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SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. SOMAVIA (Chile)

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The meeting was called to order at 10.20 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/45/3, 179, 210, 348, 404, 444, 445, 446, 447, 448, 508, 542, 564, 578, 607, 630, A/45/649 and Corr.1 and A/45/649/Add.1, A/45/651, 664, 697, 698, A/45/174, 203, 207, 216, 227, 272, 280, 303, 329, 338, 381, 410, 667, 689, 690, 691, 692, 693; A/C.3/45/1)

1. Mr. BALANDA (Chairman and Rapporteur of the Ad Hoc Working Group of Experts on Southern Africa) introduced the report (E/CN.4/1990/7 and Add.1) prepared in accordance with Human Rights Commission resolution 1990/26 of 27 February 1990. It was the first time that the Committee had centred its debate on the report of the Ad Hoc Working Group of Experts on Southern Africa in response to the desire of the Commission on Human Rights and the Economic and Social Council to make the international community more aware of the impact of the policies and practices of apartheid on the living conditions of the black population of South Africa. The international community must be made to realize that, without its help and concerted efforts, the hateful institutions of the South African Government would never be totally dismantled.

2. The interim report and its addendum provided information on the Working Group's inquiries regarding human rights policies and practices in South Africa, including trade union rights. The Working Group was continuing its investigation, inter alia, of cases of torture and ill-treatment of prisoners, as well as of deaths occurring during detention. It was also giving special attention to the question of detention, torture and ill-treatment of children. The report, which covered the period from January to December 1989, dealt with the situation in South Africa and Namibia. The addendum gave an account of the visit to Namibia by the Working Group from 12 to 17 February 1990, just before Namibia's accession to independence in March 1990, at which time the mandate of the Working Group with respect to Namibia expired.

3. Commenting on some developments that had recently been considered by missions of inquiry and were not covered in the report, he noted that the Working Group had been unanimous in its praise for the democratic nature of both the electoral campaign and the elections themselves in Namibia. However, he pointed out that there was widespread concern at the number of persons who had not returned to their country to participate in the elections, and who were regarded as disappeared persons by their families. That matter should be cleared up. The Working Group had also questioned the amnesty granted to former members of the anti-riot units known as "Koevoet" which had been so notorious for the atrocities they committed against citizens. The Working Group had also examined the case of Leonard Sheehama who, in its view, should be considered a political prisoner, and should therefore be freed along with the others. It was also imperative to settle the problem of Walvis Bay in the interest of the economic development of the young State. The Working Group called upon all States, competent United Nations agencies and international organizations to provide Namibia with all necessary assistance for

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the effective enforcement of human rights and progressive consolidation of its democratic institutions. Finally, the report mentioned the question of compensation to Namibia by South Africa for all the harm done as a result of the illegal South African occupation.

4. In keeping with its usual practice, during the first year of its two-year mandate, the Working Group had collected oral testimony and written communications from individual witnesses and humanitarian organizations, as well as a number of studies and research papers. To that end, it had travelled to London, where a number of important human rights organizations, especially those concerned with South Africa, had their headquarters. During the second year of its mandate (1990), it had gone to collect information on the spot in the front-line States. Since it was established, the Working Group had endeavoured to co-operate with the Government of South Africa and had, on several occasions, requested authorization to conduct its inquiries in South Africa; however, that permission had never been granted. The Working Group had therefore decided to go to the United Republic of Tanzania, Zambia and Zimbabwe and to draw up its final report on the data collected in those countries. In keeping with established practice, the interim report did not contain any conclusions or recommendations; its conclusions and recommendations would be included in the final report to be submitted to the Commission on Human Rights at its forty-seventh session. The Working Group had, however, formulated some recommendations concerning Namibia, on the eve of its accession to independence (E/CN.4/1990/7/Add.1, para. 46).

5. It would be a mistake to think that apartheid was coming to an end merely because the situation had improved somewhat since February 1990, particularly after the release of Nelson Mandela and other political prisoners, the de facto recognition of the anti-apartheid parties, the lifting of the state of emergency and the curfew imposed in Soweto, the proclamation of amnesty, the talks with representatives of the black majority on building a new South Africa and the abolition, since 15 October 1990, of the more flagrant practices of racial segregation in public places. All those developments were merely superficial or cosmetic changes; they had barely shaken the real foundation of apartheid. It was therefore important to remain vigilant, to continue the struggle and to keep up the pressure on Pretoria until the system of apartheid was totally and permanently wiped out. In reality, the situation in South Africa was far from satisfactory. According to the press, a few days after the 1953 law on compulsory segregation in public services was abrogated, some youths who had tried to apply the new provisions had been savagely attacked. Incidents of violence, which had exploded in Natal at the end of March 1990 and had extended to the black suburbs of Soweto, had claimed many victims among the South African people. Whites had apparently taken part in the disturbances and the police in Kwazulu, as well as the South African police force, had not been impartial in restoring order. During its mission from 20 August to 12 September 1990, the Working Group had heard from witnesses that torture of detainees was still a common practice and that detention without charges was just as prevalent as before. The Public Safety Act 1953 and the 1982 Internal Security Act gave the Government the same powers as the state of emergency. It was imperative that those laws, as well as the Population

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Registration Act, the Act concerning populated zones and the Group Areas Act, which were the basis for apartheid, should be abrogated. It was especially important that the Government abrogate article 28 of the 1982 Internal Security Act authorizing detention merely on suspicion of having jeopardized public order; article 29, allowing for indefinite detention without trial or charges for purposes of interrogation; article 31, authorizing secret arrest during political trials of potential State witnesses; and article 50, empowering police officers to make an arrest without a warrant. The Working Group had obtained the text of a paper prepared by the South African Human Rights Commission, and would consider it at its next meeting in early December 1990. It would include its views on the paper in its final report to the Commission on Human Rights at the Commission's forty-seventh session.

6. Of the 64 persons who had made statements to the Working Group in August and September 1990, twelve had been teenagers. All had been tortured during detention, and had had to leave the country because of harassment and various forms of repression. The youngest one had been tortured when he was barely eleven years old.

7. The Working Group was particularly concerned about the situation of agricultural workers. With working conditions close to slavery, derisory levels of payments (in kind, often in alcohol) for unending labour, and no protection by labour laws, they were the most vulnerable category of workers in all of South Africa. Long negotiations between the Congress of South African Trade Unions (COSATU) and the South African Co-ordinating Council on Labour Affairs (SACCOLA) had resulted in an agreement under which labour laws would become applicable to agricultural workers, but the agreement had not yet been put into effect. It would be a great step forward if it should become law at the beginning of 1991. It should also be noted that agricultural workers enjoyed neither the right to strike nor the right to collective bargaining.

8. Consideration should also be given to the question of political prisoners. Despite the Pretoria Agreements of 6 August 1990 for the release of political prisoners on 1 September 1990, a large number of them were still languishing in prison, notwithstanding the new agreements resulting from the recent meetings between the representatives of the Government and the ANC. The Chairman of the Working Group mentioned the case of Mr. "MAC" Maharaj, a very early leader of the National Committee of the ANC, whose wife had testified before the Working Group when it recently visited London. Mr. Maharaj, who had returned from exile to take part in the negotiations with the Government as a representative of the ANC, and who had been guaranteed immunity by the Government, had been arrested and detained under article 29 of the Internal Security Act. Despite appeals to the South African Government by the Chairman of the Commission on Human Rights and the Secretary-General, Mr. Maharaj had recently been indicted together with other members of the ANC.

9. Testimony gathered by the Working Group in the front-line States indicated that human rights continued to be violated frequently in South Africa. Extreme right-wing white groups had numerous weapons at their disposal, and many of their

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leaders occupied senior positions in the security services, the army and the police. As a result, even when the institutionalized structure of apartheid was dismantled, respect for the human rights of the black people of South Africa would still be far from a reality.

10. Mrs. ATTAH (Nigeria) recalled that the protection and promotion of human rights were cardinal objectives of the United Nations, constituting fundamental principles of its Charter. Therefore, respect for all human rights was an obligation not only on individual States but also on the comity of nations.

11. The bi-polar structure of international politics in the past had had the adverse effect of forcing the developing countries to choose sides, and human rights had become politicized. At the present time, it was gratifying to note that a universal culture of human rights was developing and that an international consensus was being shaped.

12. Nigeria stressed the equality, indivisibility and interdependence of human rights. They were incontrovertible principles that the United Nations must constantly reaffirm in order to maintain credibility for its actions in the field of human rights.

13. However, although civil and political rights were as important as economic, social and cultural rights, the continuing economic constraints experienced by the developing countries impeded their full enjoyment of all human rights. The increase in the debt burden, resulting in a massive negative transfer of resources away from the developing countries towards the developed ones; increased protectionism by the latter; deteriorating terms of trade and the decline in commodity prices had all combined to exacerbate the economic situation of the developing countries, with devastating structural and human consequences. According to the latest World Development Report issued by the World Bank, 1 billion people, primarily from the developing countries, lived in poverty, and the number was increasing. As a result, maternal and infant mortality and illiteracy were on the increase, while there was a rapid deterioration in health and social services and an erosion of the basic rights of the individual to food, shelter, dignity and life itself. It was deeply regrettable that the quality of life in many developing countries stood in the way of achieving the basic purposes of the Charter of the United Nations, namely, "to promote social progress and better standards of life in larger freedom". Less than complete enjoyment of human rights in any part of the globe inevitably posed a threat to human rights everywhere. The developed countries had a duty, deriving from the common destiny of all nations, to release more resources for development and eliminate poverty. Nigeria called on them to discharge that responsibility.

14. The individual should be the primary beneficiary of all human rights. Individual as well as mass violations of human rights endangered not only domestic harmony but also international peace and security. History as well as recent events in international politics clearly showed that Governments which persistently violated the rights of their citizens could not survive. The authority and

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legitimacy of States; the durability of their institutions; national unity; economic development and indeed the stability of the international order all depended to a large extent on respect for the rights of the individual and his group.

15. South Africa remained the only country where racial discrimination was institutionalized. The Nigerian delegation condemned apartheid. While it was true that in 1990 the South African Government had taken important steps towards the eradication of the practice, its basic pillars were still in place, and the racist constitution was still the basic law. The Nigerian delegation therefore strongly supported the recommendation that existing sanctions should be maintained until the General Assembly and the people of South Africa had clear evidence of profound and irreversible changes for the elimination of apartheid and the establishment of a democratic, non-racial, free and undivided South Africa.

16. Violations of human rights, regional conflicts and economic factors continued to cause massive flows of refugees. Today, there were well over 15 million refugees in the world and the number was still growing. Nigeria therefore called on the international community to ensure the effective implementation of relevant international human rights instruments in order to avert new flows of refugees and displaced persons. The Nigerian delegation fully supported the early warning arrangements which the Secretary-General had instituted to avert new flows of refugees. It urged him to consolidate and expand the system, and to implement the recommendations contained in the report on co-ordination of activities related to early warning of possible refugee flows (A/45/649). Strengthened inter-agency co-operation and computerization of the Office for Research and Collection of Information would assist significantly in setting up an effective and operational early warning system.

17. The Nigerian delegation had read with keen interest the report of the Secretary-General (A/45/348) and noted with satisfaction the intensified efforts of the Centre for Human Rights to strengthen contacts and co-operation with regional bodies and commissions. Nigeria urged that greater technical assistance and advisory services should be provided to the African Commission on Human and Peoples' Rights of the Organization of African Unity (OAU). There was a need to step up the flow of information and the exchange of experiences, for example by organizing, under the auspices of the Centre for Human Rights, regular interregional consultations on regional arrangements for the protection and promotion of all human rights.

18. Since the last International Conference on Human Rights had been held at Tehran more than 20 years earlier, Nigeria fully supported the convening of another world conference on human rights, particularly in the current period of improved international political relations. The conference should begin by taking stock of the past, both of progress achieved and of obstacles encountered, and should make a detailed analysis of such economic factors as debt and poverty, which in many cases prevented the populations of many developing countries from living in freedom, dignity and security. The conference should also deal with such fundamental

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questions as the violation of individual rights arising from institutionalized racism and occupation by foreign forces. In order to be effective, the conference should be convened at the ministerial level. Her delegation noted with satisfaction that the majority of replies received from Member States, contained in document A/45/564, supported that proposal.

19. Nigeria attached great importance to the protection and promotion of the rights of indigenous populations, and it urged the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to intensify its efforts on the elaboration of acceptable international standards for the protection and promotion of the rights of indigenous populations. Her delegation called upon the General Assembly to take all steps necessary to ensure that 1993 was properly observed as the International Year for the World's Indigenous Peoples.

20. Nigeria stressed the importance of the draft international convention on the protection of the rights of all migrant workers and members of their families. It was satisfied with the final text of the draft, which not only specified the fundamental rights of migrant workers but also clearly defined rights with respect to resident aliens, social security, tax laws and labour relations. While her delegation was in favour of the adoption of the draft, it regretted that the Working Group had not been able to agree on the wording of paragraph 8 of draft article 72, which dealt with the financing of the committee which would give effect to the convention. The members of that Committee should receive emoluments from United Nations resources on the terms and conditions which the General Assembly would define. Nigeria could not support the financing of the committee by States parties because of the perennial difficulties which that system had created with regard to the financing of the Committee on the Elimination of Racial Discrimination and the Committee against Torture. In the view of her delegation, bodies established under international instruments should be financed from the regular budget for two reasons: first, it was the most effective means of ensuring the implementation of conventions and, secondly, it was consistent with the spirit of universality.

21. The protection and promotion of all human rights was a never-ending struggle and, in its activities in that area, the international community must be non-selective and adopt an approach of persuasion and pressure. Since countries were not perfect, they could not serve as standards of human rights performance; consequently, the international community should act in concert to seek universal adherence to the relevant international instruments and, to that end, should provide advisory services to States which required it.

22. Mrs. SYAHRUDDIN (Indonesia) said that, at the beginning of the final decade of the twentieth century, the world was undergoing dramatic changes as a result of the easing of East-West tensions, the end of ideological competition and increased multilateralism. That new climate had led to increased attention to social and humanitarian issues, and the United Nations had regained its prominence as a multilateral organization dedicated to, and capable of, preserving international

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peace and stability. Those favourable developments had enabled the General Assembly to convene a special session on drug abuse and illicit trafficking and had made possible the entry into force of the Convention on the Rights of the Child and the convening of the World Summit for Children. Those events were indicative of a new consciousness of the moral responsibility for economic and social development, and demonstrated that the immediate concern of State security and survival had become less urgent than the needs of society.

23. That new change of attitudes had particular implications for human rights. Too often, human rights had been used not for the advancement of the goals of the Charter of the United Nations or of the Universal Declaration of Human Rights but for less than noble political or ideological motives. She hoped that, by focusing on economic and social development, the international community would be able to hold a more constructive dialogue on human rights with a view to enhancing the quality of life for all people.

24. While human rights norms had gained near-universal acceptance, they were still subject to differences of interpretation, and they could be distorted by the tendency to judge other countries by one's own national standards of behaviour and to ignore the diversity of cultural, social and economic factors in the world. Thus, developed countries tended to concentrate on civil and political rights, while developing countries were forced to give priority to their need to free themselves from the burden of poverty, illiteracy, hunger and misery. The question of human rights should be considered in all its aspects, including the right to development, and it should not give rise to criticism or political manoeuvring.

25. The world conference on human rights, which would be held in 1993, had been the subject of a draft resolution of which Indonesia was a sponsor. That conference would not only focus increased international attention on human rights but would also be an opportune occasion for reviewing the progress made in that field since the adoption of the Universal Declaration of Human Rights, for evaluating the methods which the United Nations used in its consideration of human rights issues and for formulating a programme of action to guarantee respect for the human rights and fundamental freedoms of all people without distinction of any kind.

26. The mechanism for protecting human rights had recently been strengthened by the draft international convention on the protection of the rights of all migrant workers and members of their families, which had been submitted for consideration by the General Assembly.

27. As a result of demographic changes, the increasing population in some areas of the world could not be absorbed by the work-force, while other areas which experienced a shortage of labour would continue to attract migrant workers, whose protection should be ensured and whose fundamental rights should be respected. The draft convention would not satisfy everyone, since each country had its own values and traditions. Indonesia supported the draft in principle, since it gave sufficient protection to migrant workers and their families. At the national

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level, Indonesia had established an interdepartmental working group to review the draft in all its aspects and to determine its relevance to Indonesia's needs and concerns.

28. The revitalization of the Economic and Social Council was important in the context of the strengthening of multilateral co-operation and the new emphasis on the economic and social responsibilities of the international community. The changes in the international situation should lead to improvements in the Council's functions with respect to policy formulation, follow-up, and operational activities.

29. The mechanisms for enhancing human rights, ending apartheid and guaranteeing equal rights for women were already in place, and Indonesia was prepared to contribute its resources and talents to ensure progress in all those areas.

30. Archbishop MARTINO (Observer for the Holy See) said that current migrations were motivated mostly by economic reasons and that the movement was largely from poor to richer countries. Migration had rightly become an object of international concern on account of its widespread consequences for the economic, political and social organization of all the countries concerned and for the lives of millions of individuals. In 1971, Pope Paul VI had already advocated moving on from a strictly nationalistic attitude in regard to migrant workers to drafting a statute which would recognize their right to emigrate and foster their professional and social integration into the State of employment.

31. The Holy See welcomed the Draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, drafted by an open-ended Working Group established by the General Assembly in 1979. Firstly, the draft provided a general framework that could serve as a point of reference for drafting bilateral or multilateral treaties. Secondly, it provided for the protection of "all migrant workers", including those in an irregular situation. By referring to that category of immigrants, the draft reaffirmed that the fundamental right to protection should have priority over national legislation concerning population movements. Thirdly, the draft convention covered all aspects of the migrant worker issue and treated the worker not simply as an element of the production process, but first of all as a human being.

32. Although part III of the draft convention, which dealt with the human rights of all migrant workers and members of their families, was taken from the Universal Declaration of Human Rights and other Covenants, in some cases it improved existing provisions, as in the case of article 21, which made it unlawful to confiscate or destroy identity documents; articles 16 and 23 on the right to consular and diplomatic protection; and article 22 which prohibited the collective expulsion of migrant workers.

33. The Holy See welcomed the provisions of article 12 on freedom of thought, conscience and religion. Under it, migrant workers had, for example, the right in public or private to manifest their religion or belief in worship, observance, practice and teaching. Whenever such freedoms had been ensured, the Church had

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been able to contribute very significantly down the centuries to the well-being of migrant workers and their families in many countries. On the other hand, persecution and discrimination in matters of religion were unfortunately still among the gravest injustices against many migrant workers and members of their families.

34. With respect to article 44, which recognized that the family was the natural and fundamental group unit of society, it was regrettable that the draft convention did not consider family reunification as a right of the migrant worker, but confined itself to recommending that the State of employment should take the measures it deemed appropriate to facilitate such reunification. The Holy See would also have welcomed better provisions on the status of non-resident seafarers and the process of political integration of migrant workers into the country of employment. However, the positive elements of the draft far outweighed its few shortcomings. The usefulness of such a convention would undoubtedly contribute to improving the situation of millions of persons for whom, in the words of Pope John Paul II, "migration which was a route to hope had become a path fraught with difficulties and disappointments".

35. From another standpoint, there was clearly a need to create the conditions for genuine development, especially in the less developed countries, in order to reduce the need for migration. While affirming the right to migrate, and defending the rights of the people involved in the migratory process, it was easy to forget the equal importance of insisting on the right not to migrate, in other words, the right to earn a decent living and to raise one's family in the country of one's birth.

36. Mr. PICKERING (United States) said that in the aftermath of the Second World War, the international community, by adopting the Charter of the United Nations and the Universal Declaration of Human Rights, had formally repudiated all doctrines based on unlimited State authority, including those deriving from the divine right of kings. Under the terms of Articles 55 and 56 of the Charter, the United Nations and the Member States had pledged themselves to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Surveying the conduct of those who exercised power in the people's name, one could not fail to see that they did not do so with respect for the human rights of all. On 2 August 1990, the Iraqi occupation forces had begun ravaging a once peaceful and prosperous neighbour, causing immense suffering to the people of Kuwait. In the weeks that followed the invasion, tens of thousands had been forced to flee, leaving behind family, livelihood and, in many cases, all their worldly goods. Later, in a move aimed at depopulating the country, the Iraqi authorities had briefly opened the borders, which they had closed to prevent the Kuwaitis abroad from returning and those remaining at home from leaving the country, and had authorized Kuwaitis to depart, confiscating their citizenship documents as they left.

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37. The Iraqi occupying forces had conducted wholesale looting of the country, forcing the civilian population to forage for whatever it could find. Iraqi troops had confiscated medicines and medical supplies, thus depriving the Kuwaitis of access to medical care. The handicapped and even premature infants had been turned out of hospitals and left to die. Reports from refugees leaving Kuwait indicated the brutality of the Iraqis' efforts to stamp out resistance. Iraqi troops had made massive arrests and tortured and summarily executed not only those suspected of involvement in organized resistance, but also members of their families. The Iraqi authorities had so much to conceal that they were continuing to flout their international obligations by denying the International Red Cross permission to enter Kuwait. Not long ago a representative of the Iraqi Government had had the effrontery to declare that human rights were being respected in his country. Did he imagine that the General Assembly was composed of credulous infants?

38. The Government of Iran, in contrast, had stated that it wished to co-operate with the international community in promoting respect for the human rights of Iranians. To that end, it had permitted the Special Representative of the United Nations Commission on Human Rights to make two visits to Iran. Admittedly, the human rights situation in that country remained deeply troubling. The Special Representative had obtained first-hand information on detailed and credible accounts of torture, denial of due process, executions for political reasons, discrimination against ethnic and religious minorities and other similar charges. The General Assembly and the Commission on Human Rights should therefore continue to scrutinize closely the human rights situation in Iran.

39. The United States regretted that millions of Afghans were unable to return to their homes in order to begin the tremendous task of rebuilding their lives and their nation. All the efforts by outsiders to impose a political order were doomed to fail, as had clearly been demonstrated by the events of the past decade. The United States continued to believe that the conflict in Afghanistan must be solved through a political process and by the Afghans themselves. Only by enabling the Afghan people to decide its own future and to arrange for the permanent return of refugees with dignity, could Afghanistan cease to be a source of instability and become instead an independent, non-aligned country at peace with its neighbours.

40. With regard to the occupied territories, under the Fourth Geneva Convention of 1949 Israel was responsible for maintaining law and order there. The Israeli Government had taken positive steps in early summer to improve the human rights situation and to reduce conflict between the security forces and the civilian population. In September, the burning to death of an Israeli reservist in a refugee camp in the Gaza Strip had interrupted those favourable trends, and in October, the Temple Mount incident had increased tensions very substantially.

41. The United States had joined the other members of the Security Council in calling on Israel to refrain from the excessive use of force in situations of civil unrest. His Government once again stressed that the process of direct negotiations must be resumed with the aim of achieving a comprehensive solution and true peace between Israel and all its neighbours.

(Mr. Pickering, United States)

42. In the Horn of Africa, civil strife had displaced millions of civilians and forced millions more to flee their countries. That situation, aggravated by natural disasters, had led to mass malnutrition and thousands of deaths. Governments and rebel movements had even been known to hinder the delivery of food and other relief supplies.

43. In Myanmar, the National League for Democracy had indisputably won the elections held in May, thus demonstrating that the people of Myanmar hoped for a return to parliamentary democracy, an end to military dictatorship, and the introduction of reforms leading to a free market economy. The current rulers had still not relinquished power to the League, and had failed to convene the National Assembly and to release political prisoners, including some leaders of the League. In October, the authorities had ordered raids on Buddhist monasteries, and the United States had received credible reports that political prisoners were being tortured and subjected to cruel and degrading treatment.

44. The United States appealed to all Member States concerned about political rights to use their influence to convince Myanmar's military rulers to set an early and definitive date for a return to civilian government and for the release of political prisoners.

45. In paragraph 1 of resolution 1990/48, adopted in March 1990, the Commission on Human Rights called upon the Government of Cuba to honour its repeated guarantees that witnesses who testified to the Working Group of the Commission which had visited Cuba in 1988 would not be subject to reprisals, detention, or negative consequences of any nature whatsoever. In paragraph 2, the Commission called upon the Government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of the Commission. In paragraph 3, the resolution welcomed the willingness of the Secretary-General to put himself at the disposal of the Commission regarding his ongoing contacts with the Government of Cuba and requested that he provide the results of those contacts to the Commission at its forty-seventh session.

46. The Government of Cuba had replied that it would not respect any of the provisions of the resolution. It had also stated that revolutionaries had complete freedom of expression, while counter-revolutionaries had no freedom of expression at all. That remark, it would seem, applied to the world's longest serving political prisoner, Mario Chanes de Armas, who had been in detention for 29 years. The Cuban Government had intensified its repression of human rights activists, including those who had testified before the Working Group of the Commission on Human Rights in 1988.

47. The United States called upon the Government of Cuba to co-operate with the Commission on Human Rights and to release all political prisoners immediately and unconditionally. It was to be hoped that the Secretary-General would submit a substantive report on the human rights situation in Cuba.

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48. With respect to the situation in El Salvador, the United States continued to consider that the Government of El Salvador must bring to justice those responsible for the murder of the six Jesuit priests, their housekeeper and her daughter. In a larger sense, the United States recognized that the greatest source of human rights violations in El Salvador was the continued warfare in that country. It accordingly supported the call by President Cristiani for an immediate cease-fire, and urged both parties to pursue peace through negotiations.

49. The United Nations should establish a human rights monitoring commission in El Salvador immediately, as requested by the Salvadorian Government and the Frente Farabundo Martí para la Liberación Nacional (FMLN) after their meetings in August. It deplored the offensive launched the previous day by the FMLN in complete disregard of the progress being made in the peace talks and the commitments it had made to the Secretary-General.

50. In the case of Guatemala, the United States felt that, while the Guatemalan Government did not pursue a policy of human rights abuses, it had rarely taken vigorous action to apprehend those who violated those rights. During the November elections, the people of Guatemala had demonstrated their support for constitutional and democratic government. If that support was to continue, the rule of law must be applied with firmness and justice. The United States called upon the Guatemalan Government and the candidates in the run-off election to pledge themselves to a peaceful transition to a new administration and to ensure that those who violated the human rights of the Guatemalan people were punished according to the law.

51. With regard to South Africa, the United States opposed the repugnant racist doctrine of apartheid, and supported negotiations between the South African Government and representative black leaders with the aim of building a non-racial and democratic society. The South African people could count on the support of the United States in achieving that objective.

52. There were grounds for optimism. President de Klerk had authorized political parties and peaceful protests, freed the political prisoners and agreed with the African National Congress on procedures to release all others, lifted the state of emergency everywhere except in Natal, removed most restrictions on the press and repealed the separate Amenities Act. The ruling party had committed itself to accept majority rule, the principle of "one man, one vote", equal economic, political and social rights for all South Africans and genuine negotiations with the black opposition.

53. He would have liked to be able to say that the human rights situation had improved in all countries as it had in South Africa. Unfortunately, that was not so. While the international community had exalted the individual and repudiated all doctrines centred on unlimited State authority, it had not yet succeeded in eradicating the attitudes and practices of the past or abuses reflecting the disposition of tyrants. In the final analysis, the pace of humanity's advance was directly related to the success of all its members in becoming more humane to each other.

AGENDA ITEM 89: EFFECTIVE IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS ON HUMAN RIGHTS AND EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO SUCH INSTRUMENTS
(continued)

Draft resolution A/C.3/45/L.50

54. **Mr. KESSEL** (Canada), introducing the draft resolution entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights" on behalf of the sponsors, which had been joined by Germany and Poland, said that the text, as in previous years, expressed a concern felt not only by the Third Committee but also by the Economic and Social Council and the Commission on Human Rights. He restated the principal provisions of the draft resolution and indicated that the first three lines of paragraph 6 should be reworded as follows:

"6. **Encourages** the Secretary-General to proceed with the circulation to the various States parties to the United Nations human rights instruments, as soon as possible, of the detailed reporting manual to assist ...".

55. The Canadian delegation hoped that Member States would adopt draft resolution A/C.3/45/L.50 by consensus, as they had done in the past with the other resolutions on the subject.

AGENDA ITEM 93: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS
(continued)

Draft resolution A/C.3/45/L.47

56. **Mr. CAMPBELL** (United Kingdom), introducing the draft resolution entitled "Human rights and scientific and technological developments" on behalf of the sponsors, which had been joined by France, emphasized that the draft resolution concerned the progress made in the elaboration of a body of principles for the protection of all persons with mental illness. That undertaking dated back to 1978, when the Commission on Human Rights had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study of the question of the protection of those detained on the grounds of mental ill-health. The Sub-Commission had submitted a draft text to the Commission on Human Rights, which had established an open-ended Working Group to examine, revise and simplify as necessary the draft body of principles and guarantees on the basis of comments submitted by Governments, specialized agencies and non-governmental organizations. In 1990 the Working Group had met in Geneva for two sessions, lasting two weeks each.

57. His delegation hoped that draft resolution A/C.3/45/L.47 would, like the previous resolutions on the subject, be adopted by consensus.

Draft resolution A/C.3/45/L.48

58. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic), introducing the draft resolution entitled "Human rights and scientific and technological developments" on behalf of the sponsors, which had been joined by Costa Rica, stressed that the development of human society should take place in a peaceful environment in which human life must be recognized as supreme. His delegation hoped that draft resolution A/C.3/45/L.48 would, like the previous resolutions on the subject, be adopted without a vote.

AGENDA ITEM 97: IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD
(continued)

Draft resolution A/C.3/45/L.51

59. Mr. MATELA (Poland), introducing the draft resolution entitled "Convention on the Rights of the Child" on behalf of the sponsors, which had been joined by Cameroon, Guinea-Bissau, Lesotho, Panama, Paraguay, Togo, Zimbabwe and Zambia, stressed that it was encouraging that an unprecedented number of States had to date become signatories and parties to the Convention, thereby demonstrating the widespread commitment that existed to strive for the promotion and protection of the rights of the child, as had also been demonstrated by the successful conclusion of the World Summit for Children.

60. The 90 sponsors of the draft resolution hoped that draft resolution A/C.3/45/L.51 would, like the previous draft resolutions on the subject, be adopted by consensus.

AGENDA ITEM 105: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)

Draft resolution A/C.3/45/L.53

61. Mr. DUHS (Sweden), introducing the draft resolution entitled "International Covenants on Human Rights" on behalf of the sponsors, hoped that draft resolution A/C.3/45/L.53 would, like previous texts on the subject, be adopted without a vote.

AGENDA ITEM 106: ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (continued)

Draft resolution A/C.3/45/L.55

62. Mr. HENNESSY (Ireland), introducing the draft resolution entitled "Elimination of all forms of religious intolerance" on behalf of the sponsors, which had been joined by Côte d'Ivoire, Fiji and Senegal, recalled that the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been adopted by the General Assembly in 1981 without a vote. The resolutions adopted year after year on the basis of a consensus demonstrated the desire of the international community to work towards the objectives of the Declaration. The sponsors of the draft resolution believed that progress must be made in that area on the basis of a consensus. The draft resolution updated

(Mr. Hennessy, Ireland)

General Assembly resolution 44/131 and was based on Commission on Human Rights resolution 1990/27 and on points put forward by delegations which appeared to receive general support.

63. His delegation hoped that draft resolution A/C.3/45/L.55 would, in accordance with the established practice, be adopted without a vote.

AGENDA ITEM 109: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

Draft resolution A/C.3/45/L.49

64. Mr. PETERS (Netherlands) announced that, in the list of sponsors of the draft resolution entitled "Report of the Committee against Torture and Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Seychelles should be replaced by Senegal and Romania should be added. The text was similar to that of General Assembly resolution 44/144 adopted the previous year. He drew attention to the main provisions and hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/45/L.52

65. Mr. SIGURDSSON (Iceland), introducing the draft resolution entitled "United Nations Voluntary Fund for Victims of Torture" on behalf of the sponsors (who had been joined by the United States), recalled that the Fund had been established in 1981 by General Assembly resolution 36/151 and that, on the basis of voluntary contributions, it gave humanitarian, legal and financial assistance to victims of torture and members of their families. The Fund was administered by the Secretary-General and by a Board of Trustees, whose activities were described in the report of the Secretary-General (A/45/633). The text of the draft resolution was similar to that of other resolutions on the subject adopted previously by the General Assembly but contained two new provisions: the fifth preambular paragraph and paragraph 4.

66. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/45/L.54

67. Ms. FUNDAFUNDA (Zambia), introducing the draft resolution entitled "Torture and inhuman treatment of children in detention in South Africa" on behalf of the sponsors (who had been joined by Costa Rica, Guinea, the Libyan Arab Jamahiriya and Nigeria), said that the violations of the rights of children in South Africa described in the report of the Secretary-General (A/45/615) continued to be of serious concern to the international community and that concerted international action was needed to put an end to them. That was why the sponsors welcomed the entry into force of the Convention on the Rights of the Child and the results of the World Summit on Children.

(Ms. Fundafunda, Zambia)

68. They hoped that draft resolution A/C.3/45/L.54, like the previous resolutions on the subject, would have the Committee's support.

AGENDA ITEM 110: ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF PERIODIC AND GENUINE ELECTIONS (continued)

Draft resolution A/C.3/45/L.56

69. Mr. WAFEN (United States of America), introducing the draft resolution entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" on behalf of the sponsors (who had been joined by Haiti, Honduras, Malta, Mozambique and Portugal), said that the overall goal of the draft resolution was to see how the United Nations could respond more effectively to requests for electoral assistance from Member States while fully respecting their sovereignty. In drafting the text, the sponsors had benefited from the advice and suggestions of delegations belonging to all regional groups.

70. The first preambular paragraph was the same as that of General Assembly resolution 44/146, which had been adopted in 1989 without a vote. The second preambular paragraph was taken from the third preambular paragraph of the International Covenant on Civil and Political Rights. After drawing attention to the main provisions of the draft resolution, he indicated that a number of delegations had made further suggestions to improve the text, suggestions to which the sponsors would give every consideration.

71. The sponsors hoped that draft resolution A/C.3/45/L.56 would be adopted without a vote.

72. Ms. MUCAVI (Mozambique) said that her delegation was not a sponsor of draft resolution A/C.3/45/L.56.

Draft resolution A/C.3/45/L.58

73. Mr. DUHS (Sweden), introducing the draft resolution entitled "Respect for the will of the people of Myanmar", announced that Finland had become a sponsor.

74. He said that the draft resolution fell within the scope of article 21 of the Universal Declaration of Human Rights and article 25 of the International Covenant on Civil and Political Rights. The people of Myanmar had shown in various ways that they aspired to a pluralist and democratic system. On 27 May 1990, for the first time in nearly 30 years, democratic elections had been held. It was universally agreed that those elections had been truly free and genuine. Even the official media of Myanmar had noted that an overwhelming majority of voters had supported the opposition. Nevertheless, the Government had still not convened any new national assembly nor made any commitment to respect the results of the vote. On the contrary, individuals had been detained for their political activities. The purpose of the draft resolution was to condemn that great contravention of the

(Mr. Duhs, Sweden)

Universal Declaration of Human Rights and of the International Covenants on Human Rights. The sponsors hoped that the draft resolution would have the broadest possible support.

Draft resolution A/C.3/45/L.59

75. Mr. MORA (Cuba), introducing the draft resolution entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes", said that China, the Libyan Arab Jamahiriya and Viet Nam had become sponsors.

76. At the current session Member States had considered the question of enhancing the effectiveness of the principle of periodic and genuine elections under very special circumstances. A few years previously, the great majority of delegations had reluctantly accepted the inclusion of that item in the agenda of the General Assembly and one group of delegations had submitted a draft resolution prompted by the fear that the very principles of the Charter of the United Nations might be flouted. Those fears had now proved well founded. His country felt that initiatives that related to national electoral processes and threatened to legitimate future interference in the internal affairs of a State and to subject national institutions to norms and models established outside the framework of national sovereignty should be rejected. That was why the preamble recalled the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which the sponsors wished to see applied to electoral processes as well.

77. During the current year the Commission on Human Rights had not reviewed the fundamental factors that negatively affected the observance of respect for the principle of national sovereignty and non-interference in the internal affairs of States in their electoral processes. The relevant United Nations body must consider all proposals submitted by delegations, including that contained in the draft resolution. The sponsors of the draft resolution hoped that, as in the past, a large majority of Committee members would support the draft text.

AGENDA ITEM 107: OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES
(continued)

Draft resolution A/C.3/45/L.60

78. Miss BACHTOEJI (Tunisia), introducing the draft resolution entitled "International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa", sponsored by the States members of the Group of African States, said that the text was based largely on resolution 44/136, which had been adopted by the General Assembly without a vote. The Group of African States had introduced one new element, namely, the need to strengthen the capacity of the identified focal points within the United Nations system for the implementation and co-ordination of relief programmes for refugees and displaced persons. The sponsors hoped that, as in previous years, the draft resolution would be adopted by consensus.

Draft resolution A/C.3/45/L.61

79. Mrs. KODIKARA (Philippines), introducing the draft resolution entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees" on behalf of the sponsors (who had been joined by Ethiopia and China), expressed their convictions that assistance to refugees must continue. The sponsors hoped that the Committee would adopt draft resolution A/C.3/45/L.61 by consensus.

Draft resolution A/C.3/45/L.63

80. Mrs. BANGOURA (Guinea), introducing the draft resolution entitled "Emergency humanitarian assistance to Liberian refugees and displaced persons", said that Guatemala and Guyana had also become sponsors. In the first preambular paragraph, the words "in the past year" should be replaced by the words "for a year". In the fourth preambular paragraph, the words "imposed on them by" should be replaced by the words "they endure as a result of". In paragraph 5, the word "rehabilitation" should be replaced by "reintegration".

81. She recalled the bloody events in Liberia, which threatened the very existence of the country, and the consequences of those events for the population, forced to seek asylum in neighbouring countries. While still difficult to assess, the economic and social repercussions for those countries already appeared to be considerable. The draft resolution reflected the dire situation of the refugees, especially women and children. Nevertheless, it was important to note the efforts made by the West African Government; the Secretary-General, who had encouraged concerted international action; and the Office of the United Nations High Commissioner for Refugees and the governmental and intergovernmental agencies which had provided emergency humanitarian assistance. She called upon the United Nations system, Member States and international and voluntary organizations to increase their emergency assistance, which would be a first step towards a solution of the refugee problem. Moreover, the United Nations and governmental and intergovernmental bodies, as well as non-governmental organizations must provide material and financial assistance with a view to the return and resettlement of the victims of the civil war. The sponsors hoped that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/45/L.64

82. Mrs. MIROW (Sweden), introducing the draft resolution entitled "Office of the United Nations High Commissioner for Refugees", said that Djibouti, Ghana, Guinea, Guinea-Bissau, Malawi and Nigeria had become sponsors. In the eighth preambular paragraph of the English text, the words "are commensurate with" should be replaced by the word "meet". In the ninth preambular paragraph, the words "timely and" should be deleted. The sponsors hoped that, as in previous years, the Committee would adopt the draft resolution by consensus.

83. Mrs. KODIKARA (Philippines) said that her country wished to become a sponsor of the draft resolution.

Draft resolution A/C.3/45/L.65

84. Mr. AGUILAR-HECHT (Guatemala), introducing the draft resolution entitled "International Conference on Central American refugees", said that the Conference had been held in Guatemala in 1989 and had resulted in a Concerted Plan of Action, which the General Assembly had endorsed at its forty-fourth session in resolution 44/139. The draft resolution reflected the progress made during the past year, particularly in response to meetings held in New York by the Follow-up Committee. The sponsors hoped that the Committee would adopt the draft resolution without a vote.

85. Mr. ALARCON DE QUESADA (Cuba), speaking in exercise of the right of reply, said that the Third Committee had once again had the honour of hearing from the United States a learned discourse on human rights throughout the world. While covering the rest of the globe, the representative of the United States had remained silent about his own country; he had thus failed to mention the disastrous living conditions of black Americans, the paradox of a wealthy society with thousands of homeless people, and the hundreds of political prisoners who were either black or members of other minorities which made up American society. Moreover, although he had had an excellent opportunity to do so, he had failed to apologize to the Chilean people for the years of mourning and suffering which had followed the events of 1973, in which - as the United States Senate had found - the CIA had been involved.

86. In speaking about the territories occupied by Israel, the United States representative had not explained why, in defiance of the rules of the Security Council, his country, which was presiding over the Security Council during the month of November, had for a month been blocking consideration of a resolution by the Council.

87. With regard to South Africa, the United States representative had failed to mention that, at the very moment he was speaking and in another room, his country was attempting to impede the work of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, which had been set up to enforce the arms embargo. With respect to Cuba, the United States representative had repeated the same worn-out slander without mentioning the economic and trade embargo which had been imposed on that country for the past 30 years. Perhaps the purpose of the United States representative's lecture had been to thank God for the privileges accorded to the imperialist and racist American society. It would be more appropriate on the eve of Thanksgiving to recall the extermination of the indigenous population of the country and the words of Mark Twain, who had said that the United States enjoyed freedom of speech, freedom of conscience, and the prudence never to practise either. In other words, it was for that proverbial penchant for hypocrisy that the racist and imperialist United States should give thanks to the Creator on Thanksgiving Day and every day of the year.

The meeting rose at 12.55 p.m.