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SUMMARY RECORD OF THE 70th MEETING

Chairman: Mr. CALERO RODRIGUES (Brazil)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 93: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS: REPORT OF THE
SECRETARY-GENERAL (continued)

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The meeting was called to order at 10.40 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/36/855; A/37/3/Parts I, II and III, A/37/178, A/37/188 and Corr.1 and Add.1, A/37/201, A/37/259, A/37/310, A/37/333, A/37/412, A/37/419, A/37/420, A/37/422, A/37/452, A/37/495, A/37/500, A/37/519, A/37/521, A/37/540, A/37/556, A/37/564, A/37/611 and A/37/618; A/C.3/37/1, A/C.3/37/5, A/C.3/37/7 and Corr.1-2 (English only), A/C.3/37/8, A/C.3/37/9 and A/C.3/37/10; A/C.3/37/L.47, L.50, L.53, L.54/Rev.1, L.55, L.57/Rev.2, L.58/Rev.1, L.62, L.64, L.67, L.68, L.69, L.70, L.72, L.74, L.75, L.76, L.77 and L.81)

AGENDA ITEM 93: INTERNATIONAL CAMPAIGN AGAINST TRAFFIC IN DRUGS: REPORT OF THE SECRETARY-GENERAL (continued) (A/37/292, A/37/530, A/37/586; A/C.3/37/L.78)

1. Mr. BEAUGE (Argentina) said that his country attached great importance to the elaboration of international instruments in the field of human rights, especially those aimed at protecting the weakest, such as migrant workers and their families. The progress achieved in the drafting of a convention on the rights of migrant workers and their families was encouraging, and his delegation hoped that the spirit of co-operation demonstrated in the Open-ended Working Group would enable it to complete the draft very soon. He could not be so optimistic about the other document which the General Assembly had to draft, namely, the declaration on the human rights of individuals who were not citizens of the country in which they lived. Although the first reading of the draft declaration had been concluded, countries that had proposed its inclusion in the agenda had lost interest in it, and that had created numerous difficulties for the work of the Working Group. He hoped that the initial tempo of the work would be regained, with a view to finalizing the declaration.

2. For the past few years, the item on human rights had been used as a political weapon and as an element of struggle between various centres of power. That trend had grown so strong that it was difficult to find the humanitarian elements in draft resolutions supposedly aimed at improving the situation of human rights in a given country. The politicization of the discussions in the Committee had been aggravated by the use of selective criteria, so that among the draft resolutions now before the Committee, those condemning particular countries all related to countries in Latin America. He doubted that the world had reached a situation in which the Universal Declaration of Human Rights was being violated only in that region. For example, in some developed countries foreign workers were treated as second-class human beings, yet that was not considered a formal violation of the constitutional norms of those countries and of human rights. International co-operation constituted a magnificent weapon with which the United Nations could promote human rights and economic social development. Confrontation and politically motivated attacks, on the other hand, would produce no improvement in the enjoyment of human rights.

(Mr. Beauge, Argentina)

3. A climate of individual accusation and generalized confrontation had prevailed at one time in the Organization of American States. To remedy that situation, the OAS General Assembly had decided, beginning in 1980, to examine reports on countries in an overall context and to produce comprehensive recommendations which had been accepted by consensus by all participants. In that way, OAS had eliminated the practice of "singling out" individual countries.

4. His delegation also noted that the subject of human rights was presented as if it were unconnected with economic and social progress, as if the mere formal exercise of civil and political rights in circumstances of misery, backwardness and underdevelopment could ensure the full and continued enjoyment of those rights. The inescapable reality was that without development, it was impossible to ensure a dignified life for each and every member of society. The United Nations was not an inquisitorial tribunal, let alone a tribunal which judged one region only. Honest international co-operation would enable it to solve both human rights problems and those generated by backwardness and poverty. In that connection, his delegation supported the proposals of the of Venezuelan, Colombian and other delegations that any country sponsoring a draft resolution condemning another country should be prepared to submit to an investigation of the situation of human rights in its own territory.

5. All Members of the United Nations were obliged to comply with the Charter. It was time to develop United Nations action in the field of human rights clearly and definitively on the basis of authentic co-operation between States, giving it the same universal and non-discriminatory character as the principles that had inspired the Organization.

6. Mr. FREYBERG (Poland) said that his delegation welcomed the results achieved by the Commission on Human Rights on the question of human rights and scientific developments. The report on that question proved that the arms race, particularly the nuclear arms race, threatened the right of all peoples and all individuals to life, which was the very foundation of human rights. States should therefore endeavour to use the achievements of science and technology to promote social, economic and cultural development. Practical disarmament measures could release substantial additional resources, which should be utilized for social and economic development, particularly for the benefit of the developing countries. In addition, the question of human rights and scientific and technological development should be kept under constant review by the relevant United Nations bodies.

7. Noting with concern the increased activities of Nazi, Fascist and neo-Fascist groups and organizations and the growing co-ordination of such activities on an international scale, he recalled the years of the Second World War and the Nazi terror, during which human rights were simply trampled underfoot. As a country which had lost more than 6 million citizens during the Nazi occupation, Poland felt it was its duty to draw the attention of the international community to the danger of a rebirth of nazism, fascism and neo-fascism. No one should repeat the errors of the 1930s by minimizing the dangers of Nazi activities. Times of political and economic crisis were especially favourable for such activities, and in several countries, the dissemination of racist and chauvinist ideas had increased with

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(Mr. Freyberg, Poland)

economic and social problems. He could not agree that the problem of nazism was a marginal one, limited to only a few countries, and that those countries should be left to deal with it. On the contrary, such activities threatened international peace and co-operation. Poland had therefore joined in sponsoring draft resolution A/C.3/37/L.69.

8. With regard to the references made to the resolution adopted by the Commission on Human Rights on the situation of human rights in Poland, he welcomed the approach of those delegations that at least attempted to understand the complexity of the process in his country and took account of the efforts of the authorities and the public at large to improve the situation there. His delegation's position on the draft resolution remained unchanged. Poland's internal problems were within the exclusive competence of the Polish State. Some civil liberties had been temporarily restricted or suspended in order to safeguard the right to life, the most basic human right, which would have been in serious jeopardy if the threat of civil war had materialized. The restrictions had been imposed by sovereign decision of the Polish authorities in full conformity with the Polish Constitution; they had been declared formally, announced by the mass media and reaffirmed by the supreme legislative body of Poland. The Secretary-General of the United Nations had been formally and duly informed by written communication of those temporary restrictions, which were fully compatible with the terms of article 4 of the International Covenant on Civil and Political Rights. A gradual lifting of the restrictions had been taking place in Poland since February 1982, and the Polish Government was determined to follow that path unswervingly. Important decisions aimed at the full normalization of life in Poland would soon be taken, and the suspended civil liberties would be reinstated. Reform, democratization and the efforts towards national reconciliation and economic recovery would be continued. He assured the Committee that Poland had respected and would continue to respect its international obligations, including those in the field of human rights.

9. At the 63rd meeting the representative of the United States had made a statement, entirely devoted to the situation in Poland, which constituted flagrant interference in Poland's internal affairs. It contained a biased falsification of the state of affairs in Poland and had been based on the most simplistic sort of propaganda. It had ignored the efforts of his Government to normalize the situation in the country and had made no mention of the gradual easing of martial law or the announcement of its impending repeal. That was not completely surprising, since United States policy towards Poland was the reflection of lost illusions and misplaced hopes. Thus, any positive development testifying to the improvement of the political and economic situation in Poland and the progress of the constructive dialogue between its Government and its people made United States policy-makers nervous and brought reactions which even a large part of United States society found it difficult to understand.

10. Since the United States delegation had developed a strange habit of interpreting a lack of response as an acceptance of allegations, he would express his opinion on at least some of the allegations made. Firstly, the number of people interned in Poland was only half the figure quoted by the representative of the United States. Indeed, that number had been gradually reduced and currently

(Mr. Freyberg, Poland)

stood at no more than a few hundred. Secondly, the number of people allegedly arrested in Poland during the period of martial law was completely false. Furthermore, when referring to those detained during street demonstrations, the representative of the United States had forgotten to mention that 95 per cent of such people were usually detained for only a couple of hours and, if punished at all, were usually fined for disturbing public order. Thirdly, the representative of the United States, while referring to the results of the voting in the Governing Body of the International Labour Office, had not mentioned the rejection of a quite similar resolution by the International Labour Conference. It was also worth remembering that in the Commission of Human Rights, only 19 of the 43 members had voted in favour of the resolution concerning the situation in Poland. Fourthly, the United States statement had contained many references of secondary importance and of questionable relevance to the item under consideration. It had omitted such inconvenient but important facts as the several visits to Poland by representatives of the International Committee of the Red Cross, who had been every opportunity to visit the internment camps of their choice together with the representatives of the Catholic Church, the many visits to Poland by representatives of various charitable organizations, including United States organizations, and the visits of a special representative of the Secretary-General of the United Nations, a special representative of the Director-General of the International Labour Office, and a UNHCR mission. Nor had it mentioned the many positive elements in the statement of the ILO Director-General on the new Polish trade-union law, which had been adopted two months earlier.

11. It was clear that the United States statement had been motivated by purely political concerns, at a time when the same delegation had been practically silent on the Secretary-General's reports concerned with mass violations of human rights. It was worthwhile to consider the moral image of a delegation which one day spoke in defence of human rights in one country and the next day failed to support a General Assembly resolution appealing for clemency for South African freedom fighters. He would leave it to the Committee to judge the tone of the United States statement and the language used in reference to a sovereign State Member of the United Nations by a Senator of a country which claimed to be the world's leading exponent of human rights and a model of democracy.

12. Quoting from a statement delivered by Prime Minister Jaruzelski on 3 December 1982, he said that the United States had chosen to punish Poland for having saved herself by its own efforts from national calamity. The United States had struck at Poland's coal and food industries, had broken off valid aviation agreements and had illegally limited a fishing agreement, simply because Poland had rejected United States pressure. The incumbent Government of the United States found it hard to accept its setback in Poland and appeared to be blinded by its anti-Polish obsession, an obsession confirmed by the statement delivered by its representative.

13. Mr. GONZALEZ de LEON (Mexico) expressed his delegation's satisfaction with the progress achieved in the work of the Open-ended Working Group on the Elaboration of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families. As Chairman of that Working Group, he was grateful for the enthusiastic participation and imaginative contributions of the delegations that had brought about that progress.

14. The international community had a robust body of doctrine and positive law in the field of human rights and fundamental freedoms enshrined in various international instruments. For that reason, his delegation was among those that did not believe in the unnecessary prolongation of merely theoretical considerations which avoided current reality. The promotion and safeguarding of human rights and fundamental freedoms was the motivating force behind the work of the Committee. It was undeniable that the international community must intervene in specific situations and study them as thoroughly as possible, with a view to ensuring that general principles and norms were fully enforced in each case. Violations of human rights and fundamental freedoms could occur at any time and place. They must be censured and corrected in each case, especially when those attacks on human rights and on the dignity of the human person were clearly State policy or a form of "government" by terror.

15. It had been argued that there should be no selectivity in dealing with mass and flagrant violations of human rights. If it was selectivity for a deliberative body such as the General Assembly to deal with the most significant and urgent items, then it had to be accepted that, by necessity, any agenda was selective, whether it dealt with questions of disarmament or security, economic problems or even administrative matters. Quite obviously that serious and persistent violations of rights and fundamental freedoms merited the attention of the international community. It was not delegations accredited to the Third Committee that had drawn the attention of the United Nations to those cases; it was the moral conscience of mankind that had placed them on the agenda. Each case had to be given the treatment it deserved, and accordingly, his delegation rejected the claim that if the General Assembly did not include all human-rights problems in the agenda, it could evade its responsibility with respect to those that were included. Mexico had never opposed the inclusion of an item in the agenda. Whenever a concrete situation had been examined, regardless of the region concerned, his delegation had acted according to the merits of the case and in accordance with its principled policy.

16. With respect to the falacious argument that there was selectivity in the special treatment of cases in Latin America, his delegation believed that such treatment should be no cause for concern among Latin American delegations; on the contrary, it should be cause for legitimate satisfaction. Those who sincerely believed in the need to strengthen the process of democratization in societies had no reason to oppose the consideration of such items, nor to be offended because the international community concerned itself with human rights in the region. Opponents of such consideration would be placing themselves, regardless of the arguments used, in the unfortunate position of being accessories to those violations on the continent.

(Mr. González de León, Mexico)

17. It was a fact that the majority of Latin American countries had begun their independent life more than 160 years earlier precisely because of their democratic vocation. Constitutionalism, the division of powers and the various charters of individual and social rights indicated an old Latin American tradition in favour of freedom and equality. For that reason, the regression in some Latin American countries and the turn from democracy towards dictatorship were particularly painful. In that context, what was criticized as "regional selectivity" was in fact a tribute to the democratic vocation of Latin America. It was also a recognition of the capacity of the Latin American peoples to defend themselves and of their long-standing tradition of resistance to oppression and of political and civil organization in favour of human rights. His delegation strongly rejected any idea that Latin America was incapable of democracy. Any claim that the precarious social development of Latin America inescapably locked it into various forms of authoritarianism was totally contrary to the principles that sustained Latin America and reflected contempt for the democratic potential of Latin American societies.

18. Since its great social revolution in 1917, Mexico had fought to perfect not merely formal democracy but a democracy that would lead to material, cultural and economic improvement for all Mexicans. For that reason, his delegation had sponsored the draft resolutions on human rights in Chile and El Salvador.

19. The first of those cases involved a Government imposed by treason with the aid of external forces. After nine years, the situation of human rights in Chile had not improved. On the contrary, the report of the Special Rapporteur, witnesses and the information media made it clear that the same methods of social oppression continued to prevail in that country. The case of Chile was particularly painful because Chile had been a model of democratic institutions that had made some of the most extraordinary contributions to the evolution of contemporary law.

20. In the case of El Salvador, continued and flagrant mass violation of human rights and fundamental freedoms aroused the concern of the entire world and deserved the most severe criticism from public opinion and representative political bodies, both national and international. His delegation hoped to see the establishment of a genuine political dialogue in El Salvador that would make it possible to lay down arms and establish legality through negotiations, to ensure a just and lasting solution to the conflict and the establishment of an authentic democratic system.

21. The sponsors of the draft resolution on El Salvador and those that had voted for similar resolutions in past years were convinced that the best way to contribute to the pacification of the Central American area and to safeguard fundamental human rights there was to maintain an international awareness of the excesses being committed there and to promote the necessary political rapprochement for the re-establishment of peace in the interest of all the Salvadorian people, not merely that of one party to the conflict.

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(Mr. González de León, Mexico)

22. Recently, the Governments of Mexico and Venezuela had proposed a framework for rapprochement and understanding between the countries of the Central American region, with due respect for their sovereignty and with full safeguards for the principle of non-intervention. That was a demonstration of the legitimate interest of democratic Latin American nations in the problems of the region and would lead to a balanced vision of the Central American crisis and the establishment of dialogue as the only possible solution to the conflicts.

23. The effectiveness of the Organization of American States was dubious not only because of its structural defects but also because of past experience in the field of human rights. The meritorious work of the Inter-American Commission on Human Rights had unfortunately been frustrated on various occasions, when the General Assembly of OAS had found it impossible to consider or discuss the Commission's valuable reports, which could have provided a sufficient basis for effective action at the inter-American level to defend and safeguard human rights on the continent. In any event, the protection of human rights was not a task to be carried out solely at the regional level. Like decolonization and disarmament, it was important enough to justify the interest of the entire international community. He was certain that, as in the past, the great majority of delegations would strongly support the draft resolutions which demonstrated that interest. Accordingly, he formally introduced draft resolutions A/C.3/37/L.53 on Chile and A/C.3/37/L.77 on El Salvador, of which Algeria had now become a sponsor.

24. Mr. TRUCCO (Chile) said that a number of Latin American countries had objected to the odious discrimination against Latin America in discussions of human rights. Once again, three Latin American countries had been singled out for attack in draft resolutions containing elements of clear-cut interference in the internal affairs of States. His country joined with others in expressing its protest against such discriminatory treatment and its solidarity with El Salvador and Guatemala, which had been subjected to accusations designed solely to make them defenceless against guerilla and terrorist subversion. It endorsed all initiatives which would lead to constructive dialogue and peace in the region.

25. If the United Nations system for the promotion of respect for human rights was to have any credibility, it was essential to prevent the cause of human rights from being used as an instrument of foreign policy by some States and ideologies. The present situation had led to a curious alliance among certain Nordic countries and certain other States whose sad history of human-rights violations was well known. It was imperative to set up procedures that would prevent countries with a long history of such violations from becoming the investigative tribunals to judge other States. His delegation therefore unconditionally supported the proposal of Ecuador that Governments submitting and sponsoring draft resolutions on human rights should report, directly or through the Commission on Human Rights, on the human-rights situations in their own countries. If such measures were not taken, the discussions on that issue would be totally discredited, since no one could accept the improbable contention that three countries of a single region - El Salvador, Guatemala and Chile - were the only parts of the world where human rights were being violated.

(Mr. Trucco, Chile)

26. Another glaring example of cynicism and hypocrisy was the attitude of certain countries which deplored the refusal of Chilean authorities to co-operate with the Commission on Human Rights and its Special Rapporteur. Draft resolution A/C.3/37/L.53 urged those authorities to co-operate, but three sponsors of that draft resolution and other countries supporting it had either abstained on or voted against paragraph 11 of draft resolution A/C.3/37/L.41, which urged all States to collaborate with the Commission on Human Rights in its study of the violation of human rights and fundamental freedoms in any part of the world. Those countries appeared to be using the topic of human rights simply as a political weapon.

27. The creation of a special United Nations body to consider the question of human rights in Chile was a violation of the principles of the legal equality of States and constituted obvious discrimination and selectivity towards a State Member of the Organization. That same body had recently recognized what it had openly denied for four years: that the establishment of special bodies signified discriminatory treatment. Its representative had said that he had long considered justified Chile's decision not to co-operate further with any United Nations body while discrimination persisted.

28. In order to make his country's position clear, he explained the background of the establishment of that special body. In 1975, the Chilean delegation, participating in a meeting of the Commission on Human Rights as an observer, had promoted the adoption of a resolution to appoint an ad hoc working group to investigate the situation of human rights in Chile. Chile had insisted on the establishment of such a group in spite of the resistance of some regional and political groups to what they considered to be a dangerous precedent: the presence of the Commission on Human Rights in a Member State. According to the resolution finally adopted, the working group would be established and, once it had submitted its reports, would cease to exist. At that time the position of Chile, as expressed in a letter to the Secretary-General, had been that similar action would be taken in other cases in which continuing and systematic violations of human rights were alleged to have occurred in a country. For various reasons, the mission of the working group had been postponed until July 1978. At the end of the mission, which had marked the first and only time that a Member State had authorized the entry of a group of representatives of the Commission on Human Rights into its territory, the working group had noted that all facilities had been made available to it. Unfortunately, during the period between the decision to send a working group and the mission itself, the working group had not hesitated to submit reports characterized by intemperance, exaggeration, and insensitivity, going to far as to select as the venue of one of its meetings a country which had broken ties with Chile.

29. By the 1975 decision of the Commission on Human Rights, the working group should have ceased to exist after submitting its reports and the case of Chile should have been treated according to the normal rules of the United Nations. However, at the end of 1978, the General Assembly had recommended to the Commission on Human Rights the establishment of a post of Special Rapporteur to consider exclusively the situation of human rights in Chile and had also recommended the designation of two experts to study, in collaboration with the Special Rapporteur,

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(Mr. Trucco, Chile)

the fate of persons alleged to be missing. The General Assembly had also adopted another resolution, equally discriminatory and selective, which established a special United Nations Trust Fund for Chile. In pursuance of those General Assembly recommendations, the Commission on Human Rights had aggravated the situation by appointing to the four newly established posts four of the five members of the defunct ad hoc working group. That was why Chile, after collaborating to the point of accepting an in situ visit, had finally withdrawn its co-operation.

30. In fact, his Government had categorically rejected the new special bodies as soon as they had been established. It did not accept the establishment of selective procedures which dealt exclusively with the human-rights situation in Chile, and it would collaborate with the United Nations only when it treated his country according to objective, generally accepted and universally valid norms. Accordingly, it had ceased to accredit an observer delegation to the Commission on Human Rights and to comment on the reports of the special investigative body.

31. Since the end of 1978, the Commission on Human Rights had decided to disband one of the special bodies, and the Trust Fund had thus ceased to exist. There remained only one special body, which reported to the Committee year after year. As stated recently by the Chilean Minister for Foreign Affairs, the report was a further example of the discriminatory system applied in Chile's case. His Government rejected the report in its entirety for thoroughly valid reasons. For several years, the reports on Chile had contained long lists, with innumerable errors and repetitions, of up to 2,000 persons reported missing in Chile between 1973 and 1977. In 1979, the report had suddenly stated that the number of reported disappearances between 1975 and 1977 was 669 and that there had not been any new cases in 1978. As his delegation had pointed out in the Commission on Human Rights in 1980, neither the working group nor the other relevant bodies had felt any need to explain the reasons for that enormous reduction in the figures that had been publicized over a three-year period and had been manipulated for political purposes. In addition, it was clear from the facts that members of the working group had not been involved in the enormous humanitarian task and investigative efforts carried out by the Chilean authorities and the International Committee of the Red Cross. Between December 1976 and May 1978, the highest Chilean authorities had been in contact with the President of the International Committee to discuss a list of 893 missing persons, which had been compiled on the basis of information received by the International Committee. His Government had co-operated expeditiously and fully with the International Committee, and, as a result of investigations, it had been possible to reduce the list to 600 persons, since some persons on the original list had been located and some accusations had been deemed to be false or imprecise. His Government had often wondered what the working group had been doing during that period of time. It would seem that if it had been involved in solving some of those cases, a sense of modesty would not have prevented it from making its success public. However, the working group had admitted only in 1979 that there had been no recorded disappearances since May 1977 and that the total number of missing persons constituted less than one third of the number the group had earlier publicized. Once his country had realized that the reports had been politically motivated and were of no practical use, it had decided not to consider them any longer, but it had continued its work with humanitarian institutions which were not political in nature.

(Mr. Trucco, Chile)

32. The representative of the special investigative body, after referring to the justifiability of Chile's decision not to co-operate while there was still discrimination, had said that Chile's point of view did not carry so much weight as earlier, inasmuch as the situation had changed. Several rapporteurs had since been appointed and the Commission was examining the human-rights situation in other countries. What the representative of the special body had failed to mention was that the decision to appoint Special Rapporteurs had always been taken with the consent of the Government concerned. Chile had not accepted special bodies and would not assist them as long as their appointment was made through a discriminatory procedure. The position of Chile was clear: it merely wanted the same rights and would fulfil the same obligations as the other States Members of the Organization. It would, however, continue to collaborate with bodies applying objective criteria and general standards, such as the Office of the United Nations High Commissioner for Refugees and the International Labour Organisation. Moreover, pursuant to the international conventions which it had signed, it would regularly submit periodic reports to the bodies responsible for monitoring the application of the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

33. In 1980, 67 per cent of the citizens of his country had voted for a new political constitution, which had given shape to the institutional structure of the country and protected it from the influences which had disrupted its democratic system between 1970 and 1973. His Government could never accept the interruption or obstruction by external political pressures of the institutional structure which Chilean citizens had freely selected.

34. Mr. DERESSA (Ethiopia), referring to the question of assistance to refugees, returnees and displaced persons in the Horn of Africa, recalled that the representative of the Office of the United Nations Disaster Relief Co-ordinator, in his oral report on assistance to displaced persons in Ethiopia presented at the Committee's 62nd meeting, had highlighted the inadequacy of the response to the repeated appeals of the Secretary-General, the General Assembly and the Economic and Social Council. The same point had been reiterated in various resolutions which had stressed the urgency and seriousness of the problem faced by the displaced persons and returnees in Ethiopia. Paragraphs 42 and 43 of the report of the latest multi-agency mission to Ethiopia (A/37/198) stated that the response to the appeals following the two previous missions had been minimal, despite the very substantial quantities of external assistance called for, and that the shortfalls in assistance had imposed serious difficulties in the implementation of any medium-term or long-term plan and might endanger the future of those victims surviving the emergency period. The same report had drawn attention to the fact that, of the least developed countries, Ethiopia had, over the past seven years, been the lowest per capita recipient of credit (para. 39). The acute shortage of external assistance, coupled with the debilitating effects of persistent drought and other recurring natural calamities, threatened to frustrate the concerted efforts made for the reconstruction of the war-ravaged areas and the relief and rehabilitation of the 2.4 million persons displaced as a result of the war and of the growing number of returnees in Ethiopia.

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(Mr. Deressa, Ethiopia)

35. Of those affected by a combination of the savage war of aggression unleashed against Ethiopia in 1977-1978 and the recurring natural calamities, 1.5 million people had been identified by the United Nations Co-ordinating Committee for Relief and Rehabilitation as the most needy. The representative of UNDRO had already mentioned the document published in March 1981 identifying a minimum package of the most urgently needed relief and rehabilitation assistance for those people. Much of the infrastructure in various administrative regions of Ethiopia had been destroyed by the expansionist war of aggression and the uninterrupted sabotage activities against his country by a recalcitrant régime that had made a virtue of territorial claims and destruction and had made irredentism its national creed. Indeed, the whole problem of refugees, returnees and displaced persons in the Horn of Africa had assumed its present-day proportions because of the aggression and because the aggressor was using the problem for political advantage and economic and financial gain.

36. Turning to the larger question of the imbalance in humanitarian assistance, he said that, while the attention and assistance given to refugees was commendable, the evident lack of similar concern and efforts on behalf of displaced persons was disturbing, particularly in view of their greater numbers and the conditions in which they lived. The degree of deprivation suffered by those internally displaced was no less than that suffered by those crossing international boundaries, and the countries caring for both categories were often among the least developed of the developing countries. Despite the shortages, refugee camps were comparatively better supplied than the areas or shelters in which displaced persons were found. Unless the international community took the necessary measures to address that imbalance by providing adequate assistance to displaced persons, not only would the suffering of displaced persons continue to grow but the situation would also have serious implications for the question of refugees and, in the long run, for peace and security in many parts of the world. More immediately, that imbalance would encourage many people to flee from the rehabilitation centres and shelters established for the displaced and to move across borders to refugee camps in search of relief.

37. In countries where nationals were herded into camps and were displayed as refugees for political and financial reasons, the situation created as a result of neglecting the cause of displaced persons could be dangerous. In one country in the Horn of Africa that trend had made it impossible for UNHCR to determine how many of those it was assisting were refugees and how many were people in actual need of assistance for other reasons. United Nations efforts to improve the situation of displaced persons were made more difficult by the lack of any United Nations machinery equipped to handle such a gigantic task. His country hoped for a more systematic approach to the question and would work with all other countries in the region to create an intergovernmental organization, with the assistance of UNDP, to undertake concerted action in improving the situation of people displaced or man-made by natural disasters.

(Mr. Deressa, Ethiopia)

38. With respect to the refugee situation, he said that the search for a durable solution must be pursued vigorously. Voluntary repatriation to the country of origin, whenever possible, was the most desirable of all solutions, but it required not only the creation of the necessary conditions in the country of origin but also the co-operation of the countries of asylum, as well as the active support and encouragement of the international community. Those three factors were absolutely essential if the problem was to be solved once and for all.

39. Turning to the question of assistance to refugees in Somalia, he had noted in document E/1982/40 that estimates of the number of refugees ranged from 650,000 to 700,000 and that the Government of Somalia, the source of the information, recognized the need for accurate estimates of the refugee population in the camps (paras. 33 and 35). Since Somalia had previously claimed a refugee population of 1,300,000, he wondered what had been the factual basis upon which it had appealed for international assistance and what had happened to the remaining 600,000 so-called refugees. Since the Somali Government itself did not know the number of people it had assembled in camps, it could hardly tell the number of people dispersed throughout the country. Similarly, he wondered why there had been a reduction in the number of people alleged to be in camps and why the camp populations varied widely from day to day, as indicated in paragraph 35 of the report. He would also like to know how, in the absence of any census, the magical figure of 700,000 had been arrived at. According to paragraph 36 of the report, the visiting mission had gained the impression that there were more young men in evidence than in previous years. He would like to know where those younger men had been before. With regard to the report that the great majority of those assembled in camps were women and children, his delegation felt that that was because the men, citizens of Somalia, relieved of any care for their families thanks to humanitarian assistance, had been engaged in activities that could only be deplored by the international community. His delegation had never endorsed the figures or the status claimed for the so-called refugees in Somalia and had consistently maintained that they were needy citizens of Somalia and drought victims assembled in camps for political and fund-raising purposes. It believed that the so-called refugee camps were actually relief camps established for the benefit of drought victims. Therefore a fact-finding mission, instead of reproducing figures submitted to it by the Somali Government, should investigate the situation objectively and critically and arrive at a rational conclusion by differentiating drought victims from so-called refugees.

40. His delegation did not object to any of the host of projects that had been recommended for funding but wondered whether they had been necessitated by fresh influxes of refugees or by Somalia's development needs. It seemed unlikely that, if it were not for the so-called refugees, Somalia would not need to build and maintain roads, improve its ports, expand vocational education or reduce the serious shortage of agricultural technicians in the country. In short, Somalia wanted assistance to help finance a five-year development plan. His delegation had no objection to that but wondered how Ethiopia came into the picture. Was his country being accused of being responsible for the drought, the floods, the sand dunes, the shortage of skilled labour and a host of other problems facing Somalia?

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(Mr. Deressa, Ethiopia)

41. He would like to know how much of the money available had been used for the promotion of a durable solution, especially as the international community was well aware that large quantities of European and United States food supplies had been diverted to the hands of the Somali army, that items received through international humanitarian assistance did not reach the needy but were sold to enrich the country's authorities, and that camps were being used for recruiting terrorists and subversive agents. He wondered whether the mission had even attempted to investigate those widely publicized practices on the part of the Somali authorities.

42. As a result of Somalia's aggression against Ethiopia in 1977-1978, there had been mass displacement of Ethiopians and destruction of property valued at millions of dollars. However, people had quickly started to return to their devastated villages. There was no conceivable reason for Ethiopians to go to Somalia, whether they were nomads or peasants with a farming background. If anything, the reverse was true, with 6,000 Somali refugees recently having entered Ethiopia. His country intended to invite the appropriate international agencies in the near future to see the situation for themselves. There were also Ethiopians who had been forcibly abducted and taken to Somalia in 1977-78, and his Government had approached the appropriate organizations to help them return. One returnee had told UNHCR of the period of forced labour he had spent in Somalia, the military training he had received and his return to Ethiopia as part of a terrorist squad, from which he had eventually escaped to rejoin his family.

43. In short, his delegation was highly sceptical about the figures contained in the report and would like to see further investigation. It also found it disturbing that the report made no distinction between drought victims and refugees or between development aid and aid for refugees and that it contained no reference to the diversion of international humanitarian assistance for military and commercial purposes even though the international community was well aware that such diversion occurred.

44. Mr. ROSALES RIVERA (El Salvador) said that in its discussion of agenda item 12, the Committee was moving away from its humanitarian function, particularly with regard to human rights, and was becoming a forum in which situations were openly manipulated for political purposes. The question of human rights was continually dealt with in a discriminatory manner, not as a universal problem but as one restricted to two or three countries which, strangely enough, were all Latin American and all opposed to a particular policy of alignment with a super-Power in another hemisphere. At the present session, draft resolutions of a selective nature had been submitted on internal human-rights situations in three Latin American States, as if those countries were disrupting a climate of harmony and social justice that prevailed over the rest of the planet. He recognized that some more or less justified comments concerning other regions were made in the Committee, but the so-called advocates of human rights were careful not to promote draft resolutions on matters affecting themselves. There was one delegation from his own region which had joined in that game, for reasons that he would explain.

(Mr. Rosales Rivera, El Salvador)

45. Another shortcoming of the draft resolutions was that instead of dealing with co-operation in the promotion of human rights, they tended to be unilateral political pamphlets without any commendable purpose. They were ineffectual or counterproductive because they implicitly encouraged confrontation. Interference in the internal affairs of a State, whatever the pretext, would not strengthen the United Nations, since under the rules of international conduct it was forbidden to States individually or jointly. Constructive statements made in the Committee were of little or no use because they were lost in the intrigues of a highly politicized and manipulated medium. Serious thought must be given to safeguarding and promoting the principles and objectives of the United Nations and to dealing with human rights in such a way as to enable the United Nations to co-operate with Governments in solving human-rights problems instead of stirring up discord. His delegation had endeavoured to make its comments on the report with all due seriousness, despite the reservations he had indicated.

46. Draft resolution A/C.3/37/L.77 on El Salvador ignored the recent developments in the internal situation, the efforts of the governmental authorities and the massive demonstration of the popular will in the elections. It was in marked contrast with the more balanced, though subtle, style of the Special Representative of the Commission on Human Rights in his report to the General Assembly. The problem in the Committee was the action of a small group of delegations - to which he had referred, with good reason, as interventionists - that seemed to have lost all sense of objectivity and impartiality. Strangely enough, those delegations had forgotten the background in their own countries, where there were serious human-rights situations which needed urgent attention. In Sweden, for example, the growing production and dissemination of pornographic material, with its corrupting influence on children and young people in the countries to which it was exported as well as in Sweden, was a source of serious concern. It was a matter that affected the cultural rights established by the International Covenant on Economic, Social and Cultural Rights and should be studied by the Third Committee and by the Commission on Human Rights.

47. Another matter of concern affecting human rights was the growing sales of arms, particularly by Sweden and France, which made a great show of being peace-loving. Sweden had also continued to support the Government of Viet Nam, following the "liberation" of South Viet Nam, on the pretext of influencing it, even though Western Governments in general refused it assistance because of its invasion of Cambodia. Sweden had not succeeded in doing anything to prevent that invasion or the tragedy of the hundreds of thousands of Vietnamese refugees. It had also been pointed out in the Committee that the Swedish Government maintained close trade relations with the Government of South Africa.

48. In France, whose delegation also sponsored draft resolution A/C.3/35/L.77, there were likewise situations and policies which violated human rights and cast doubt on its good intentions in attempting to interfere in the affairs of El Salvador. French forces had fought in the wars of Indo-China, Egypt and Algeria, and the French review Photo in March 1982 had published photographs of President Mitterrand saluting the French colonial troops in Algeria during his

(Mr. Rosales Rivera, El Salvador)

tenure as Minister of the Interior. That colonial policy was continued openly, as in the case of the Comorian Island of Mayotte and in French Guiana, whose liberation Latin Americans would be happy to celebrate when it joined the United Nations as an independent State. The emergence of terrorist groups in France and their senseless acts in Paris, justly condemned by the French Government, were regrettable; yet the same Government had shown solidarity with terrorism in El Salvador and had not only subscribed to the unfortunate Franco-Mexican declaration but had insisted on sponsoring draft resolutions such as the one now before the Committee. That notorious declaration as shocking to the Salvadorian people as a declaration of war would have been, had been denounced by innumerable civic and professional organizations, political parties and others as gross interference in the internal affairs of El Salvador. If President Mitterrand wanted to persuade the people of El Salvador, he should speak to them; but he would speak about El Salvador only with foreign Governments and had sent his Minister to Central America without going near El Salvador. During his visit to a number of French-speaking African countries in May 1982, President Mitterrand had spoken of "presence, not interference", but his motto concerning El Salvador seemed to be "intervention, not presence". Perhaps that attitude was dictated by the need of the European members of a certain international organization of parties to demonstrate that they were Left-wing, meaning that they were not pro-capitalist and were anti-imperialist. The Washington Post had commented that François Mitterrand had found a cheap opportunity of demonstrating to the French people that his heart was, after all, with the Left. The initial effect of the declaration, according to that newspaper, would be to encourage war, and its ultimate effect would be to increase the determination of both sides to reach a military solution, regardless of the resulting death and desolation. The price of that gesture would in all probability be paid by the unhappy people caught up in the battle.

49. It was regrettable that one Latin American country, Mexico, had endangered other Latin Americans and had tried to dictate to a small country in an effort to conceal its own disastrous domestic situation from its people.

50. Mr. GONZALEZ de LEON (Mexico), speaking on a point of order, requested the Chairman to remind the delegation of El Salvador that the intention of agenda item 12 was to allow for comment on the cases under consideration by the Committee and not to make a general review of countries and their history.

51. The CHAIRMAN said that, while he understood the point of view of the delegation of Mexico, it was difficult to tell a speaker what he was allowed to say. However, he appealed to the representative of El Salvador to be moderate in his comments, so as not to aggravate situations which were already very difficult.

52. Mr. ROSALES RIVERA (El Salvador) said that the situation in Mexico was seriously affecting human rights, as indicated by the recent hunger strike at Mexico City over the problem of disappearances, which had been investigated on the scene by the Working Group on Forced and Involuntary Disappearances. The grave social and economic situation, with inflation at 100 per cent, unemployment at 40 per cent, governmental corruption, and one party in power for more than 50 years, was affecting many aspects of human rights in the country. Mexico, alas, had not used its natural resources wisely.

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(Mr. Rosales Rivera, El Salvador)

53. El Salvador was trying to find, with the help of the United Nations, a constructive approach to the problem, which would strengthen the democratic forces and help to bring peace. Unfortunately, draft resolution A/C.3/35/L.77 militated against that goal. He therefore would not comment on it in detail at the present time but would merely stress that it was designed to promote violence and war.

54. To dispel any doubts, he wished to state categorically that his Government regarded the study of human-rights violations as a valid concern of the United Nations, in the context of the promotion of human rights. What it objected to was using the protection of human rights in particular cases as a pretext for interfering with the sovereign right of a people to decide its own political future. Prescriptions for forms of government or the restructuring of national institutions and attempts to impose rules which disrupted the balance of power constituted interference which any sovereign State must reject. If the Government of El Salvador had thought that the United Nations was a useless forum in such a delicate and important matter, it would have closed the doors to co-operation. It had not done so because it believed that the United Nations, by virtue of the Charter and in the light of numerous international instruments, had to watch over the promotion of human rights. But when that action became political, it lost its moral stature. Balance, objectivity and a constructive attitude were essential.

55. Faced with the problem of what to do about a draft resolution that was unbalanced, subjective and partisan and had unfortunate associations with a notorious joint declaration which had been repudiated by the vast majority of Latin American countries, his delegation could only reaffirm its strong rejection and express its regret that an opportunity for constructive action had been lost.

56. Mr. KHALAF (Somalia) said that, in view of the late hour, he would reply at a later time to the unfounded allegations made by the representative of Ethiopia.

57. Mr. GONZALEZ de LEON (Mexico) announced that Bolivia had joined the sponsors of draft resolution A/C.3/37/L.53.

The meeting rose at 1.15 p.m.