



SUMMARY RECORD OF THE 70th MEETING

Chairman: Mr. O'DONOVAN (Ireland)

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The meeting was called to order at 3.25 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/36/3, chap. II, V, VIII, XIX, XXIII (parts I and II), XXIV, XXVII, ~~XXVIII~~, XXXII (part I and Corr. 1 and 2, and part II), XXXIV (parts I and II), XXXVI, XXXVII; A/36/61, 117, 136 and Add. 1, 138, 179, 187, 209 and Add. 1, 214, 216 and Add. 1, 255, 284, 354, 355, 378, 383, 421, 423, 500, 524, 540, 560, 566, 584, 594, 608, 705; A/C.3/36/3, 7, 10, 11; A/C.3/36/L.60, L.62, L.64, L.70, L.72, L.91/Rev.1, L.92, L.93)

AGENDA ITEM 88: UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE (continued)

- (a) WORLD CONFERENCE OF THE UNITED NATIONS DECADE FOR WOMEN: REPORT OF THE SECRETARY-GENERAL
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(A/C.3/36/L.48/Rev.2, L.85, L.86)

1. Mr. SARCEÑO MORGAN (Guatemala) said with regard to agenda item 12 that the increase in violence throughout the world in the last few years was a matter of the greatest concern to the Guatemalan Government. Whether committed on the pretext of defending political ideas or by common criminals, acts of violence had claimed many human lives, including those of heads of State and political figures, diplomats, artists and even ordinary individuals. In addition to that scourge which seemed to spare no country there was the active intervention of certain countries seeking to destabilize the Central American States, Guatemala among them. His country was experiencing the usual problems faced by any country aspiring to a better future within the framework of Western and Christian civilization, with peace and freedom as its guiding ideals; in addition to those problems of development, however, it was now being made the object of an international conspiracy that certain Western countries, including Latin American countries, were venturing to support, the aim of which was to impose upon Guatemala a materialist system and ideology. The Guatemalan Government, in order to ensure respect for the fundamental rights and freedoms of its people, had taken the necessary steps to deal with the violence fomented by countries which were exporting alien doctrines hostile to Christianity.

2. In response to those attempts to discredit Guatemala with the international community and with the international agencies themselves and to undermine its economy and stir up chaos, the Guatemalan people had unreservedly given their

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(Mr. Sarceño Morgan, Guatemala)

support to their Government. The latter, for its part, was striving to enable its citizens and the foreigners who lived among them to enjoy the guarantees recognized by the Constitution and to ensure respect for the human rights and fundamental freedoms embodied not only in national legislation but also in the United Nations Charter, the Universal Declaration of Human Rights and the other international instruments to which Guatemala had become a party long before certain countries which had only just achieved their independence and which, without any legal tradition, were taking it upon themselves to lecture Guatemala on human rights and fundamental freedoms.

3. Attention should also be called to the fact that some of the countries which had dared to accuse the Guatemalan Government of human rights violations were themselves ruled by shameful régimes of slavery and repression which denied their citizens the most elementary rights; that others, one of which was currently torn by a civil war stemming from its religious intolerance, had a long colonialist and racist history; and that still others maintained friendly relations with totalitarian-inspired Governments, without considering it incumbent upon themselves to denounce the flagrant human rights violations committed by those Governments. Rather than setting themselves up as champions of human rights and as implacable judges in the matter, should not such countries be concerning themselves with the fundamental freedoms which they claimed to defend, the most flagrant violations of which were committed within their own boundaries?

4. Among the States Members of the United Nations there were some countries which were pursuing a bold policy of aggression and using human rights as a pretext to interfere in the internal affairs of States, others which were drawing a veil of silence and complicity over the crimes of those who were actually guilty, and still others which were supporting in all innocence the fallacious theories advanced to condemn Latin America as part of a plan aimed at destabilizing States with a long democratic and institutional tradition.

5. The Guatemalan Government therefore wished to make it clear that it never had tolerated and never would tolerate interference in its internal affairs by any country whatsoever. Everyone knew that it respected the principles of international law such as the sovereignty of nations, the legal equality of States and non-intervention in their internal or external affairs, but it also firmly demanded that other countries respect those principles as far as it was concerned. It could only regret, therefore, that some countries, whose contribution to human rights was questionable to say the least, were using the United Nations, whose concern should be to maintain international peace and security, to pass judgement on Latin American countries that had not elected to install Marxist-Leninist governments.

6. Like the countries of other regional groups which kept a jealous watch to ensure that no question having to do with their internal affairs was brought before the United Nations until after the regional political body concerned had been seized of it, the Latin American States considered non-interference as one of their fundamental rights. By what right, then, were some of them being accused of violating human rights, without the least attention being

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(Mr. Sarceño Morgan, Guatemala)

paid to violations committed in other parts of the world? The Member States which were thus pushing the United Nations to act without regard for impartiality were perverting its most laudable efforts and contributing to its loss of credibility.

7. The Guatemalan Government considered respect for the human person to be the basic principle of law and, as such, the supreme purpose of the State; it therefore categorically rejected any accusation that might be leveled against it with regard to human rights.

8. The Commission on Human Rights in its resolution 33 (XXXVII) of 11 March 1981 had requested the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala on the human rights situation and to present to the General Assembly at its current session an interim report on those contacts. In compliance with that resolution, the Secretary-General had submitted his report, contained in document A/36/705. Although that document made no mention of the fact, it should be noted that the Guatemalan Government had sent a special representative to the thirty-seventh session of the Commission on Human Rights, and that the representative had gone to Geneva with the firm intention of assisting the Commission in carrying out its mission. The political interests of some of the members of that body had unfortunately prompted them to deny him a hearing and to condemn Guatemala without evidence. The Secretary-General had nevertheless contacted the Guatemalan Government and proposed a representative whom Guatemala was forced to its great regret to reject, since it judged him incompetent for the task and felt it could not rely on his impartiality.

9. The representative of Ghana to the Third Committee, perhaps with the best of intentions, had recently submitted a draft decision on the situation of human rights and fundamental freedoms in Guatemala. In doing so he had contravened the mandate which the Commission on Human Rights had given the Secretary-General, and his delegation wished therefore to state that it would vote against any draft decision on the matter.

10. Mrs. FATIMAH (Malaysia), speaking on agenda items 12 and 129, said that the drug traffic was of grave concern to her country; her delegation had observed with increasing dismay that Member States, which perhaps did not fully grasp the seriousness of the effects of drug abuse and the illicit drug traffic on the international scene, were tending to neglect the issue. Drug abuse was truly an endemic disease and the number of its victims was escalating throughout the world. Drugs damaged the mental and physical faculties of its victims, some of whom were driven to crime; it undermined the healthy growth of youth and destroyed the cultural fabric of society.

11. The international community was faced with an intricate network of highly organized international syndicates whose sole motive was to amass profit. The links between the producer and consumer countries were so well organized that no one national agency alone could ever suppress their activities, which were closely involved with criminal organizations in different countries of the world. The local criminal organizations became implicated in those

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(Mrs. Fatimah, Malaysia)

highly profitable activities in order to finance the purchase of arms and ammunition, to organize terrorist activities or even to promote mercenary adventures; their machinations could even lead to the collapse of Governments.

12. Within the consuming countries, the syndicates did not limit themselves merely to ensuring a steady supply of drugs; they had to promote sales and widen their market. They penetrated all levels of society and, in a number of modern and industrialized societies, drug abuse was so widespread that any attempt to limit consumption would likely lead to serious political and social difficulties.

13. In view of the global nature of the problem, it was urgent that all should realize that a State could not eliminate the threat by itself and that concerted international action must be taken without delay.

14. Malaysia considered that it was not sufficient to regard drug abuse and the illicit drug traffic as merely social ills; it hoped that Member States would attach as much attention to the issue as they did to the other major threats to the future of the human race, including particularly chemical, biological and nuclear weapons on which so many resolutions had been adopted. Her country was crusading for that cause at every international forum at which it could make its voice heard and it would continue to draw the attention of the international community to the measures which should be taken in that regard.

15. In its resolution 35/195, the General Assembly had decided that the international community must intensify and concert its efforts to solve the problems of drug abuse and had appealed once again to all States which had not yet become parties to the international instruments on narcotic drugs and psychotropic substances to do so, with a view to ensuring their universal application. Her delegation had welcomed with particular satisfaction the report of the Commission on Narcotic Drugs on its twenty-ninth session, containing a long-term strategy and a five-year programme of action which must be translated into measures designed to interdict traffic in narcotics, to eradicate illicit production, to restrain demand, to educate the public throughout the world regarding the dangers of narcotic drugs, and to treat and rehabilitate those individuals who were drug addicts.

16. As the Commission's report made clear, there were reasons for special concern regarding the increasingly serious problems relating to the drug traffic in South-East Asia. It was estimated that in Malaysia there were currently more than 55,000 persons involved in drug abuse, and several hundred kilograms of opium and heroin had been seized in 1980. Malaysia had accorded the highest priority to the problem and had spent more than 100 million Malaysian dollars for various preventive programmes. As its resources were limited, her country could not fight the battle alone and wished to stress once again the need to translate the strategy prepared by the Commission on Narcotic Drugs into a detailed programme of action to which each Member State could contribute. It deemed it essential that the necessary political will should be marshalled so that the problems relating to drug abuse and the illicit drug traffic would be given the consideration and treated with the urgency which they warranted.

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17. Mrs. ZOGRAFOU (Greece) said that one of the main purposes of the United Nations was to ensure to all human beings the free exercise and enjoyment of their fundamental rights and freedoms. Yet the work of the Organization, particularly that of the Commission on Human Rights, was becoming increasingly delicate and difficult in the prevailing gloomy political climate. Therefore, sterile polemics must give way to a positive and realistic study of means of solving the complex problems connected with violations of human rights in many parts of the world.

18. Her delegation abhorred the policy of the white minority in South Africa which had made racial discrimination a system of government; unfortunately apartheid, while it was an extreme case of the violation of human rights, was not the only example. In many countries, individuals were arbitrarily deprived of their fundamental freedoms, were victims of torture, disappeared without trace or were illegally detained. For example, political opponents were tortured and subjected to degrading treatment in Chile, and there had been a consistent pattern of flagrant violations of human rights in El Salvador, culminating in many cases in attempts on human life.

19. The task of dealing with such situations had been made more difficult by the fact that Governments were only too quick to invoke the principle of non-interference in their internal affairs as a pretext for refusing to co-operate with the appropriate United Nations organs. The only possibility that was left was to increase awareness and to mobilize international opinion.

20. A further matter for concern was represented by mass exoduses of people followed by mass and flagrant violations of the human rights of refugees; it was irrelevant whether such population movements were caused by internal conflict or foreign invasion. The problem called not only for humanitarian assistance but also for a study of ways of restoring respect for human rights and fundamental freedoms.

21. About 2,000 persons had disappeared after the Turkish invasion of Cyprus in 1974; some were of Greek nationality and nothing was known about their fate. In accordance with relevant resolutions of the General Assembly and its organs, and following lengthy negotiations between the Greek Cypriot and Turkish Cypriot sides, a committee of inquiry had been established the previous September at Nicosia under the auspices of a special representative of the Secretary-General of the United Nations. Unfortunately, the work of the committee had from the outset met with procedural difficulties due to the reluctance of the Turkish Cypriot side to co-operate. It was for that reason that her delegation supported the draft resolution on missing persons in Cyprus (A/C.3/36/L.72/Rev.1) and appealed to all delegations to adopt it without a vote.

22. Mr. LUNGU (Zambia), speaking on agenda item 12 on behalf of Botswana, Lesotho, Swaziland and his own country, said that the report of the Secretary-General on assistance to student refugees in southern Africa (A/36/423) placed in their proper perspective the difficulties which the countries of asylum faced in their efforts to contain the situation facing those students. As the document

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(Mr. Lungu, Zambia)

indicated, the international community had responded favourably to the appeal made by the General Assembly in its resolution 35/184 of 15 December 1980, by which it urged all Members States and intergovernmental and non-governmental organizations to contribute generously to the assistance programme for student refugees in southern Africa, and he wished to thank all those that had made contributions for that purpose.

23. The situation of student refugees, however, continued to be precarious. The number of Namibian and South African refugees in the countries of asylum had increased during the period under consideration. That increase was due, among other things, to the decision by the racist régime of South Africa to introduce conscription in Namibia and to the inhuman treatment of the black population of the country by the South African racists. The majority of the refugees from South Africa and Namibia were young people of school age, who were discriminated against in the educational institutions in their own country because of the abhorrent policy of apartheid.

24. The responsibilities of the countries of asylum in meeting the needs of the student refugees in southern Africa were therefore becoming increasingly heavy. In Botswana, for example, the cost of the project for the construction of a junior and senior secondary school for student refugees had been estimated at \$1,700,000. Four projects, including a mathematics-science "crash" programme, had had to be undertaken in Lesotho at an estimated cost of \$1,500,000. The total cost of a project for the expansion of facilities at the University of Mbabane and a project for the construction of a primary school in Swaziland had been estimated at \$1,130,100, and that of a project for the expansion of facilities at the Nkumbi International College (Zambia) at \$320,000.

25. In view of the enormous scope of the needs of student refugees in southern Africa, of which the figures quoted gave only a partial idea, it was of the utmost importance that the capabilities of the countries of asylum to meet that situation be increased, and he appealed to the international community to increase its assistance to Botswana, Lesotho, Swaziland and Zambia.

26. Mr. VOICU (Romania) said that before speaking on agenda item 12, his delegation wished to state that it had intended to become a sponsor of draft resolution of A/C.3/36/L.68 on the protection of migrant workers and their families, which had been adopted the day before without a vote.

27. With regard to chapter XXIII of the report of the Economic and Social Council entitled "Human rights questions", he reminded the Committee that Mr. Stefan Andrei, head of the Romanian delegation and Minister for Foreign Affairs, had emphasized, in the statement he had made during the general debate, that the United Nations should above all focus on solving the fundamental problems of mankind and on ensuring its essential rights. In the view of his delegation, the effective enjoyment of human rights implied ending the domination of one people by another, the abolition of colonialism and the imperialist policy of

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(Mr. Voicu, Romania)

force or the threat of force, and the creation of world peace. The danger of a conflagration which threatened the planet highlighted an elementary truth, namely, that the right to life, tranquillity and peace, and the right to live in freedom unthreatened by aggression were fundamental rights of all peoples.

28. Romania believed that the United Nations should take greater interest in the problems of young people and guarantee them the right to education and the right to work so that they could use their knowledge in the service of society and play their role in the social and political life of their countries. The United Nations and all Governments had the duty to educate the youth of the entire world in a spirit of freedom, social justice, friendship and mutual respect and to protect the younger generations from neo-fascism, racism and the influence of certain groups which had become full-scale enterprises for the propagation of hatred and violence. It was in that spirit that Romania had paid special attention to the resolutions and decisions on human rights which the Economic and Social Council had adopted at its 1981 spring session. It believed, like the overwhelming majority of other Member States, that it was of the utmost importance to create, at the national and international levels, the political, economic and social conditions necessary to ensure the most effective promotion and protection of the fundamental rights and freedoms of human beings.

29. At the same time, it was becoming increasingly urgent for all States to contribute actively to the fight against the manifestations of fascism, racism, violence and terrorism. In that connexion, special mention should be made of the situation in South Korea, where the military dictatorship in Seoul continued its ruthless repression of the democratic forces.

30. His delegation believed that the discussions on the establishment of a new international humanitarian order should proceed from the premise that the new world order, as a multidimensional process, necessarily involved a humanitarian dimension which had to be defined more accurately by taking into account, in particular, the absolute need to promote and protect fundamental freedoms and rights and to improve the human condition in general. As had been recognized by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, fresh efforts were needed for the codification and progressive development of that branch of international public law. The subject of the new international humanitarian order was vast, but priority should be given to issues requiring concerted action, such as the fight against hunger and the eradication of malnutrition, the elimination of diseases, the eradication of illiteracy, securing access for all to education, and the adoption of the measures necessary to guarantee the economic, social and cultural rights of human beings. Special attention should be given also to situations such as natural disasters in which co-ordinated efforts should be made at the international level.

31. On a wider conceptual plane, his delegation believed that the efforts for the establishment of a new humanitarian order should be aimed at promoting a new humanism based on the generous and rational principle that personal happiness was incompatible with the exploitation of man by man, the maintenance of social

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(Mr. Voicu, Romania)

inequalities and racial discrimination. It was by giving due consideration to all aspects of those issues that the international community would be able to define the true content of the new international humanitarian order and the means of achieving its goals.

32. Finally, his delegation wished to emphasize once again that the practical means for the codification and progressive development of international humanitarian law should be studied giving a high priority to the promotion, enjoyment and universal respect for the right to peace as a fundamental individual and collective right of men and of nations.

33. Begum SHAH NAWAZ (Pakistan) said that many delegations had chosen to speak on specific cases of violation of human rights in certain countries. Although it was convinced that human rights as enshrined in the relevant international instruments were not enjoyed equally by citizens of all States Members of the United Nations, Pakistan considered that such a highly delicate question could not be approached selectively without prejudice to the efforts to secure the enjoyment of human rights and fundamental freedoms for all citizens of the world.

34. The United Nations High Commissioner for Refugees had described the situation of over 10 million refugees, whose plight in many cases was the result of a systematic denial of human rights and fundamental freedoms. Many countries which had championed human rights only in specific situations had not participated either in the High Commissioner's efforts to improve the conditions of the refugees or in the endeavours of the international community to restore their fundamental rights. Despite the financial burden placed on the Pakistan Government and people by the 2.5 million Afghan refugees, Pakistan would continue to extend whatever modest assistance it could provide for refugees, both bilaterally and through UNHCR.

35. With respect to the situation in southern Africa, which continued to endanger regional and international peace and security, Pakistan strongly condemned the abominable and inhuman policies of the South African régime.

36. With regard to international co-operation in drug abuse control, her delegation welcomed the adoption by the Commission on Narcotic Drugs of a long-term drug control strategy and a five-year programme of action. It was convinced that the major factor in the alarming situation of drug abuse and increased trafficking was the unabated growth in demand in the West. Increasing demand and limited supply had created an enormous profit potential which had been fully exploited by hardened criminals. Despite the financial and other constraints which had resulted for Pakistan as a traditional supply country, her country had waged a stubborn fight against illicit drug production and trafficking by taking preventive measures and encouraging crop substitution. The results so far achieved, particularly in certain poppy-growing areas, had been most promising. Her delegation was nevertheless firmly convinced that it would be difficult to curb the growth of drug trafficking unless the illicit demand was checked.

37. The "strategy and policies for drug control" adopted by the Commission

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the Committee to reflect on the human rights situation in Latin America and noted that the region's long history consisted of advances alternating with setbacks

(Begum Shah Nawaz, Pakistan)

were realistic since they recognized the socio-economic realities at the root of the drug abuse problem. Since lack of resources had impeded the international campaign against drug abuse, closer co-operation between North and South, and increased appropriations in the budgets of such organizations as FAO, WHO and

(Mr. Piza-Escalante, Costa Rica)

concern for the observance of human rights.

50. Costa Rica had given tangible proof of the importance it attached to the respect for the human rights of all people everywhere. It had ratified all the relevant international instruments and had submitted reports on their implementation. It accepted all the machinery established to ensure the protection of human rights and consistently supported every proposal aimed at making the machinery more effective, and particularly at protecting that noble cause from the political propaganda which contaminated and tainted it.

51. Latin America had become the target of a unilateral human rights policy. It should not be forgotten that Latin America was a continent beset by many contradictions and problems, one in which political systems and approaches to development varied considerably, but which also comprised a group of poor nations united by a common desire for social justice. It included many régimes which could hardly be called democratic, as well as quasi-feudal economic systems and heart-breaking social inequities. Thus human rights violations there, whether committed by Governments or by oligarchic revolutionary or terrorist groups of the left or of the right, were frequent and serious. The international community must highlight, condemn and correct human rights violations. The problem must not remain within the exclusive jurisdiction of States but it must also be treated with complete objectivity. It was obvious that so far the international community had not measured all countries with the same yardstick. It condemned the dictators and tyrants of Latin America, but what had it done about Idi Amin, Bokassa and Pol Pot?

52. It had been deemed advisable to appoint a Special Rapporteur to study the situation of human rights in Chile, but some still opposed using that procedure to investigate human rights violations in other countries. Was one to believe that what was good for some was not good for others? The Special Rapporteur for Chile, in his 1980 report, had recognized that mass human rights violations were no longer being committed in that country. Nevertheless, the General Assembly had not taken note of that fact in its resolution 35/188 and, as was its wont, had contented itself with stressing that the Chilean Government had continued to hinder the free activity of political parties and to deny the right to strike and form trade unions. Ironically, most of the States which has sponsored that resolution did not themselves recognize the rights in question. Once again, the draft resolution on the protection of human rights in Chile (A/C.3/36/L.60) which was before the Committee did not take into account the efforts which had been made by the Chilean authorities. As long as the draft resolutions adopted on that subject were not impartial, his delegation could not endorse them, despite its sincere concern that human rights should be respected in Chile and everywhere else.

53. That was also the reason why Costa Rica would not vote in favour of the draft resolution on the situation of human rights and fundamental freedoms in

(Mr. Lievano, Colombia)

be used to facilitate the seizure of power by minority movements which imposed authoritarian and despotic régimes on societies of which they proclaimed themselves the liberators.

42. His delegation therefore wished to express its entire disagreement with the draft resolution concerning the situation of human rights and fundamental freedoms in El Salvador, and to state that it would vote against that text.

43. Mr. SMYK (Poland), speaking on agenda item 12, said that he would briefly review the major instances of mass and flagrant human rights violations in different parts of the world.

44. In the Republic of Korea, the human rights situation had shown no improvement in 25 years. Torture, intimidation of political opponents, unexplained disappearances, arbitrary arrest and the detention of thousands of people in special camps were still common and the country's authorities continued to ignore international opinion. That situation must be corrected immediately and, on the basis of the proposals made by the Democratic People's Republic of Korea, measures should be adopted to ensure that the human rights and fundamental freedoms of the people of the Republic of Korea were observed in practice.

45. Nor had the human rights situation in Chile improved, despite eight years of effort by the international community, and the mass and flagrant violations of human rights in Guatemala and El Salvador also were cause for grave concern.

46. The report on El Salvador prepared by the Special Representative of the Commission on Human Rights was a tale of horror: torture; inhuman treatment; the murder of women, children, peasants, religious leaders, university professors, human rights advocates, etc. His delegation condemned the crimes committed by the ruling military junta and declared its support of the right of the people of El Salvador freely to choose its own political, economic and social system without outside interference.

47. The South African Government was continuing its apartheid policy in Namibia as well as its undeclared war against the neighbouring African States, while Israel continued to repress and persecute the Arab population of the occupied Territories.

48. The people and Government of Poland, bearing in mind its own historical experience, strongly condemned all nazi, fascist and neo-fascist activities and one of the basic aims of the United Nations and of its individual Member States should be to adopt measures to prevent their resurgence. He therefore strongly encouraged the Committee to adopt the relevant draft resolution (A/C.3/36/L.70).

49. Mr. PIZA-ESCALANTE (Costa Rica), speaking on agenda item 12, called upon the Committee to reflect on the human rights situation in Latin America and noted that the region's long history consisted of advances alternating with setbacks in that area. It had become traditional in the United Nations to stress the setbacks and, in so doing, to make scapegoats of States which could not claim the protection automatically offered to their protégés by certain groups formed around specific hegemonist interests. That reflected a lack of objectivity and of sincere

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(Mr. Piza-Escalante, Costa Rica)

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53. That was also the reason why Costa Rica would not vote in favour of the draft resolution on the situation of human rights and fundamental freedoms in El Salvador (A/C.3/36/L.62). Besides, the text was inconsistent. In the context of respect for human rights, it sought to impose certain solutions to the political crisis besetting the country, while at the same time reaffirming the principle

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(Mr. Piza-Escalante, Costa Rica)

of non-interference in the internal affairs of States. Furthermore, the situation in El Salvador was extremely delicate and complex. It should not be forgotten that at least five political forces were at loggerheads there: the junta, whose good intentions and desire to set the country on a course of economic and social reform were beyond doubt; the army, which, it was true, sometimes committed certain excesses; the extreme right, some of whose paramilitary groups were guilty of acts of violence; the extreme left, which also committed serious acts of terrorism; the democratic opposition, which, while close to the extreme left, did not share its radical ideas. In the midst of all that, El Salvador had been turned into a battlefield in which one super-Power supported the guerrillas and the other the Government.

54. Nor would Costa Rica support the draft resolution relating to the situation of human rights and fundamental freedoms in Guatemala (A/C.3/36/L.91), whose very blandness made it useless.

55. Mr. ROSALES-RIVERA (El Salvador) said that his Government recognized neither the legitimacy of the nomination of Mr. Pastor Ridruejo as Special Representative of the Commission on Human Rights nor the validity of his interim report (A/36/608), now before the Committee, but he wished none the less to make a few comments on the subject. In his view, the report of the Special Representative contained partial judgements, it twisted information, and it showed a desire to interfere in the country's internal affairs. The document was, in fact, part of a vast campaign of misinformation and denigration designed, behind a façade of humanitarian concern and devotion to the protection of human rights, to destabilize his Government, in particular by promoting the adoption of discriminatory resolutions and reports at the United Nations, thus the Organization turning into a political weapon. Convinced, however, that the truth would eventually triumph, his Government had decided to make its views known.

56. First of all, it should be noted that the Commission on Human Rights had been guilty of a serious irregularity in asking the Special Representative to submit an interim report to the General Assembly at its thirty-sixth session, since it had thus had a document put before the General Assembly before it had itself studied that document. The Commission should simply have informed the General Assembly that it had begun a study of the question and had designated a Special Representative, and then should have transmitted its conclusions to the General Assembly. It had not only departed from established practice but made a substantive judgement on the situation even before studying it, which was contrary to the most elementary common sense.

57. The Special Representative had acknowledged in paragraph 5 of his report that the Government of El Salvador had allowed him complete freedom of action and movement and freedom to meet with the authorities of the country; it was therefore regrettable that the document did not reflect the positive attitude of the Government but, on the contrary, gave preference to information from persons and organizations belonging to the extremist opposition. In dealing with agrarian reform, for example, it based its statements essentially on a work entitled El Salvador and Land Reform 1980-1981, the only report of its kind in which

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the process of agrarian reform was presented in an unfavourable light. Although it did refer to some information provided by ECLA, it contained no reference to the interview with Mr. Morales Ehrlich, president of the Instituto Salvadoreño de Transformación Agraria and a member of the Government Revolutionary Junta, nor to any of the official data furnished to the Special Representative. Similarly, the insinuation that there was a gulf between the Government and the rural population - the prime beneficiary of the most radical agrarian reform on the continent, as demonstrated by the criticisms levelled against it by the landowners - was completely unfounded. One might have hoped that in order to get an over-all view of the problem, the Special Representative would have visited agricultural co-operatives to talk with their leaders. That, however, was not the case.

58. With regard to social and economic reforms, the author noted in paragraph 40 the Junta's intention to nationalize the banking system and foreign trade, but he neglected to indicate that such nationalization had taken place more than a year earlier. As for the judicial system, paragraph 98 mentioned information and explanations given by the competent authorities regarding the difficulties which prevented the normal functioning of justice in a situation of widespread violence. But the Special Representative did not seem to have drawn the logical conclusion from his interviews with the magistrates of the Supreme Court, the Minister of Justice and the Attorney General of the Republic, namely, that those officials were genuinely endeavouring to ensure respect for human rights and that it was their intention to improve the administration of justice. Quite the contrary, he had declared in paragraph 115 that the executive and judicial organs had adopted an attitude of passivity and inactivity that was by implication a matter of deliberate policy; yet the Government had shown the importance it attached to that question by ratifying the two International Covenants on Human Rights and by dismissing and prosecuting a great many members of the armed forces and the security forces. The Salvadorian Government was conscious of its legal and moral responsibility in the matter, and it could not justly be accused of passivity or inactivity.

59. As was recognized in paragraph 80 of the report, the Government of El Salvador, unlike other Governments, had demonstrated a positive and open attitude, to the point of authorizing the International Committee of the Red Cross to visit all permanent or temporary, civilian or military detention centres without notice and to interview all the prisoners without any officials in attendance. The International Committee of the Red Cross, which had a list of all detained persons, was very active in the country and enjoyed the full support of the Government in its humanitarian work; the Government was genuinely concerned over the human-rights situation and did not order the assassination, abduction or torture of political prisoners. The 1980 report of ICRC on its activities indicated that after repeated visits to the 544 persons detained for security reasons, ICRC had felt that there was no need to take particular steps in their behalf. The Government had further allowed ICRC to serve as intermediary in the peaceful settlement of several cases of occupation and hostage-taking in diplomatic or governmental premises. Similarly, ICRC had been able to conduct operations to evacuate groups of civilians from combat zones to more secure areas.

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60. The report devoted only five paragraphs to describing the phenomenon of terrorism, and many of the details that had been provided to the author were omitted. While it was true that 780 cases of economic sabotage had been recorded in 1980, during the first eight months of 1981 terrorist organizations had struck 870 times, not 681 times as the report stated. In fact, 1,758 terrorist acts had been committed between 15 October 1979 and 8 September 1981. Extremist organizations were manifestly trying to ruin the national economy and destabilize the country in order to seize power. The Salvadorian Government was therefore compelled to respond to their uncontrolled violence.

61. According to the report, neither the Farabundo Martí National Liberation Front nor the Revolutionary Democratic Front denied having committed such acts of economic sabotage; however, both claimed that they had directed their attacks against the economic infrastructure of the oligarchy and never against the Salvadorian people. Yet it was indeed the people that was the first to suffer from their actions, not the oligarchy, which had been dispossessed by the reforms. Everyone knew in El Salvador that terrorism was the main cause of the country's anguish and suffering, and for that reason the overwhelming majority of Salvadorians gave neither sympathy nor support to the extremist organizations. Doubtless Mr. Pastor Ridruejo's inability to sense or to give a faithful account of the real feelings of the population should be attributed to the brevity of his stay. In any case, the arbitrary judgements he made on the political situation in El Salvador were contrary to the principle of non-intervention embodied in Article 2 of the Charter.

62. The information was misleading because the report attached too much importance to information derived from politically motivated sources. One such source was the organization called "Socorro Jurídico", which had provided more than a quarter of the quotations provided. That organization sympathized with the leftist extremist opposition movements and, as the title of the work mentioned in footnote 14 indicated, its concerns were not legal or humanitarian, but insurrectionist. Various reports in the New York press, moreover, provided ample proof of that fact, and the Archbishop of El Salvador himself, Monsignor Arturo Rivera y Damas had accused Socorro Jurídico of being biased in its publications and had refused it the right to speak on behalf of the Archdiocese. That political group shared the same views as FDR and FLFM, as could be seen from a statement by Socorro Jurídico printed in The New York Times of 24 November 1981 to the effect that the conditions necessary for holding elections did not obtain at present in El Salvador.

63. His Government did not recognize the validity of any information provided by Socorro Jurídico and, furthermore, wished to stress the partiality of the El Salvador Commission on Human Rights, which the report quoted eight times and which also sympathized with FDR and FLFM, as one could judge by reading any of its publications. Moreover, it should also be pointed out by way of comparison that the report referred specifically only three times to information provided by the Salvadorian Government.

64. As President Duarte had stated in December 1980, the wave of violence occurring

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(Mr. Rosales-Rivera, El Salvador)

in El Salvador had been caused both by those who had kept the country in a state of terror for 50 years and by those who believed for more than a decade that violence was the only solution. Such violence was contrary to the will of the people who had struggled for years for agrarian and other reforms which the Government was currently implementing. The army had taken power on 15 October in order to allow the country to overcome the crisis, make the necessary social changes and set up a democratic system. His Government condemned both the guerilla movement as well as those who termed their enemies "communists" and sought to destroy them.

65. The Catholic Church had raised its voice, at a time marked by confusion, a crisis in moral values and the fanatic exaltation of hate and vengeance, to denounce the violence which it considered the result of past injustice, subversion by international communism and the reaction of the extreme right, all of which were contrary to efforts, both governmental as well as private, designed to correct the errors of the past.

66. From September 1980 onwards the Bishops' Conference had denounced the illusions of those who believed that liberation and structural changes could be brought about by violence, such as international propaganda which exaggerated and distorted the situation in El Salvador and encouraged the internationalization of the problem; the Conference last November had expressed its unequivocal support for the holding of truly free elections, which alone would give the people the opportunity to hear and speak a language other than that of terrorism and violence, and thus unmask the real objectives of the different political factions which claimed to represent them, but whose only goal was to seize power.

67. His Government was taking steps aimed at democratization and the establishment of social justice; in spite of the great difficulties which it encountered, it was continuing, on the basis of Christian humanism, to try to restore peace. His Government, therefore, rejected the report, which failed to take account of both the national reality and the desire of the present régime to ensure respect for law and to correct the social injustice and political oppression inherited from the past. Contrary to the allegations in the report that the hope engendered by the Proclamation of 15 October had been betrayed, that Proclamation was still the basis for action carried out by the State. The Government Revolutionary Junta had no choice, therefore, but to reject the interim report, which it considered an integral part of organized campaign of slander designed to depict the Salvadorian Government as an enemy of its people.

68. Mr. BERGTHUN (Norway), speaking with regard to agenda item 12, noted with satisfaction that the Working Group established to elaborate an international convention on the protection of the rights of all migrant workers and their families had been able through its constructive approach to overcome the initial difficulties which it had encountered; the spirit of understanding between countries of emigration and countries of immigration was essential in order to reach agreement on a draft convention. The draft resolution which the Third Committee had adopted in that regard would serve as a good basis for future work.

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(Mr. Bergthun, Norway)

69. The Norwegian information media had provided wide coverage of the question of involuntary or enforced disappearances and that practice had been strongly condemned throughout the country. The question had incited strong passions and it was, therefore, particularly commendable that the Working Group set up by the Commission on Human Rights had been able to analyse the problem in an impartial manner. The shortcomings which could be found in the report were mainly due to the limited time available to the Working Group; it was hoped that the next report would be as detailed and comprehensive as was planned, and that it would pave the way for carrying out further action in the field.

70. It was discouraging to note that the human rights situation in Chile had not improved, but had deteriorated in certain respects. In view of the numerous appeals made by the General Assembly, it had been hoped that the Chilean authorities would co-operate with the Special Rapporteur in order to initiate a process which would ultimately restore the effective enjoyment of human rights in the country; unfortunately there had been no such co-operation.

71. The adoption of the draft resolution on redesignating the United Nations Trust Fund for Chile as a United Nations voluntary fund for victims of torture (A/C.3/36/L.5) would encourage Governments to respond favourably to requests for contributions to the Fund.

72. The Commission on Human Rights had adopted an objective and impartial resolution on the human rights situation in El Salvador. He was glad that the Commission had followed the practice of conducting a thorough investigation before expressing its opinion, and that its reports were submitted to the General Assembly. The interim report of the Special Representative of the Commission, which had confirmed the views of the Norwegian Government on the situation, would certainly serve as a good basis for future work.

73. With regard to the implementation of the International Covenant on Economic, Social and Cultural Rights, which was of particular interest to his Government, he recommended that the Economic and Social Council at its next organizational session should strive to improve the efficiency of the Sessional Working Group, which thus far had been somewhat disappointing.

74. Mr. ASANTE (Ghana) introduced, on behalf of its sponsors, draft decision A/C.3/36/L.91/Rev.1 on the situation of human rights in Guatemala and read out the text to the Committee. The co-sponsors had hoped that that text could be adopted without a vote; they had taken account of the views expressed by a number of representatives, among them the representative of Guatemala, and had received assurances on the matter. Their attempt seemed, unfortunately, to have failed.

75. The question which arose in connexion with the draft decision under consideration seemed to be that of whether sovereignty should be considered as having an absolute and sacrosanct character. For his own part, he felt that a sovereign State could not be a Member of the United Nations without having to meet certain international obligations and that, strictly speaking, its sovereignty was therefore not absolute.

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(Mr. Asante, Ghana)

One of the functions of the United Nations was to establish norms for which it was essential to ensure respect at the international level and he therefore called upon the members of the Committee to support the draft decision before them.

76. Mr. AGUILAR (Guatemala) said that the text of draft decision A/C.3/36/L.91/Rev.1 should be reformulated in order to make it more exact and a better reflection of the actual situation. The word "Insta" appearing in paragraph 2 of the Spanish version did not faithfully render the sense of the word "Appeals" used in the English text.

77. Mrs. LEGWAILA (Botswana), introducing draft resolution A/C.3/36/L.93 on assistance to student refugees in southern Africa on behalf of Lesotho, Swaziland, Zambia and her own country, said that it would be superfluous to dwell at length on the text since the question had been before the Committee for a number of years. Its essential provision was, however, that contained in operative paragraph 1. The co-sponsors, who had been joined by the Comoros, Costa Rica, Cyprus, Ethiopia, Mauritania, Morocco and the United Republic of Tanzania, were hopeful that the international community would continue to assist refugees in southern Africa and that the Committee would adopt the draft resolution by consensus.

78. Mrs. WARZAZI (Morocco), referring to the draft decision on the situation of human rights in Guatemala introduced by the representative of Ghana, said that it was well known that in cases of alleged violations of human rights no intervention was possible without the agreement of the country concerned. Concerning the sending of a special representative of the Committee or of the Secretary-General or the sending of a special rapporteur, it had always been understood that the prior agreement of the country concerned should be obtained. Her delegation wondered, moreover, whether the operative part of the draft decision was in keeping with the actual situation; it seemed that contacts had actually been established between the Secretary-General and the Government of Guatemala but that no agreement had yet been reached concerning the designation of a representative of the Secretary-General. It would, therefore, doubtless be better to request the Secretary-General to continue his contacts with the Government of Guatemala rather than to continue his efforts to establish contacts, or to express the wish that agreement should be reached on the designation of a person acceptable to the Government of Guatemala.

79. Mr. BENDAÑA RODRIGUEZ (Nicaragua), speaking in exercise of the right of reply, said that in her statement of the previous day, the representative of the United States had claimed that the Sandinista leaders did not trust their own people. That allegation was part of a wider policy aimed at denying representation to vast sectors of the population of Central America which were opposed to exploitation and which enjoyed international support.

80. His delegation felt that all States Members of the United Nations had a duty to reveal the truth, particularly when major Powers such as the United States distorted reality in an effort to protect their alleged strategic interests. At the very time in which world peace was gravely endangered, the United States continued to assert its domination over Central America and threatened to resort

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(Mr. Bendaña Rodriguez, Nicaragua)

to force. His delegation did not understand how it could persist in supporting unpopular and anti-democratic governments, thereby violating the right to self-determination, while claiming that the majority of the population of the countries of Central America supported its exploiters and oppressors.

81. It was indeed difficult to imagine that the peoples of the region were acting against their own interests and that a victorious revolution such as that in Nicaragua could have succeeded and grown stronger without popular support. It was the population itself which had entrusted to the revolutionary leaders the task of restoring the devastated economy and defending the country against the militarist aggression of the present American administration, and it was those revolutionary leaders who had introduced a bill in the Council of State with the aim of initiating an electoral process in 1984.

82. The Government of the United States persisted, however, in refusing to recognize the guiding role played by the masses of Latin America. That attitude was dangerous: real change and a just solution in the region could not be opposed without creating a serious threat to its peace and stability.

83. Mr. GERSHMAN (United States), speaking in exercise of the right of reply, referred to the statements made by the representatives of Bulgaria and Cuba two days previously. He recalled in that connexion that the representative of Bulgaria had drawn a distinction between "bourgeois democracy", which was presumably oppressive and exploitative, and "socialist democracy" which was presumably liberating. He then went on to quote from a document issued by the Freedom House organization in which the state of civil liberties in Bulgaria was described with particular reference to government control of all media, the conditions in which political prisoners were detained, assaults on religious liberty and the nature of political crimes. Totalitarian States had the advantage of being closed societies but it was nevertheless impossible for them to prevent the outflow of information on the human rights situation.

84. With regard to the statement of the representative of Cuba, according to which that country was a virtual utopia, he wondered how the mass exodus of Cubans was to be explained. A month previously, a Swedish citizen who had been imprisoned in Cuba had been released and had communicated to the European press documents on conditions in Cuban prisons. They showed that some 100,000 political prisoners were currently being held in Cuba, a great number of whom were young persons opposing the régime, that there was evidence to suggest that the Cuban Government was once again executing political dissidents in the prisons and that there were some 10 prisons, 6 concentration camps, and 6 forced labour camps for political prisoners.

85. With reference to freedom of cultural expression, he recalled that the President of the National Union of Writers and Artists of Cuba had himself declared that any writer who failed to fulfil his political duty would receive the most severe revolutionary punishment. Numerous writers with dissident views had been imprisoned or forced to leave the country. An internationally known Cuban film

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(Mr. Gershman, United States)

maker had been arrested several times and was now confined in a special psychiatric ward in prison.

86. Like some other revolutions in history, the Cuban revolution had devoured its own heroes, and he wished to mention the case of a former revolutionary, imprisoned since the age of 15, whose release had been refused even though he had served his sentence.

87. The President of Cuba had recently referred to the United States as "a neighbour in a glasshouse". The United States was indeed an open society which had nothing to hide. However, in a sense, totalitarianism itself was also a "glasshouse", for there would always be courageous and honest people who would tell the world what totalitarian States tried to hide.

88. Mr. SABZALIAN (Islamic Republic of Iran), speaking in exercise of the right of reply, condemned the machinations of the agents of British colonialism, including the members of the Baha'i sect, whom his Government did not regard as followers of a religion but rather as elements of a fifth column in Iran. The manoeuvres in which the British were engaging through their colonies constituted a challenge to Islam and to all Moslems in the world, but they were bound to fail.

89. It was surprising that neither the representative of the United Kingdom nor the British colonies had reacted when the Shah, the greatest agent of American and British imperialism and of zionism, had assassinated thousands of people, and that they were opposed today to the arrest and conviction of the former supporters of that despot and the agents of the CIA and zionism who destroyed and killed in Iran.

90. No one in Iran was subjected to pressure because of his opinions, but every criminal was punished according to the laws of Islam. The Constitution was the result of a long struggle, and it had been approved by millions of Iranians. No conspiracy against the Iranian people or their Constitution was therefore admissible. If the representative of the United Kingdom persisted in defending the conspirators, then the Iranian delegation would expose his true intentions, which were to combat Islam and all Moslems in the world.

91. Mr. BYKOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, condemned the slanderous remarks which the representative of the United States had made about his country and socialist countries in general. Those slanders were not new and were aimed at creating a climate of hatred and hostility between peoples and at covering up the support which the United States provided to racist and neo-fascist organizations. However, they could not hide the fact that it was the socialists who had established a true democracy. The accusations of the representative of the United States, who had taken the liberty of accusing the socialist countries of being totalitarian, showed cynicism and demagoguery and were totally ludicrous.

92. The United States was the model of true totalitarianism. It was from the United States that the dictatorship of the military industrial complex was exercised.

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(Mr. Bykov, Union of Soviet Socialist Republics)

Abroad, that country carried out, through transnational corporations, the plunder and exploitation of many countries, it intervened in sovereign States and it supported dictatorial régimes. At home, the minority was exploited by the majority, the latter monopolizing weapons, power, money and the information media. How could one speak of freedom when two thirds of the world was deprived of its freedom because of the machinations of the special services of the United States?

93. If the purpose of the United Nations was to save succeeding generations from the scourge of war, then the behaviour of the United States delegation was unacceptable. His delegation believed nevertheless that the United States of America and the Soviet Union must co-operate despite their differences.

94. Mr. GARVALOV (Bulgaria), speaking in exercise of the right of reply, said that his delegation had listened patiently to the baseless accusations by the representative of the United States and to his sermon on the respective virtues of bourgeois democracy and socialist democracy.

95. It was true that his delegation had criticized the nature of bourgeois democracy, but it had not mentioned the undeniable facts in that regard. What in fact did human rights represent for the 10 million unemployed in the United States whose right to work was not even respected? There was no guarantee in that country regarding employment, and the social security there was inadequate. The right to education was the privilege of the rich. In addition, some population groups were victims of gross violations of human rights: the Blacks, the American Indians and the Puerto Ricans.

96. The United States not only violated the basic rights of its own nationals, but also those of the populations of other nations, as had been demonstrated by the aggressive war against Viet Nam, in which it had resorted to torture and chemical weapons.

97. His delegation rejected the slanderous remarks of the representative of the United States and denied the existence of violations of human rights in his country. None of the occurrences described by the representative of the United States had been reported in the articles on Bulgaria published in November in The New York Times.

98. Mrs. FLORES (Cuba), speaking in exercise of the right of reply, said she was astonished that the representative of the United States had seen fit to speak of freedom and human rights when the United States provided support to the most reactionary and retrograde dictatorships and régimes in the world. It supported the Salvadorian régime by providing weapons and military advisers, thereby enabling that régime to confront the people, who were struggling for the exercise of their right to self-determination. It also supported the racist South African régime. What could be the moral authority of the representative of a country which had massacred the Vietnamese population during a cruel and senseless war, which had threatened and carried out aggression against Cuba for more than 21 years, which had plundered, exploited and oppressed many countries

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(Mrs. Flores, Cuba)

in Latin America, and which interfered in the internal affairs of countries whose decisions were not to its liking?

99. The representative of the United States had referred to so-called cases of violations of human rights in Cuba. In fact, those whom he was attempting to defend were the leaders of counter-revolutionary organizations linked to the CIA and to the former Batista police, as well as terrorists. In conclusion, she cited a statement by Latin American and European intellectuals, who had met in September 1980 at Havana, in which they had criticized the fact that the imperialist Government of the United States did not respect the sovereignty of Latin American States.

100. Mrs. BINH THANH (Viet Nam), speaking in exercise of the right of reply, deplored the arrogance and virulence which the representative of the United States had demonstrated in his attack on the sponsors of draft resolution A/C.3/36/L.70 at the 69th meeting. She wondered whether that attack meant that, in the view of the United States delegation, virulent racist groups like the Klu Klux Klan, an organization which existed only in the United States and which appeared to be stepping up its activities, should be allowed complete freedom of action.

101. Mr. SABZALIAN (Islamic Republic of Iran) said that the remarks made in his previous statement with regard to the United Kingdom and its colonies also applied to Canada.

The meeting rose at 7.40 p.m.