



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/Sub.2/1989/SR.23  
22 November 1989

ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES

Forty-first session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 22 August 1989, at 3 p.m.

Chairman: Mr. YIMER

CONTENTS

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1989/11, 12, 13, 14 and Add.1, 15, 46, 48 and 52; E/CN.4/Sub.2/1989/NGO/2 and 3; E/CN.4/1989/7, 8, 23, 24, 25, 26 and 27)

1. Mr. TURK said that the question under consideration had always been held to be particularly difficult because of the diversity and sensitivity of the areas it covered. In order to be able to treat the question as systematically as possible and to find remedies, it was important to bear in mind the four contexts in which there occurred gross violations of human rights as referred to by the Economic and Social Council in its resolution 1235 (XLII): apartheid, foreign military occupation, the uncertainties of democratic development, and the precarious position of certain minorities or populations.
2. As far as apartheid was concerned, in its latest report to the Commission on Human Rights, the Ad Hoc Working Group of Experts on southern Africa had emphasized that the odious system of apartheid still constituted a major challenge to mankind and a threat to the front-line States in southern Africa. The report also indicated that the South African régime was having recourse to the most brutal means of repression, under the state of emergency originally proclaimed in June 1986. The independence of the Judiciary was endangered, and the practice of torture and other inhuman or degrading treatment, notably against children, was continuing. Clearly, apartheid could not be reformed; it must be overthrown through the implementation of effective international sanctions.
3. All cases of foreign military occupation entailed violations of human rights; there was no such thing as "good" military occupation. The different forms of military occupation were of secondary importance, the main consideration being the de facto situation. The Sub-Commission might therefore find it useful to concern itself with the cases of military occupation existing in the world and the violations of human rights which they entailed.
4. In that connection, mention must be made of Israel's military occupation of Arab territories in the Middle East. In its latest report to the United Nations General Assembly, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had emphasized that violence and repression had reached an unprecedented level over the past two years, with the persecution of civilians - particularly demonstrators, collective reprisals, economic sanctions, expulsions contrary to the provisions of the fourth Geneva Convention, the application of summary justice and the preventive detention of thousands of Palestinians. According to the International Herald Tribune of 18 August 1989, Palestinian lawyers, some of whom had been defending detainees connected with the intifada, had been imprisoned for six months without being charged or tried.

5. Mention should also be made of other cases of military occupation in the Middle East, Asia and northern Cyprus. The Sub-Commission should consider the question of human rights violations due to foreign military occupation under a separate agenda item and call more firmly for an end to them.

6. Trends towards democracy and human rights could be considered to be in some way naturally related. Such trends were, however, often accompanied by serious uncertainties, as had been the case in the Philippines since the overthrow of the dictatorship in 1986. As a result of his on-the-spot contacts with the Philippine Commission on Human Rights in 1988, he had become aware of the extent of the obstacles still to be overcome on the road to democracy and the protection of human rights. However, as Mr. Bhandare had pointed out at the opening of the Sub-Commission's session, change must come from within and it necessarily entailed a long process. Mr. Khalifa, too, had stated that democracy was not a ready-made article or an imported product for instant use. Among the convulsions that could be expected, mention could be made of those that had recently been experienced in China, where the violence which had occurred since June could only be deplored. He therefore subscribed to the appeal for democracy which Mr. Despouy had made a few days earlier and hoped that the Chinese Government would not stray from the road to that form of government.

7. The Sub-Commission's discussions on the problems caused by the precarious situation of certain national or ethnic minorities and populations, including indigenous peoples, should be solution-oriented, like the Anglo-Irish Agreement of 1985 mentioned by Mrs. Palley. It would be desirable if the Sub-Commission could have further information on that treaty's mode of operation and the difficulties encountered in its implementation, and the machinery for co-operation established under it, with a view to promoting other bilateral agreements of the same kind. Consideration might even be given, as Mr. Khalifa had suggested, to an agreement of that type between Bulgaria and Turkey to settle the problems of the Turkish minority in Bulgaria.

8. However, every bilateral solution presupposed the following five elements: first, minorities must be recognized and their identity respected; second, members of minorities who were citizens of the countries where they lived must be loyal to that country; third, the territorial integrity and political independence of the State where the minorities lived must not be questioned; fourth, no forced or other form of assimilation must be tolerated; and fifth, steps must be taken to ensure respect for, and promotion and protection of, the specific rights of minorities and their individual members.

9. Those principles generally applied to national or ethnic minorities, including the Macedonian minority in Bulgaria and the minorities in Romania, Albania and other countries. They concerned not only minorities that could rely on the support of a State, but also minorities that could not entertain any such hope, like the Kurdish minorities in several countries.

10. The Sub-Commission had all the more reason to be interested in the minorities question since, according to a statement made by the Four Directions Council in 1988, two thirds of human rights violations affected minorities. Moreover, as Mr. Khalifa had pointed out, the problem of collective rights and minorities was becoming increasingly important. The Sub-Commission should therefore consider the different aspects of the problem under separate agenda items.

11. Mrs. BAUTISTA said that she had been a member of many non-governmental organizations and had the greatest respect for the role they played in promoting human rights. They should, however, take care to ensure that their statements were credible, particularly when implicating Governments.

12. Mr. Joinet had specifically referred to the terms used by the observer for the Philippines, who was a member of several non-governmental organizations in her country and had spoken of manipulation of statistics. Although it was true that lawyers had been killed in the Philippines, it was not true to say that they had all died for human rights and that defence lawyers could no longer be found for human rights cases. Lawyers had always been in the forefront of the campaign for democracy in the Philippines, and those who worked for the Philippine Commission on Human Rights went on fact-finding missions all over the country in collaboration with non-governmental organizations. Why continue to quote statistics that could not be checked? If the Sub-Commission wished to know the truth, it must be able to obtain information on all aspects of the question.

13. Despite the constraints imposed upon it, the Sub-Commission must be able to take decisions on the most urgent situations and the most serious violations of human rights, especially when the victims were women, indigenous populations, migrant workers and abandoned children, and in order to do so, it must know the truth. States, too, must give effect to the resolutions adopted by the United Nations for the protection of minorities, the elimination of discrimination and the promotion of the civil, political, social and economic rights of minorities.

14. Mr. KANGA (Observer for Angola) said that the right to self-determination was a principle of international law, and a right that could not be denied. Nevertheless, the persistence of bastions of colonialism was causing millions of human beings to fall victim to racism and other forms of discrimination and to be deprived of their rights. There were also attempts to deprive independent States of their sovereignty by interfering in their internal affairs, in defiance of international law and justice. Thus the territorial integrity of several countries was being violated through armed aggression prepared and financed abroad in order to satisfy colonial, economic, military or strategic interests.

15. The effective implementation of the right to self-determination and independence was basic for the enjoyment of all rights and fundamental freedoms and for the preservation of world peace. Angola, which had itself benefited from support during its struggle for independence, was assisting other peoples that were fighting for their self-determination, especially through patriotic movements. In particular, it supported all the democratic forces fighting against the apartheid régime, whose policy was to destabilize southern Africa, to install puppet governments in neighbouring countries, and to suppress liberation movements by brute force.

16. In the Middle East, Arab territories were still occupied, in flagrant violation of human rights. A constructive dialogue among the parties concerned, including the PLO, was needed for the purpose of finding a peaceful solution.

17. Neither was it possible to ignore the situation of the people of East Timor, which had been despoiled of its land and human dignity. Angola considered that Security Council resolutions 384 (1975) and 389 (1976) were still in force and supported the efforts being made by the Secretary-General of the United Nations to find a negotiated solution.
18. Mr. ABRAM (Observer for the United States of America) said that, if human rights organs were to be credible and effective, they must put violations in their right perspective. For instance, there was a fundamental qualitative difference between the accusations levelled against the United States Congress concerning the Hopi-Navajo conflict and the tragic events which had recently occurred in the townships of Johannesburg in South Africa. Similarly, the tragedy of the populations of Somalia, Ethiopia and Mauritania must be placed in perspective in relation to the injustices of which individuals complained before the European Court of Human Rights. It was also important to distinguish between the use of toxic gases against defenceless persons and the persistence of religious discrimination in States whose Governments condemned it, between the murder of student demonstrators and the pressures exerted on the mass media by certain régimes, between the imprisonment of Cuban militants and private acts of hostility, and between the maintenance of the Berlin Wall and the violation of the right of Syrian Jews to leave the country, on the one hand, and the latest cases of discrimination against women and black people in the United States, on the other.
19. His country, which had always supported economic and political reforms in China, had been shocked, like the rest of the world, by the events in Tienanmen Square and would support all the Sub-Commission's efforts to protect the full exercise of the Chinese people's fundamental rights.
20. In Bulgaria, the Government was continuing to oppress the minority of Turkish origin. In a few months, thousands of Bulgarian citizens had changed their Turkish names into Bulgarian names, an event which the representative of Bulgaria at the meeting of the Conference on Security and Co-operation in Europe, held in Paris in June 1989, had had the nerve to describe as a pure coincidence.
21. Mr. ALFONSO MARTINEZ, speaking on a point of order, reminded the Sub-Commission that it had already expressed the view that State observers should refrain from implicating other States in a deliberately abusive manner. He therefore requested the observer for the United States to refrain from using terms inappropriate to the Sub-Commission's proceedings.
22. Mr. ABRAM (Observer for the United States of America), referring to the human rights situation in Cuba, deplored the fact that national security forces had recently arrested three eminent human rights activists and said that his country would support all the Secretary-General's efforts to ensure that the Cuban Government fully respected the rights of the population.
23. The Sub-Commission should pay particular tribute to the memory of Colonel Higgins, who had been kidnapped and murdered while serving the cause of peace. The situation in Lebanon, as Pope John Paul II had himself stated, was one of genocide - a deliberate attempt to wipe out a whole people.

24. The Sub-Commission, which had a mandate to consider the root causes of discrimination and violation of minority rights, could no doubt undertake a study on the underlying causes of ethnic, cultural and religious conflicts. It could also make a study of the ethical basis of law and consider whether there was any basis for law except the consent of the governed, which could be verified only by periodic elections. The Sub-Commission's study on the right of every person to leave his own country had brought about remarkable improvements in State practice, and no doubt the Sub-Commission could usefully undertake many further studies on other subjects.

25. Mr. CANO (Observer for Colombia) said that, after having experienced several years of violence and crime caused by armed groups, his country now had to face the problem of drug-trafficking, the instigators of which were systematically murdering members of the Judiciary and political leaders who had the courage to stand up to them. In view of the gravity of the situation, which had caused consternation among the international community, the Colombian people and Government were firmly resolved to wage a merciless struggle against the drug-traffickers.

26. Colombia had fully collaborated with the human rights bodies; it had duly replied to the communications and requests for information addressed to it, and had facilitated visits by groups and individuals wishing to make direct inquiries regarding the situation in the country and the efforts being made by the Government to maintain national institutions within the framework of democratic traditions and respect for human rights.

27. The renewed outbreak of attacks against civil servants, judges, trade-unionists, teachers and farmers perpetrated either by drug-traffickers or by illegal groups in their pay had caused the Colombian Government to adopt a number of drastic measures. Thus, on 19 April 1989 the President of the Republic, in conformity with article 121 of the Constitution relating to the state of emergency, had adopted three decrees, the first designed to combat the death squads, hired assassins and self-defence groups wrongly described as paramilitary, the second creating a special armed unit to combat such groups, and the third designed to revoke the permission granted to the Ministry of Defence in 1965 to have weapons considered to be the property of the armed forces and to regulate the collaboration of the civil authorities in the maintenance of law and order. When the constitutionality of the third decree had been questioned before it, the Supreme Court of Justice had held that the decree was in no way contrary to the Constitution, and had stated that the activities of self-defence groups had been illegal and that their objectives had had no connection with those of national defence.

28. A further decree dated 9 June 1989 stipulated that anyone who encouraged, financed or organized the creation of vigilante groups was liable to a term of imprisonment of 20 to 30 years. Provision was also made for severe penalties for members or former members of the armed forces, the police or State security agencies who were parties to such activities.

29. Colombia had both ratified the Convention against Torture, and taken further measures to ensure that members of the security or police forces did not violate it. The measures also applied to military personnel.

30. In order to cope with the wave of violence in Colombia and to ensure the sound administration of justice, his Government had appointed new judges and had entrusted a special court with trying cases involving attacks on public order and the integrity of individuals. For their part, the military courts and competent police bodies had intensified their inquiries with a view to punishing violations of human rights and of legislative provisions for the protection of citizens.

31. His Government was determined to take, if necessary, further measures to protect the heritage and unity of the nation. It was also determined, in conformity with the will of the Colombian people, to maintain close co-operation with competent human rights organs and to comply with its international obligations.

32. Mr. SHARMA (Observer for India) said that he wished to make certain clarifications regarding the presence of Indian peace-keeping forces in Sri Lanka, since it had been mentioned in the Sub-Commission.

33. Two years had passed since the signing of the Indo-Sri Lankan agreement of July 1987, under which Sri Lanka had undertaken to recognize the rights of the Tamil minority, and India to assist in preserving the unity and integrity of Sri Lanka. As a result of that agreement, all groups of Tamil militants had undertaken to renounce the use of weapons and violence. Unfortunately, one of those groups - the LTTE - had not respected its commitments and had again committed acts of violence, which had led the Indian peace-keeping forces to resume their intervention.

34. Since the signing of the agreement, the situation of the Tamils in Sri Lanka had improved considerably; over 45,000 refugees had been able to return to their country and it had been possible to re-establish national unity. India for its part had always supported the peace process in Sri Lanka and had favoured an agreement between all the communities of the North-Eastern Province. The presence of Indian peace-keeping forces in Sri Lanka was clear proof of the determination of the Indian authorities to prevent loss of life among the civilian population and to contribute to the reconstruction of the North-Eastern Province. It was particularly regrettable that Indian forces should be the subject of a campaign of false rumours by non-governmental organizations which overlooked the innumerable acts of violence and terrorism perpetrated by supporters of the LTTE.

35. His Government was making thorough inquiries regarding the behaviour of its armed forces, both in India and abroad, and had found that most of the accusations made against the Indian peace-keeping forces had been unjustified.

36. It was regrettable that all attempts to coax the LTTE on to a democratic path had proved futile, and it was important that all those who were genuinely concerned with defending the rights of the Tamil population of Sri Lanka should spare no effort to induce the LTTE to end its acts of violence.

37. As to the eventual withdrawal of Indian forces from Sri Lanka, it should be pointed out that the Sri Lankan Government had now agreed to the idea of holding negotiations; accordingly, the Sri Lankan Minister for Foreign Affairs and the Adviser to the Sri Lankan President had visited New Delhi in July and August 1989, and the process of consultations between the two countries was continuing.

38. Mr. GOKCE (Observer for Turkey) drew the Sub-Commission's attention to the situation of the Muslim minority of Turkish origin which, since 1984, had been subjected to a policy of forced assimilation and repression by the Bulgarian Government, in violation of the provisions of international instruments and bilateral agreements. The Bulgarian authorities were systematically depriving the Turkish minority of its cultural rights and freedom of religion, and to that end were engaging in brutal methods of repression, even endangering the right to life of members of the minority. The reports of the Committee on the Elimination of Racial Discrimination were particularly eloquent in that respect.

39. On many occasions, Turkey had officially invited the Bulgarian authorities to conclude bilateral agreements designed to restore the Turkish minority's status and rights. Faced with the increasingly strong reaction of the international community, the Bulgarian Government had finally agreed to ratify the Belgrade Protocol of 23 February 1988, but the subsequent negotiations had soon shown that Bulgaria had had no intention of altering its stance and had merely sought to exploit the dialogue in order to avoid attracting the attention of the international community.

40. Having had to acknowledge the obvious failure of their policy of forced assimilation, which had led to a vast protest movement followed by repression in which more than 60 people had died, the Bulgarian authorities had embarked on a policy of forcing citizens of Turkish origin to leave the country, in violation of their moral and legal obligations.

41. Since May 1989, the oppressive policy directed against them had forced over 300,000 Bulgarian citizens of Turkish origin to leave their country, most of them going to Turkey. The Bulgarian Government was endeavouring to explain that phenomenon by invoking the right to freedom of movement of its citizens, regarded as "tourists".

42. It was not a case of discrediting Bulgaria, but rather of maintaining friendly relations with a neighbouring country. The Turkish Government therefore called on Bulgaria once again to respect the rights of its Muslim citizens of Turkish origin who wished to remain in Bulgaria and to conclude an agreement facilitating the emigration of those who wanted to leave the country, with a guarantee that their property and rights would be protected.

43. The fate of the Turkish minority in Bulgaria was of interest not only to Turkey but also to the international community as a whole. It was gratifying to note that a large number of countries and international and intergovernmental organizations had already expressed their concern and had denounced the gross and systematic violations of human rights which Bulgaria was committing. Even in the Soviet Union and certain countries of Eastern Europe, articles had been published on the subject. Consequently, firm measures must be taken to combat such methods of oppressing minorities, particularly in order to dissuade any country confronted with similar problems from resorting to them.

44. Mr. COSTA LOBO (Observer for Portugal) drew attention to the case of East Timor, in which Portugal was particularly interested as the administering Power. The reports of various humanitarian organizations, together with evidence from Timorese who had sought refuge in Portugal, showed that the general situation in East Timor had considerably worsened over the past year.



The population was continually harassed and lived in fear and insecurity. The number of arrests and detentions was constantly increasing, and some non-governmental organizations, including Amnesty International and the Anti-Slavery Society, reported ill-treatment, murders and illegal executions by members of the Indonesian security forces. Although the Indonesian authorities had announced that they had been lifted, all the restrictions on freedom of movement were still in force in five areas representing over half of the territory.

45. The Government was continuing to take measures designed to destroy the cultural identity of the Timorese population. For example, it had recently forbidden the celebration of mass in the local language and was exerting unacceptable pressure on members of the clergy, including the Bishop of East Timor, Monsignor Delo, who had had the courage to denounce the human rights violations, about which he had made an appeal to the Secretary-General of the United Nations. The situation had become so serious that prestigious institutions and eminent persons had openly expressed their concern; they included the European Parliament, which had adopted a resolution reaffirming the right of all peoples to decide their future freely and requesting that steps be taken at the diplomatic level to guarantee the right of the people of East Timor to self-determination.

46. While continuing to co-operate with the competent organs of the United Nations, the Portuguese Government would continue its efforts, in conformity with General Assembly resolution 37/30, to find a just, global and internationally accepted solution to the East Timor problem, within the framework of negotiations with Indonesia under the auspices of the Secretary-General of the United Nations.

47. Mr. CHERNICHENKO, referring to the comments by the observer for Turkey on certain articles in the Soviet press, emphasized that the press and other media currently enjoyed a high degree of freedom in the USSR, to the extent that newspapers frequently published articles expressing points of view that differed from those of the Government.

48. Mr. DITCHEV (Observer for Bulgaria), replying to the allegations made by the observer for Turkey about freedom of movement in Bulgaria, said that the right of all Bulgarian citizens to leave and return to their country was fully guaranteed under a new Act that had been adopted by the Bulgarian Parliament in 1989 within the context of the process of social democratization and efforts to make national legislation consistent with the recommendations of the session of the Conference on Security and Co-operation in Europe that had been held in Vienna. Bulgarian citizens who emigrated to Turkey did so of their own free will. However, on arrival in Turkey, most of them were forced to surrender their Bulgarian passports, which were replaced by Turkish identity papers, and those who refused the exchange were immediately sent back to Bulgaria. For obvious political reasons, the Turkish authorities were attempting to convince the international community that those persons were refugees and, to that end, were holding them hostage.

49. His delegation also regretted Turkey's decision to close its borders with Bulgaria despite the fact that, only a short time before, it had been appealing incessantly to Bulgaria to open its frontiers. That decision revealed Turkey's real aims in regard to Bulgaria, aims which were far from humanitarian.

50. Although the recent mass departures of Bulgarians for Turkey was an undeniable fact, in view of the serious economic, social and psychological problems that they entailed it was clear that Bulgaria was not deporting anyone, contrary to the allegations of the Turkish Government. Moreover, if Bulgaria had intended to assimilate the Bulgarian Muslims, as had been alleged, it could have done so a long time before, following its liberation from the Ottoman yoke. On the contrary, Bulgaria had always given ample proof of its tolerance in regard to all religions or creeds, particularly in the case of the Muslim descendants of Bulgarians who had been forcibly converted to Islam during the five centuries of Ottoman domination.

51. It should also be noted that no bilateral or multilateral treaty signed by Bulgaria referred to a "Turkish minority" in Bulgaria. The terms used were "the Muslim minority in Bulgaria" and the "Bulgarian minority in Turkey". It would be interesting to know how the latter minority was being treated in Turkey. If some persons had changed their names in Bulgaria following its liberation from foreign domination, they had done so of their own free will whereas, under the laws in force in Turkey, particularly those promulgated in 1934 and 1972, every Turkish citizen must have a Turkish name, including the members of the Bulgarian, Armenian and other minorities and the Kurdish population. Even now, new Turkish names were being given to Bulgarian citizens arriving in Turkey, since article 66 of the Turkish Constitution stipulated that every citizen of Turkey was a Turk.

52. It should be made clear that Bulgaria was a secular State in which freedom of religion was guaranteed, as had been attested by many Muslim leaders from various countries, and also by Mr. d'Almeida Ribeiro, the Special Rapporteur of the Commission on Human Rights on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, who had accepted an invitation to visit Bulgaria in 1987.

53. The Bulgarian delegation was extremely concerned at the hysterical campaign of hatred that was being conducted in Turkey against the entire Bulgarian nation, which had been declared the principal enemy of the Turkish nation. His delegation had detailed information in that respect, particularly concerning the threats to invade Bulgaria that were being made every day at the highest political level; it would make that information available to any persons who might be interested in it. Clearly, only an honest and equitable dialogue would enable Bulgaria and Turkey to normalize their relations. However, Turkey had rejected such a dialogue since it had been unwilling to enter into negotiations on the dates which it had itself proposed and which Bulgaria had accepted.

54. He reaffirmed that his country was in favour of a bilateral settlement of all the problems between Bulgaria and Turkey on the basis of equality and in a fair and just manner.

55. Mr. DE MONTIGNY MARCHAND (Observer for Canada) welcomed the decision taken by the Sub-Commission concerning the participation of governmental observers in its deliberations. It was only natural that the human rights situation throughout the world should concern Governments as well as non-governmental organizations.

56. The serious violations of human rights that had been committed for several years against members of the Turkish minority in Bulgaria had recently assumed alarming proportions. Canada therefore urged the Bulgarian Government strictly to respect the fundamental rights of all Bulgarian citizens of Turkish origin and endorsed the calls for negotiations between the parties concerned with a view to reaching a mutually acceptable solution that would fully safeguard those rights. It was to be hoped that the Sub-Commission's deliberations on that question would be conducive to such an outcome.

57. Although the events that had taken place a few months earlier in China were well known and had been amply referred to by other speakers in the Sub-Commission, Governments were particularly well placed to comment on the legal arguments invoked by the Chinese authorities to justify their actions. According to them, it was a purely internal matter in which no foreign Government or international organization had any right to interfere. Canada did not share that view and, on the contrary, believed that the provisions of the Universal Declaration of Human Rights, which included freedom of opinion, expression and peaceful assembly, constituted an integral part of international law and that any violation of those freedoms through violence or other arbitrary means should be a matter of legitimate concern to all members of the international community. All Members of the United Nations, regardless of their ideological and political systems, must co-operate fully in the efforts being made to persuade China to refrain from further actions inconsistent with international standards.

58. His delegation did not wish to engage in a polemic with the Chinese delegation. In view of the respect that Canada had always had for China, and the close and mutually beneficial relations between the two countries, Canada would continue to urge China to respond to the concerns expressed by Members and organs of the United Nations. A co-operative attitude was the most effective way in which the Chinese Government could demonstrate its commitment to the policy of reform and openness it had pursued during the past decade.

59. Mr. MARKIDES (Observer for Cyprus) said that, in spite of all the progress that had been made in the field of human rights and the growing conviction within the community of nations that the protection of human rights constituted an important aspect of the rule of law, flagrant violations of those rights were still occurring throughout the world.

60. The Sub-Commission's concerns about the human rights situation in Cyprus, as reflected in its resolution 1987/19, were unfortunately still valid. Nevertheless, Cyprus was determined to continue the intercommunal negotiations under United Nations auspices with a view to achieving the objective set by the Secretary-General, consisting of a solution that fully guaranteed the human rights and fundamental freedoms of all Cypriots, regardless of their ethnic origin, language, religion, belief or any other consideration. The aim was to reconstruct a country in which Greek Cypriots and Turkish Cypriots could live and work together and exercise their human rights, particularly freedom of movement, freedom of residence and property rights.

61. However, the withdrawal of the Turkish armed forces, the termination of the occupation and the violations of human rights that it entailed, and the departure of the settlers who had been installed in the occupied areas of Cyprus were prerequisites for that process, which should take place in a spirit of respect for all the international human rights instruments, to most of which Cyprus was a party.

62. There was also a need to solve the problem of missing persons in Cyprus in a convincing manner and to take measures to put an end to the pillage of the Cypriot cultural heritage. In that regard, he invited the other party to co-operate with the competent organs of UNESCO.

63. In conclusion, he thanked the Sub-Commission for its support for the cause of human rights in Cyprus and expressed the hope that its resolutions on that question would be implemented. For its part, Cyprus would continue to make every endeavour to find a just and lasting solution that would ensure the withdrawal of the troops and settlers, the reunification of the country, the proper functioning of the State and, in particular, the restoration of the human rights and fundamental freedoms of all Cypriots.

64. Mr. JIN said that, on the occasion of the fortieth anniversary of the Universal Declaration of Human Rights, he had published, in a Chinese quarterly magazine, an article on the development of the concept of human rights, in which he had highlighted two important issues, namely the advisability of applying a single criterion to the human rights situations prevailing in countries with differing and complex characteristics, and the best ways to ensure the international protection of human rights.

65. In spite of the universal nature of human rights, it should not be forgotten that the means for their realization and the time needed to that end could not be the same in all countries in view of the differences in their social and political systems, cultures, religions, customs and levels of economic development.

66. The situation in China should therefore be viewed in the light of that country's particular national characteristics. Account must be taken of the following facts. First, China was the most populous country in the world and most of its territory consisted of rural or relatively infertile mountainous areas. It was therefore far from easy to govern a country that was a hundred times larger than many countries of the West. Secondly, after having been a semi-feudal and semi-colonial country for a long time, China had entered the socialist era, but the building of socialism was a very long process that required a stable internal and external environment. Thirdly, China was a developing country with a very backward economy, per capita income amounting to less than \$500. Fourthly, for the past 10 years, China had been engaged in a modernization programme that had improved the material and cultural standard of living of most of its population and had strengthened democracy and law. The Chinese Government was constantly endeavouring to correct all the mistakes that, given the large size of the country, it might have made during that process. Many other countries had experienced similar problems. It was only after a long time and many upheavals that the Western developed countries had become what they were today, and it would be unrealistic and even harmful to try to apply Western economic and political models to China.

67. The events that had taken place in Beijing between April and June 1989 formed part of the same process. The student demonstrators had lacked political maturity and had failed to understand that citizens had duties as well as rights. In the exercise of his rights, no one should endanger the security or interests of others, of society as a whole or of the State. Unfortunately, their zeal and immaturity had been exploited by a handful of political conspirators seeking to destroy socialism in China and overthrow the Chinese Government, with the support of certain foreign political forces that

took an unfavourable view of the progress of the socialist system in China and wished to impose their political and economic systems and values on the country. That was why the student demonstrations had turned into rebellion.

68. It was essential that countries with differing social systems should respect each other and coexist in peace, in accordance with the provisions of the Charter of the United Nations and international reality. For that reason, he protested against the unjustified accusations that had been made against the Chinese Government in connection with the measures taken to suppress anti-Government riots.

69. With regard to violations of human rights and fundamental freedoms in other parts of the world, he recommended extreme prudence. Although it was only natural to expose, condemn and even impose sanctions on countries such as South Africa and Israel, which had adopted an official policy of racism, expansion and aggression, in most cases extreme caution should be exercised for the following reasons.

70. First, it was difficult to define criteria for an assessment of whether a particular situation involved flagrant and gross violations. Secondly, there were considerable differences between the situations in various countries and each problem had its own complicated background, which made a correct and objective evaluation difficult. Thirdly, the human rights situation in each country should be examined in a comprehensive manner, since no country could boast of a perfect situation in that regard and, although the various violations should obviously be examined, any improvements made should also be noted. In that connection, he did not share the view that pressure should be brought to bear on small countries in order to induce them to respect human rights. Fourthly, the accuracy and objectivity of many communications, documents and statements were often called in question, and that was a matter which the experts should consider.

71. The social and political systems adopted by each country were internal matters falling under the exclusive sovereign jurisdiction of the country concerned. The experts should therefore refrain from making rash comments or hasty accusations against the leaders of any country, if only out of common courtesy.

72. Lastly, he drew attention to the provisions of Article 2, paragraph 7, of the Charter and pointed out that the United Nations had never adopted a resolution stipulating that those provisions were not applicable to expert groups. That was a very important point that had been emphasized by many experts during the past few days.

73. Mr. WIRYONO (Observer for Indonesia), speaking in exercise of the right of reply, officially expressed his objections to the wilful misrepresentations that had been made concerning his country. The self-styled defenders of the people of East Timor had again spoken of the incomplete process of decolonization of that region. His delegation could only reiterate that the decolonization of East Timor had been completed when the Indonesian Government had accepted the petition of the people of East Timor to become independent within the framework of integration with Indonesia in 1976.

74. Some speakers had referred to a letter from Mgr. Belo to the Secretary-General of the United Nations. It should be noted that Mgr. Canalini, the Apostolic Pro Nuncio to Indonesia, had stated that, although Mgr. Belo was the head of the East Timor diocese, his letter did not reflect the aspirations of the Catholic Church or of the people of East Timor. In fact, Mgr. Belo's letter and the public discussion that had ensued in East Timor showed that freedom of expression and human rights were being respected by the Government.

75. While rejecting the derogatory content of the statement by the representative of a non-governmental organization who had recently visited East Timor, he pointed out that the visit itself clearly showed that East Timor was open to the outside world. Account should also be taken of the positive reports of a large number of persons who had recently visited the territory, including a British parliamentary delegation, the Ambassador of Austria, the head of a six-member delegation from the European Parliament, and a delegation from the Parliament of the Federal Republic of Germany. They had all been most impressed by the progress made in the province and had found the situation in East Timor to be normal.

76. Concerning the allegations of mass arrests prior to President Soeharto's visit to East Timor in November 1988, he wished to make it clear that although 60 persons had been interrogated at that time, only 8 had been detained and only 2 brought to trial, one of whom had been sentenced to six months' imprisonment and the other to seven. With regard to the other allegations concerning mass arrests as a preventive measure in anticipation of the Pope's visit in October 1989, it should be noted that, in May 1989, 25 persons had indeed been questioned by the local authorities and subsequently released. According to Indonesia's detractors, those were the acts that constituted gross violations of human rights.

77. Mr. SOKHONA (Observer for Mauritania), speaking in exercise of the right of reply, reminded the Sub-Commission that the observer for the United States of America had referred to Mauritania in his statement on the item under consideration. In that regard, it should be noted that Senegal and Mauritania were neighbouring countries whose peoples had many mutual links. Until the previous spring, thousands of Senegalese had been living in Mauritania and tens of thousands of Mauritians had settled in Senegal. Following the distressing events of April and May 1989, the two Governments concerned had decided to organize a reciprocal repatriation of those two communities.

78. He was surprised that the observer for the United States of America, which was a major Power with the means to ascertain what had really happened, had referred solely to violations of human rights in Mauritania in that connection. Such partiality in no way furthered the cause of human rights.

79. Mr. GOKCE (Observer for Turkey), speaking in exercise of the right of reply, noted that, like all the Bulgarian delegation's statements on the subject of the Turkish minority in that country during the past five years, the statement that had just been made carefully evaded the fundamental problem, namely that, over a period of three months 300,000 Bulgarians, who were all of Turkish origin, had been uprooted and forced to abandon their homes and land, leaving behind all their property and sometimes their wives and children. That constituted a flagrant violation of human rights.

80. It was therefore surprising and even shocking to hear the Bulgarian delegation express concern at the fate of 300,000 Bulgarian nationals of Turkish origin who had been forced to leave that country. It was regrettable that such concern had not been shown before their departure. The Bulgarian delegation had also affirmed that there was no Turkish minority in Bulgaria. He therefore wondered about the identity of those persons who had been designated as "Turks", "Bulgarian citizens of Turkish origin" and the "Turkish minority" in all the bilateral instruments and Bulgarian statements. He held all those documents at the disposal of the Sub-Commission.

81. Although the Bulgarian Government was complaining about the mass exodus of its nationals, it was showing no intention to change the conditions that had prompted their departure. It seemed that, in that Government's view, the fact of getting rid of the Turkish minority should, in the long term, offset the immediate economic difficulties caused by their departure.

82. The Turkish Government had hitherto waived the visa requirement for Bulgarians of Turkish origin travelling to Turkey, in the belief that it would encourage the Bulgarian authorities to negotiate an agreement on migration. However, those authorities had taken advantage of that situation to provoke the departure of a minority that had become undesirable. Consequently, Bulgarians of Turkish origin would henceforth require a visa to enter Turkey, like all other Bulgarians. Turkey was willing to receive, within the framework of an agreement on migration, all ethnic Turks still living in Bulgaria, provided that the Bulgarian Government manifested a sincere desire to settle that problem on the basis of a mutually acceptable timetable for an overall negotiated agreement relating exclusively to the situation of the Turkish minority in Bulgaria.

83. He requested the Bulgarian delegation to indicate clearly to the Sub-Commission whether its Government was willing to enter into such negotiations, failing which its declarations of good intentions and its allegations against Turkey would lose all credibility.

84. Mrs. BOZHKOVA (Observer for Bulgaria), speaking in exercise of the right of reply, considered that a country which had brutally dominated Bulgaria for five centuries should show a little more restraint before making allegations against her country. The offensive language of the observer for Turkey in no way helped to convince Bulgaria of the sincerity of his country's Government.

85. The prospects for a settlement, through dialogue, of the problem between the two countries were also jeopardized by Turkey's negative attitude. In fact, the dialogue envisaged by the Turkish Government implied discussions on conditions that had been fixed unilaterally by itself and were therefore tantamount to an ultimatum. The bilateral Protocol that Bulgaria and Turkey had signed at Belgrade in 1988 made no mention of minorities. That Protocol made provision for the formation of two working groups, one of which would study political and the other economic questions, with a view to solving the current problems in bilateral relations between the two countries, including the problems relating to ethnic communities. The two groups, which had met once in Sofia and again in Ankara, had prepared a timetable and a list of problems to be examined and settled.

86. For its part, Bulgaria had submitted various draft documents and invited Turkey to continue the discussions on the agreed points in September 1988 in Sofia. However, Bulgaria had received no official reply to that invitation.

87. At the end of 1988, Turkey had declared the Protocol to be invalid, although Bulgaria still regarded it as a useful instrument for the conduct of discussions. Accordingly, it was Turkey that had refused to come to the negotiating table on the date proposed by itself and accepted by Bulgaria. Bulgaria reaffirmed its desire to negotiate with Turkey, but without preconditions.

88. Mrs. FERRIOL (Observer for Cuba), speaking in exercise of the right of reply, said it was paradoxical that the observer for the United States should be unwilling to apply the same criteria to all countries for purposes of the consideration of situations affecting human rights. In a display of objectivity, the observer for the United States had made a passing reference to serious problems of human rights in his country. However, those problems would appear to merit further consideration, since the black Latin American minorities were unquestionably being subjected to numerous violations of their rights, not to mention the indigenous peoples to whom the Government was obstinately denying the right to self-determination, or the thousands of impoverished and homeless Americans.

89. It was well known that the Government of the United States bore responsibility for certain international conflicts, as in the case of Panama, which was currently facing the threat of a military invasion that would not only constitute a violation of the principles of international law, but would jeopardize the Panamanian people's right to life.

90. The observer for the United States had also referred to the arrest of three Cuban nationals who had been prosecuted in accordance with article 51 of the Cuban Penal Code. Those three persons, who were known for their counter-revolutionary ideas, had conducted a slanderous campaign on United States television and through the Cuban radio stations sponsored by the Government of the United States, to discredit the equitable conviction by the Cuban courts of three drug traffickers, which had been widely reported in the media.

91. Mr. ALFONSO MARTINEZ, speaking on a point of order, requested the observer for Turkey not to insist on again exercising his right of reply, in view of the late hour.

92. Mr. JOINET noted that Mr. Jin had very courteously made some suggestions to other experts. Since one of those suggestions concerned a problem to which he had himself referred, he wished to clarify his position. At the end of his statement, Mr. Jin had seemed to imply that the present debate could constitute interference in the internal affairs of certain countries, a possibility that Mr. Joinet had already refuted. Article 2, paragraph 7, of the Charter admittedly proclaimed the principle of non-intervention. However, exceptions to that principle must be admitted in order to avoid negating the universal nature of human rights. Everyone knew that, with a view to ensuring universal respect for, and observance of, human rights and fundamental freedoms, as provided for in Article 55 (c) of the Charter, Members undertook, in accordance with Article 56 of the Charter, "to take joint and separate action in co-operation with the Organization". He thought that it was



pursuant to that provision that China had, in the past, voted in the Commission on Human Rights in favour of resolutions calling in question the internal nature of the human rights situation in other States.

93. If the Sub-Commission adopted the opinion of those advocating application of the principle of non-intervention in the field of human rights, together with the views of those who were opposed to the adoption of resolutions on specific countries and those who were in favour of deleting item 6 or curtailing item 9, its work would be totally paralysed.

94. Mr. JIN acknowledged that Mr. Joinet's views differed from his own, but hoped that they would have an opportunity to discuss those matters at greater length.

95. Mr. GOKCE (Observer for Turkey), speaking in exercise of the right of reply, reminded the Sub-Commission that he had made an appeal, and also put a question, to the Bulgarian delegation, which had responded to neither. However, the most urgent problem to be settled between the two countries was that of the Turkish minority in Bulgaria. Turkey was willing to resume the dialogue with Bulgaria, subject to the establishment of the requisite priorities and on the basis of an agreed agenda.

96. Mr. VARELA QUIROS said he would like to know the interpretation that the Chairman or possibly the Sub-Commission placed on Commission on Human Rights resolution 1989/36. For his part, he held the view, like other experts he had consulted, that the resolution recommended that the Sub-Commission should formulate draft resolutions relating only to certain human rights questions on which it felt able to make an original contribution, and that it should avoid submitting draft resolutions on questions that had already been considered by other human rights bodies, such as the Commission itself. Since such an interpretation would save a lot of time, he wished to know how matters stood in that respect.

97. The CHAIRMAN said that, at the present stage, the Sub-Commission did not have time to discuss that resolution, although he expressed the hope that, in formulating their draft resolutions, members would give due consideration to the recommendations contained in that resolution.

98. The Sub-Commission had thus concluded the general debate on agenda item 6.

The meeting rose at 6.10 p.m.