thwarting the self-determination of peoples. In accordance with that same resolution, his reports had been made available to the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing, and Training of Mercenaries, and he had visited the United States in July 1989 in order to obtain documented information on mercenary activities and seek the United States Government's point of view on mercenary practices.

2. He had not received any new information on recent trouble spots where mercenaries were active. On the contrary, in regions where the existence of mercenary activities had been noted, they had given way to a trend towards détente and a search for peace accords. That was the case in Angola and Namibia, where the United Nations was acting to guarantee the agreements concluded to implement the United Nations resolutions on the independence of Namibia as well as the tripartite agreements to bring about peace between Angola and South Africa and terminate the internal Angolan conflict. With regard to the conflict in Central America, the continuing efforts of the five Central American Presidents had achieved a new milestone in the meeting held in Tela (Honduras), the main objective of which had been to adopt measures to achieve peace, development, co-operation and a stable and pluralist democracy in all the countries of the region, as well as to demobilize the resistance forces in the frontier area between Nicaragua and Honduras and see to the voluntary and peaceful repatriation of Nicaraguan nationals. The progress of détente was increasingly apparent and no new complaints had been made of mercenary activities against Nicaragua. However, détente and the desirable

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(Mr. Ballesteros)

achievement of the goal of peace in both southern Africa and Central America must not lead one to think that the global danger of mercenarism had automatically disappeared.

3. In November 1988, he had received communications from the Government of Maldives confirming the mercenary nature of the aggression against that country and providing information on the court proceedings instituted against the mercenaries arrested and the measures taken to prevent a recurrence of such aggression. He had been invited to visit Maldives to corroborate the participation of mercenaries of Tamil origin and the vulnerability of Maldives to external attack. He hoped to make such a visit in the future.

4. His visit to the United States had been prompted by the need to check on diverse reports pointing to the existence of private organizations acting in United States territory which offered paid employment to mercenaries for service in undeclared armed conflicts. He had also received complaints from the Government of Nicaragua that funding granted by the United States Congress to assist the Nicaraguan resistance had been used to recruit mercenaries. During his visit, he had gathered extensive information on the point of view of the United States Government and Congress on the question of mercenary activities, their condemnation and repudiation of them under the terms of article 47 of Additional Protocol I to the Geneva Conventions of 1949, and the nature and limits of the assistance being given to the Nicaraguan resistance. The view presented to him had been a clear denial that the United States Government had anything to do with mercenary activities in the region; on the contrary, State Department officials had endorsed the bipartisan agreement in the United States on supporting the Esquipulas II peace plan in its entirety and pursuing national reconciliation policies in Nicaragua and Central America.

5. At the United States Congress, he had been given the report of the Iran-Contra Commission and the report of the Senate Subcommittee on Terrorism, Narcotics and International Operations, in which reference was made to the United States assistance to the Nicaraguan resistance, to situations in which funds had been diverted and to "covert operations" for recruiting and training mercenaries who had later participated in military activities in the Nicaraguan conflict on the contra side. Such references and others had come primarily from non-governmental organizations involved in human rights questions. Sensitive issues were involved, certain aspects of which might go beyond his mandate, and they included activities such as drug trafficking, money laundering and the recruitment of mercenaries. The documentation gathered would have to be studied in detail and some supplementary information might have to be obtained in order to determine the actual facts and judge if they constituted violations of self-determination, the effective enjoyment of human rights and peace.

6. Even though the report had not dealt with the question, he expressed his concern at the presence of active mercenaries in Colombia who were connected with the violence unleashed by the bands of drug traffickers who were destroying that country. The events that had taken place demanded a rethinking of the legal

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(Mr. Ballesteros)

framework that currently served to define mercenaries, since the term "paid assassins" seemed inadequate and the available information seemed to indicate rather that when international war scenarios were lacking, mercenary activities shifted to other equally illegal and criminal activities. He was aware that perhaps, strictly speaking, the matter fell outside his mandate, but he could not refrain from mentioning it because he thought he had a moral duty to point out how dangerous it was for human rights when mercenaries and drug traffickers formed a criminal association .

7. Miss AIOUAZE (Algeria) said that the struggle against racism and racial discrimination, an essential element in the promotion of human rights, had not succeeded in eliminating the outrages wreaked on some human beings by their fellow beings because of their race. What the United Nations had achieved in eradicating racial ideologies and practices hardly measured up to the ideal it had established of universalizing the principle of the unity and indivisibility of humankind. Racism and racial discrimination were currently appearing on the scene with renewed vigour and there were many who held to a senseless racial myth and who went to extremes of uncontrolled aggressiveness. Their attitude showed the great vulnerability of their victims, for whom daily life was often synonymous with insecurity, if not violence. The ideal of universal brotherhood that had inspired the founders of the United Nations made it a pressing need to mobilize action against racist intolerance and aggression. The simple recognition that such practices existed was in no way a justification of them; to take that attitude would necessarily be to provoke non-compliance with the obligation imposed by international law to promote human rights.

8. With reference to the situation of migrant workers and their families, who seemed to be the preferred target of the partisans of racial supremacy, Algeria had always condemned such detestable practices and considered that it was the responsibility of the host countries to guarantee a strict respect for the human rights, dignity and safety of their migrant workers.

9. In South Africa, that bastion of institutionalized racism, 26 million human beings, or three quarters of the population, were still battling to put an end to the sub-human condition in which the proponents of apartheid were trying to keep them. A rejection of the racial policy pursued by South Africa was the only appropriate response to the recent operations undertaken by that régime to conceal a de facto oppression by a system whose only future would be its dismantling, which was in the nature of a crime against humanity and which constituted the chief obstacle to realizing the aspirations of the South African majority.

10. In occupied Palestine, the widespread and systematic repression had not been able to quell the intifadah; the Palestinian people had shown that the only possible outcome of its struggle would be the exercise of its inalienable rights, particularly the right to build its State in its liberated historic homeland. The Palestinian people, through the Palestine Liberation Organization (PLO), its sole legitimate representative, had made known the parameters for a just and lasting

(Miss Aïouache, Algeria)

peace and would not accept any delay, since postponement would not help to achieve peace in the Middle East. Her delegation reaffirmed that any movement towards peace must necessarily take into account all the aspirations of the Palestinian people and be within the context of an international peace conference in which the PLO would participate on an equal footing.

11. The right of self-determination and independence was an essential pre-condition for peoples to exercise their basic rights. In that regard, reference should be made to the question of Western Sahara, in whose territory the Saharan people continued to struggle in order to assert that essential right. The Organisation of African Unity (OAU) and the United Nations were participating jointly in the search for a peaceful, just and lasting settlement - an undertaking that Algeria had supported and in which it fully co-operated. Algeria had welcomed the fact that Morocco and the Frente POLISARIO had accepted the proposals of the current Chairman of OAU and of the Secretary-General of the United Nations for the assertion of the national inalienable rights of the people of Western Sahara. It also welcomed the meeting held early in 1989 between His Majesty King Hassan II of Morocco and the leaders of the Frente POLISARIO and hoped that the King and the Frente POLISARIO would continue the direct dialogue that they had begun. It was clear that continuation of that dialogue could only contribute towards the solution to a conflict which impeded the achievement of a united Maghreb.

12. As to the question of Namibia, the imminent granting of independence to that country demonstrated the inevitable outcome of the fight that oppressed peoples were waging. In the final stage of the independence process, the international community should ensure that Security Council resolution 435 (1978) was strictly implemented and that the Namibian people could express their will freely in the elections to be held in November.

13. Ratifying human rights instruments was one way of helping to eliminate racism and racial discrimination. In that regard, her delegation welcomed the fact that there were 128 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which meant that it was virtually a universal instrument. However, to date the International Convention on the Suppression and Punishment of the Crime of Apartheid had not been ratified by as many States as one might have expected given the seriousness of that crime. It was difficult to understand how some countries justified their failure to ratify that international legal instrument, whose objective was to strengthen the international nature of human rights through the abolition of apartheid. Algeria, which was a party to the two Conventions, hoped that the States which had not yet ratified them would do so.

14. For the past 10 years, Algeria had been participating in the preparation of a draft international convention on the protection of the rights of all migrant workers and their families. That instrument would include measures to guarantee international monitoring of the rights that it laid down and a consideration of States' and individuals' claims concerning the violation of its provisions.

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(Miss Aïouaze, Algeria)

15. It was disturbing to see that the Committee for the Elimination of Racial Discrimination continued to encounter obstacles arising from the failure to fulfil freely contracted financial obligations, which prevented it from carrying out its mandate. Her delegation wished to state that it was fully available to seek a solution enabling the Committee effectively to discharge its responsibilities. Algeria had fulfilled its financial obligations and submitted a report regularly to that body. Moreover, it was among the States parties that had made the declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination.

16. Mr. WONG (Singapore) said that the world was currently abandoning the cold war and entering a period of East-West co-operation. The major Powers had come to realize that dialogue was more fruitful than confrontation. While Singapore deemed the new political mood to be encouraging, it believed that it was not yet time to be euphoric. It was clear that, although the rule of ideologies in international politics might be coming to an end, paradoxically, there was an increase in politics of race.

17. Racism was a complex and explosive issue, the most obvious example being South Africa, where racism was institutionalized. The elimination of apartheid, which was a crime against humanity, was a priority task. While the reforms that had recently been made were only superficial, they indicated that the Pretoria régime had been forced to take international opinion into account. It was necessary to continue to put pressure on Pretoria until that repugnant system was abolished. Singapore hoped that the eight political prisoners who were to be released would be released speedily, and wished that Mr. Mandela could be among them. Singapore, which had consistently supported the struggle of the people of South Africa against apartheid, reaffirmed its support for that cause, while recognizing that there were also forms of racial discrimination in other parts of the world.

18. Singapore believed that racial and cultural heterogeneity were not a disadvantage or a problem. On the contrary, they could be a source of strength and could help to enrich a society. Singapore was a multi-racial society; seventy-six per cent of its population was Chinese, 15 per cent was Malay, 7 per cent was Indian and Pakistani and 2 per cent was from other racial groups. In addition to those differences in nationality, there were linguistic, cultural and religious differences. Racial strife was not unknown. Singapore had achieved its independence 24 years earlier and the Government had immediately understood that racial harmony and economic development went hand in hand and that progress could not be achieved in one of those areas while neglecting the other. The principle of non-discrimination on grounds of race, religion, descent or place of birth was enshrined in the national constitution. Four official languages, namely, Malay, Chinese, Tamil and English, were used in the media and in Government documents. Every citizen was free to practice his religion, culture and customs. Moreover, the exploitation of racial and cultural differences for political purposes was prohibited. In spite of the encouraging results that had been obtained to date, the Government was far from being satisfied and continued to be alert to the

(Mr. Wong, Singapore)

dangers of racial conflict. In 1988 a new electoral system had been introduced to ensure that minority groups would have the opportunity to participate in political life and would always be represented in Parliament. While it was not his intention to hold Singapore up as a model of political and economic development, he pointed out that his country's experience indicated that the promotion of racial harmony benefited every citizen, regardless of his race, colour or religion.

19. The Second Decade to Combat Racism and Racial Discrimination would soon enter its seventh year. From the various reports of the Secretary-General and of the United Nations agencies, it was clear that much remained to be done and that the task, which would be arduous, called for collective action and political will. However, the final result would depend primarily on the actions that were taken by each sovereign Government. What the international community could do was to seek a rational approach to encourage respect for human rights and fundamental freedoms and, if necessary, to enforce compliance with those principles. The international community should assist in promoting greater awareness of the injustices and the dangers that resulted from racism and racial discrimination.

20. Miss ZEB (Pakistan) said that her delegation reserved the right to intervene at a later stage on agenda item 105. As to items 89 and 100, she pointed out that, while the international community had long condemned racism, racial discrimination and apartheid as a negation of the principles enshrined in the Charter and in the Universal Declaration of Human Rights, the régime of South Africa continued to ignore United Nations resolutions and the will of the international community. In recent weeks, that régime had tried to hoodwink the world with some superficial measures for reforming its apartheid policy. However, it would be naive to believe that the system could be reformed; accordingly, it was necessary to insist on its total elimination. It was imperative to implement the embargo provided for in Security Council resolution 418 (1977), the comprehensive and mandatory sanctions provided for in the General Assembly resolutions and the oil embargo. Only political, diplomatic, economic, military and cultural isolation would compel South Africa to renounce that institutionalized form of racial discrimination. In that regard, her delegation looked forward with interest to the first special session of the General Assembly on apartheid and its destructive consequences in southern Africa, which was scheduled for December.

21. The recent elections in South Africa, from which the vast majority of the people had been excluded, were a farce that should be rejected as illegitimate. As long as political organizations such as the African National Congress and the Pan Africanist Congress were banned, and political prisoners like Nelson Mandela continued to be incarcerated, any constructive dialogue involving the wishes and will of the people was impossible. Injustice and human suffering had not diminished, but on the contrary had reinforced the resolve of the South African people to continue their struggle for freedom and justice.

22. Racial discrimination and racism did not exist in Pakistan and its Constitution guaranteed that there should be no discrimination in the fields of political, civil, economic, social and cultural rights. Pakistan had been one of

(Miss Zeb, Pakistan)

the first countries to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination and it was also a party to the Convention on the Suppression and Punishment of the Crime of Apartheid. It had consistently condemned the Pretoria régime, had avoided all economic and cultural contacts with South Africa, and was totally committed to the cause of freedom and justice in that part of the world.

23. The international community must make a concerted bid to achieve total elimination of racism and racial discrimination, especially at a time when the independence of Namibia seemed to be becoming a reality. The Organization's success there should not dampen its efforts to combat racism and racial discrimination; during the last three years of the Second Decade the international community must intensify its efforts.

24. Consideration of the question of racial discrimination would be incomplete without reference to the tragedy of the Palestinian people and condemnation of the inhuman policies practised by Israel against the Arab and Palestinian population of the occupied territories. The brutal effort to suppress the inlifadah could not wipe out a movement tempered by years of struggle and adversity. On the contrary, it had reinforced the faith of the Palestinian people in its destiny and lent vigour to its efforts to realize its inalienable rights. Her delegation reiterated Pakistan's resolve to support the Palestinian people in its righteous struggle. The world community should assume its obligations and force Israel to restore the inalienable rights of the Palestinian people, without which lasting peace in the Middle East was inconceivable.

25. Her delegation had studied with interest the report of the Secretary-General on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. General Assembly resolution 43/91, adopted in 1988, contained significant steps against racism. It was heartening to note that a great number of the recommendations relating to the Programme of Action for the period 1985-1989 had already been executed. Maximum publicity must be given to efforts under the United Nations system to combat racism, as well as to the International Convention on the Elimination of All Forms of Racism and Racial Discrimination, and States which had not yet acceded to it should be urged to do so.

26. The current financial crisis facing the Committee on the Elimination of Racial Discrimination was a source of concern and she urged all States parties to honour their obligations so as to enable the Committee to carry on its important work. Pakistan had already paid its contribution and supported the appeal of the Secretary-General to all Governments, organizations and individuals to contribute generously to the Trust Fund for the Programme for the Decade.

27. The discriminatory treatment meted out to migrant workers and their families was often due to traditional prejudices and ethnic, religious or economic factors. In taking measures to preserve the linguistic and cultural identity of those workers, therefore, care must be taken to ensure that those measures were not used to isolate them from the mainstream of national life. Her delegation accordingly

(Miss Zeb, Pakistan)

supported the organization of seminars such as the one held in Athens in September 1989 on cultural dialogue between the countries of origin and the host countries of migrant workers, and also looked forward to the early completion and adoption of the draft Convention on the Rights of Migrant Workers.

28. In conclusion, she reiterated Pakistan's wholehearted support for the objectives of the International Convention on the Suppression and Punishment of the Crime of Apartheid. Her Government and people were fully committed to the complete dismantling of the apartheid system and were confident that the concerted efforts of the international community would prove successful.

29. Ms. KOLONAI (Byelorussian Soviet Socialist Republic) said that her country was a party to the various international instruments adopted by the United Nations in its efforts to combat racism and racial discrimination, such as the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Elimination of All Forms of Racial Discrimination. In April 1989, Byelorussia had withdrawn the reservations it had made upon ratifying the document whereby it recognized the compulsory jurisdiction of the International Court of Justice in regard to such agreements. Participation by all Member States of the United Nations in the existing international conventions constituted the best proof of their determination to fulfil the purposes of the United Nations. Byelorussia submitted periodic reports in that connection.

30. The financial difficulties which the Committee on the Elimination of Racial Discrimination had encountered in recent years, obliging it to shorten or even suspend its sessions were a matter of great concern to her delegation. One way of solving the problem would be for the General Assembly to decide to finance the Committee's activities temporarily from the regular budget.

31. The international community continued to grapple with the task of eliminating the policy of apartheid in South Africa; that serious form of institutionalized discrimination had not been alleviated by the superficial reforms recently introduced. The apartheid régime continued to possess a wide range of weapons, such as the death penalty, the detention of hundreds of thousands of people, including children, religious leaders and women, for long periods without trial, and the organized killing of leaders of progressive movements. The coming to power of President de Klerk had given rise to a certain optimism in the Western media regarding the possibility of a dialogue between political and religious leaders and the establishment of a free and democratic government. What negotiations were possible as long as opposition leaders such as Nelson Mandela remained in jail? President de Klerk's plan did not meet the rightful demands of the South African people for the establishment of a lawful democracy based on the principle of one person, one vote.

32. Most members of the international community, including the Byelorussian Soviet Socialist Republic, believed that apartheid could not be reformed but must be totally eliminated. The Member States of the United Nations should implement fully

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(Ms. Kolontai, Byelorussian SSR)

such measures as the oil embargo decided upon by the Security Council and intensify the international isolation of the Pretoria régime. Furthermore, massive aid should be given to the democratic and liberation movements in South Africa. The search for peaceful means of eliminating apartheid and establishing a democratic and non-racial State in South Africa was a priority for the United Nations and, as the report of the Secretary-General (E/1989/42/Add.3) stressed, such action would be successful only if the international community united all its efforts.

33. As was shown in the replies of Governments to the Secretary-General's questionnaire on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (E/1989/42 and Add.2), in many countries no effort had been spared to prevent manifestations of racism and racial discrimination, through measures such as constitutional protection for the rights and freedoms of citizens and instituting penalties under the law for violation of those rights. The Global Consultation held in Geneva in October 1988 (E/1989/48) had revealed that in many countries there existed organizations and movements which supported and advocated racism, neo-racism and neo-fascism. The memory of the racist crimes committed during the Second World War should prompt all to eliminate those laws which, in some countries, permitted the existence of groups proclaiming the superiority of some human beings over others on grounds of their skin colour, sex or religious beliefs.

34. The United Nations and the specialized agencies should take part in the world campaign of public information on human rights and should organize regional and international seminars to prepare a collection of laws that could serve as a model for many countries in the enactment of further legislation against racial discrimination.

35. The United Nations could resolve complex contemporary problems in the economic, humanitarian or political fields. Its authority and the effectiveness of its action depended on the degree to which Member States implemented the resolutions of the United Nations in their domestic or foreign policy. Byelorussia would continue to implement the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and to work for the total elimination from the civilized world of such shameful phenomena as racism, racial discrimination and apartheid.

36. Mr. SON SOUBERT (Democratic Kampuchea), speaking on items 89 and 100, said that the situation in Cambodia had not improved since the Vietnamese occupation of his country in 1979. The Socialist Republic of Viet Nam had announced with great fanfare that it had withdrawn all its occupation troops on 26 September 1989. Currently, however, in contrast to the Soviet Union, which had accepted the role of the United Nations in supervising the withdrawal of its troops from Afghanistan, Viet Nam had opposed such a role because it could not justify the colonial and imperialist administration it had left in place by maintaining a puppet régime in Phnom Penh. The Cambodian people had thus been deprived of its right to self-determination. The millions of Vietnamese colonists who had followed the occupation troops would appropriate the right to vote and thus distort the elections.

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(Mr. Son Soubert, Democratic Kampuchea)

37. Deprivation of the right to self-determination represented one of the most serious forms of racial discrimination and a violation of human rights. Accordingly, the coalition Government of Democratic Kampuchea, under the leadership of His Royal Highness Norodom Sihanouk, demanded that the United Nations should participate in supervising free and general elections in Cambodia. The Socialist Republic of Viet Nam had rejected the proposal of Prince Sihanouk, made at the Paris Conference on Cambodia, that a quadripartite interim Government of national unity should be formed and given the responsibility for preparing such elections. To make the foreign occupation of Cambodia official through a puppet government would be the equivalent of maintaining the former situation in Namibia or the apartheid régime in South Africa.

38. What was currently happening in Cambodia was not simple genocide but something even more serious: ethnocide, the most evil manifestation of racial discrimination, as it represented not only the physical but also the ethnic and cultural assassination of the Cambodian people. Currently the Communist Vietnamese régime prohibited the teaching of the Khmer language in the schools of the Buddhist monasteries while the teaching of the Vietnamese language had been compulsory since 1984, so that the more than 1 million Vietnamese colonists in Cambodia represented a Hanoi fifth column. Such vietnamization, which was a continuation of the process of racial discrimination against the Khmer population, had assumed the form of Marxist indoctrination in which Ho Chi-Minh had been elevated to the pantheon of the saviour deities of the peoples of South-East Asia.

39. In social and political terms, the Cambodian people could not express itself freely, nor exercise its right to self-determination, and had seen itself reduced, as in all colonial systems, to subordinate roles, as second-class citizens assigned to forced labour and ghettos. Amnesty International had denounced violations of human rights, particularly those of political prisoners. In her reports dated May 1985 and March 1986, the ethnologist Marie-Alexandrine Martin of the French National Centre of Scientific Research had denounced the torture and arbitrary executions of the Khmer of Cambodia and the Khmer Krom. The prisons in Phnom Penh and the provinces continued to be filled with political prisoners and the International Committee of the Red Cross had not been permitted to visit them since 1979.

40. The forced labour in unhealthy areas to which the Khmer population had been subjected on the pretext that the purpose of the work was for defence or the building of socialism, malaria, mines and malnutrition had produced victims among intellectuals, students and women. The forced recruitment of Khmer youth for the army of the puppet régime had caused hundreds to flee to camps in the border areas. All those planned exactions by the Vietnamese colonialists were no more than forms of racial discrimination. In addition, the colonization and war imposed by the Vietnamese expansionists kept the Khmer people in a state of economic penury. In the ten years of Vietnamese occupation, Cambodia, which had at one time been an exporter of rice, had not been able to meet its own needs as the harvest, together with valuable timber, rubber and fish, had been used to supply the army of

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(Mr. Son Soubert, Democratic Kampuchea)

occupation and pay for the arms supplied by the Soviet Union. The Cambodian people were like strangers in their own land. They found themselves subjected to labour and taxes from which the Vietnamese colonists were exempt while in addition the latter occupied the richest land, from which the indigenous Khmer population had been expelled.

41. As the Minister for Foreign Affairs of Singapore had stated in the General Assembly, if the South Africans should decide to withdraw their forces from Namibia but maintained the Windhoek régime as the exclusive Government of Namibia, without conceding the right of SWAPO to participate in legitimate elections, South Africa would immediately be denounced and the Namibia régime would be considered illegal and installed by foreign occupation forces; that, however, was exactly what Viet Nam was trying to do in Cambodia.

42. The Cambodian National Resistance and the coalition Government of Democratic Kampuchea, under the leadership of Prince Norodom Sihanouk, had been struggling for ten years to restore to the Cambodian people their legitimate right to self-determination and, on the basis of the principles of the Charter of the United Nations, had asked all Members to support their legitimate struggle until the Cambodian people recovered its dignity which had been defiled by the régime of foreign occupation and colonialization.

43. Mr. AL-SAUD (Saudi Arabia), speaking in exercise of the right of reply, said that he had been surprised by the statement made at the previous meeting by the Observer for the Holy See, who was a respected and respectable personality. In paragraph 5 of the text of that statement, the Observer had stated that in some countries it was compulsory for citizens to practise a particular religion, for example, Islam. That statement was equivalent to saying that Islam was a form of racism. If someone else had made such a statement it might have been thought that the speaker was an ignorant person who had no knowledge of Islam or who wished to harm Islam. But Archbishop Martino was a man of deep knowledge, a man who understood the very foundations of Islam and was aware that certain cults imposed principles which bore no relationship to religion. Accordingly, when the person making such a statement in such a forum was a representative like Archbishop Martino, it must be denounced in the name of Saudi Arabia and all Muslims in the United Nations. In addition, it would be appropriate for the observer for the Holy See to withdraw his remarks and make a deeper study of Islam, of the religion and the current reality in the countries where it was practised. Islam had never supported racism; it had respected all other religions and had protected non-Muslims. Accordingly, he firmly rejected the statement of the Observer for the Holy See and requested that the Observer retract what he had said at the previous meeting.

44. Mr. AL-AUTAIBI (Kuwait), speaking in exercise of the right of reply, said that at the time when the Pope was visiting Indonesia, the most populous Islamic country, it was regrettable to hear part of the statement made in such a forum by his representative who was expressing the view of the Vatican on racism. In the first place, it might be asked why he had referred to the Islamic religion in particular. There were different religions in the world and there were States and societies in which laws based on religion prevailed. Moreover, it was to be hoped that Archbishop Martino, as representative of the Vatican, would have had a better knowledge of Islam. Accordingly he should have known that, as was clear from history, the Shariah contained provisions which applied to non-Muslims and which guaranteed respect for religions.

45. Mr. ZIADA (Iraq), speaking in exercise of the right of reply, said that he had been surprised to hear the statement made by the Observer for the Holy See, who had referred to something which was unacceptable to Muslim countries. The Constitution of Iraq declared Islam to be the State religion and, moreover, guaranteed respect for all the other religions mentioned in the Holy Book, the Koran. No one could be forced to adopt a religion. Furthermore, religious freedom and justice within the Islamic nation were guaranteed. Although it was a Muslim country, Iraq observed the first day of the year as an official holiday, a day celebrated by all religions.

46. He wished to remind the Observer for the Holy See that most European countries allowed Islamic ideologies to be attacked under the guise of freedom of thought, but they considered any attack on the Christian religion to be against the law. That was de facto discrimination. Moreover, there was not a single Muslim country which had mosques for white people and mosques for black people; all people, regardless of skin colour, were equal in the mosques. Nevertheless, in some non-Muslim countries there were churches for whites and churches for blacks. It would therefore have been fair for the Observer for the Holy See to mention such racial discrimination and to request that that situation also be abolished. The Observer for the Holy See had not once mentioned the most open form of discrimination, namely, discrimination affecting the right of peoples to self-determination; he had not mentioned the right of the Palestinians, which was contained in all the holy books. One of the most important human rights was the right to self-determination but, as was well known, the Palestinian people was being subjected to torture, expulsion and other brutal acts. The distinguished Observer for the Holy See should adopt a more conciliatory attitude and respect the religions and feelings of others.

47. Miss ZER (Pakistan), speaking in exercise of the right of reply, said that it was regrettable that, at a time when all sectors of world society were endeavouring to establish bonds of understanding, the Observer for the Holy See had made a statement which could only sow discord among religions and the peoples which practised them. She supported the statements of the representatives of Saudi Arabia and Kuwait and, on behalf of the countries members of the Organization of the Islamic Conference, recalled the items on the Third Committee's agenda, and noted that the comment of the Observer for the Holy See, which was based on distorted facts, was completely out of context. In an age in which everyone preached tolerance, that kind of statement, which gave rise to divisions, should

(Miss Zeb, Pakistan)

have been avoided. It should be left to the judgement of the members of the Third Committee to decide which religion had been the most tolerant in the course of history.

48. Mr. ALAEE (Islamic Republic of Iran), speaking in exercise of the right of reply, said that there was no doubt that the Islamic countries were very tolerant towards other religions; that was a historical fact. In the Islamic countries, religious minorities had the right to keep and hand down their beliefs, their religious practices, their culture and their language. Regrettably, some societies violated the right of Islamic minorities on the basis of racist ideologies.

49. It was neither logical nor fair to pose the question of anti-Semitism during the Second World War without mentioning the rights of the Palestinians, which were being violated by a racist régime. In the Islamic countries, the Jews enjoyed the same respect as Muslims and other non-Islamic groups. The Palestinians were currently fighting to regain their homeland in order to live there and to exercise their rights - rights which were being violated by the racist Israeli régime.

50. Archbishop MARTINO (Observer for the Holy See), speaking in exercise of the right of reply, assured the distinguished representatives of the Muslim States that the Holy See had the greatest respect for Islam. The Holy See was currently conducting a fruitful dialogue with Islam and hoped that the dialogue would continue and deepen. The Holy See did not consider Islam to be racist and had by no means intended to make that claim in its previous statement. Nor did it consider that Islam attempted to impose its religion on others.

51. In his previous statement, he had referred to the Palestinians and recalled that, in that regard, he had said that "the Palestinians, although living on their own land, are subjected to humiliating conditions - conditions which the Holy See has not hesitated to denounce, as it defends equally the right of the Israelis and of the Palestinians to a homeland". Moreover, he had not been the only one to refer, at the previous meeting, to religious discrimination in connection with racism.

52. The Holy See knew that, when properly applied, Islamic law contained guarantees and safeguards regarding its application to non-Muslims. Nevertheless, it should be mentioned that, recently, those guarantees and safeguards had been violated in a number of countries - of course, not in all the predominantly Muslim countries. Such violations constituted abuses of the correct application of Islamic law. It was necessary to refer to those cases, especially since there were movements which in some places were calling for a broader application of Islamic law. It should be added that in one very well-known case in which a Christian had been flogged in clear violation of the Shariah, a number of Muslim authorities had made statements against what they had defined as an incorrect application of Islamic law.

(Archbishop Martino)

53. The Holy See was very pleased that relations between Christians and Muslims had improved in recent decades, and hoped that the dialogue and co-operation would continue so that peoples all over the world could exercise their civil rights and have the freedom to worship God as their conscience dictated.

54. Mr. GALAL (Egypt), speaking in exercise of the right of reply, said that the explanatory statement made by the Observer for the Holy See confirmed his impression that, in paragraph 5 of the text of the original statement by the Holy See, there had been a printing error, since the typewriter used by the Observer for the Holy See dated from medieval times when the tribunals of the Inquisition and autos-da-fe were the order of the day. Throughout the entire history of Islam, there had never been any institutions of that kind in Muslim countries. Muslim believers, even if they lived under "the oppression of the Shariah", as the Observer for the Holy See might say, enjoyed full guarantees; if an error was made in the application of any laws in certain countries, that was something which concerned them alone.

55. Mr. TAHA (Sudan), speaking in exercise of the right of reply, expressed his astonishment at the content of the statement of the Observer for the Holy See, in which the Shariah was linked with racism. The rejoinder of the Observer to the replies of Muslim delegations had been even more surprising. As a representative of an Islamic country, he wished to state that it was incorrect to link the Shariah with racism, an opinion which should be rejected because Islam was the religion of tolerance and piety and not a religion based on racial discrimination. Islam respected all that was sacred and it was to be hoped that the Observer for the Holy See would correct his error and not repeat it.

The meeting rose at 5.15 p.m.