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THIRD COMMITTEE
67th meeting
held on
Thursday, 5 December 1985
at 6 p.m.
New York

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SUMMARY RECORD OF THE 67th MEETING

Chairman: Mr. ZADOR (Hungary)

later: Mr. ZAWAWI (Malaysia)

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The meeting was called to order at 6 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/40/3 and Corr.1, 77, 160, 173, 201, 232 and Add.1-3, 276, 308, 320, 342, 398, 458, 489, 569, 578, 638 and Add.1-3, 647, 818, 843, 865, 874, 938; A/C.3/40/1, 6, 7, 9, 12; A/C.3/40/L.32, L.48/Rev.1, L.54, L.59/Rev.1, L.64, L.66, L.67, L.72 and Corr.1, L.75, L.76, L.77, L.78, L.79, L.80, L.81, L.82, L.83, L.84, L.85, L.86 and L.87).

1. Mr. WIJewardane (Sri Lanka) said that his delegation attached equal importance to civil, political, economic, social and cultural rights, on the one hand, and to the individual and collective rights of all peoples, such as the right to development, on the other. Human rights were interdependent, indivisible and inalienable and his Government had taken various measures for their preservation.

2. In that connection, the Seminar on National, Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region, held in Colombo in 1982, had provided excellent opportunities for Member States as well as the relevant specialized agencies and United Nations bodies to demonstrate their concerns and views on the need for regional co-operation in the field of human rights. One of the recommendations adopted by consensus at the Colombo Seminar had urged UNESCO and the Economic and Social Commission for Asia and the Pacific (ESCAP) to pay special attention to the development and maintenance of collections of United Nations materials relating to human rights. It was heartening to learn that that initiative was receiving greater attention and a positive response. He hoped that the international community would contribute to the realization of that project.

3. His delegation urged those States members of ESCAP which had not yet done so to communicate their comments on the report of the Seminar to the Secretary-General, as requested by the General Assembly in resolution 39/116.

4. With regard to the reference made in a recent meeting of the Third Committee to circumstances which had led to the problem of giving shelter to more than 100,000 men, women and children who had taken refuge in India, he wished to state that Sri Lanka was fully conscious of the widespread misery and serious problems caused by refugee questions. Within Sri Lanka itself, the death and destruction visited upon many thousands of Sinhalese, Tamils and Muslims by a small group of terrorists of the Tamil community had transformed them into homeless refugees in their own country.

5. It had been implied that the 100,000 refugees in question had been the result of "forced inflows" from a neighbouring country. Between India and Sri Lanka, however, there had been major movements of population. During the colonial period, the British had brought hundreds of thousands of Indians into Sri Lanka to work on plantations. After independence, in order to regulate such flows, under Indo-Sri Lankan agreements, it had been amicably agreed that a portion of the 1 million persons of Indian origin in Sri Lanka should be given Sri Lankan citizenship and that the remainder should be allowed to return to India. The movement of persons

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from Sri Lanka to India included thousands who were being repatriated under those agreements, as well as terrorist groups - or "militants", as they were sometimes euphemistically described - escaping due process of law.

6. The truth of the matter was that a small minority of well-trained and well-equipped terrorists had sought to repress the civilian population of the northern and eastern sections of Sri Lanka with a brutality unsurpassed in the history of Sri Lanka in order to set up a successionist, mono-ethnic and racist State. The terrorists had resorted to such brutal methods because they could not accept the fact that the majority of Sri Lanka's Tamil community lived in harmony with the Sinhalese, Muslim and other communities. They had chosen violence despite the availability of peaceful means of redressing whatever grievances they had, and they continued to reject a dialogue with the Government of Sri Lanka which the Indian Government had assisted in fostering. They had also violated a cease-fire to which they had agreed and had rejected both an amnesty offered by the Sri Lankan Government and a referendum offered by the President of Sri Lanka to gauge the wishes of the people of the areas in which the terrorists wished to establish their State.

7. Sri Lanka was a democratic country with constitutional safeguards to preserve the human rights of citizens of all communities, religions and ethnic groups. Any infringement or violation of those rights was punishable and individual citizens had recourse, inter alia, to Parliament, the judiciary, a free press and an articulate opposition.

8. Since the Third Committee was not the proper forum, he would not comment on the enormous implications of the terrorist violence in Sri Lanka on the sovereignty, independence and territorial integrity of Sri Lanka as well as on the stability of the region.

9. Mr. Zawawi (Malaysia) took the Chair.

10. Mr. RIACHE (Algeria) said that the role of the Commission on Human Rights in strengthening international humanitarian law could not be over-emphasized. The subjects which it tackled were increasingly varied, reflecting the many problems encountered, the multiplicity of interests involved and the inevitable differences of approach.

11. Some of them, such as the struggle against racial discrimination, the struggle against colonialism and neo-colonialism, the struggle against apartheid and zionism, the new international economic order and human rights, or the right to development, deserved the Commission's full attention because they concerned real situations affecting human rights. On the other hand, many of them were on the fringes of the question of human rights and often reflected political and ideological concerns not directly related to the Commission's work.

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12. Putting those subjects on the Commission's agenda had rightly caused many delegations, from developing countries in particular, to say that the Commission itself and the question of human rights in general were being used for selfish political aims. His delegation deeply regretted that situation and the fact that the Commission's efforts were not concentrated on the most urgent problems, such as preventing massive violations of human rights and establishing a new international economic order which would enable individuals and peoples to enjoy their rights to the full.

13. The Commission had created an effective arsenal of procedures for implementing its mandate. Ad hoc working groups had achieved some good results, but the extension of their use to subjects which were already broadly covered by international legal instruments risked reducing their effectiveness and credibility. That was the case with the working group established by the Commission's decision 1985/112, among others.

14. His delegation believed that the establishment of working groups and the appointment of special rapporteurs should be reserved either for the study of massive and flagrant violations of human rights or for the exploration of new areas of human rights, such as the relationship between human rights and the external debts of developing countries, famine and child mortality respectively. They should never be used for the reaffirmation, by means of new declarations or studies, of rights which were already universally recognized.

15. The appointment of special rapporteurs enabled the United Nations to express its support for victims of repression in individual countries and to keep international pressure on the Governments concerned. However, Algeria was seriously concerned at the recent tendency to use that technique for political ends that were inspired by considerations far removed from the true cause of human rights.

16. The Commission's chief task was to promote respect for fundamental human rights, chief among which were the right of peoples to self-determination, the right to life, the right to liberty and the right to dignity. His delegation accordingly welcomed the Commission's efforts to promote the exercise by the peoples of Namibia, Palestine, Western Sahara and all other territories under colonial or foreign domination of their inalienable right to self-determination and independence. It also endorsed the Commission's efforts for the eradication of apartheid and zionism.

17. Although the concept of human rights, as defined in the Universal Declaration, remained the same, the threats to those rights were changing considerably. Although for many decades colonialism had been the main cause of the violation of the right to self-determination of two thirds of the world's peoples and still remained so for some, the chief obstacle to the enjoyment of basic human rights by the peoples freed from colonialism was underdevelopment. Currently, underdevelopment had caused more deaths than all the armed conflicts of the post-war period put together. In the third world, millions of people continued to

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die of hunger or disease or became refugees because of economic crises or natural disaster. At the same time, paradoxically, world cereal production had reached record levels. Moreover, development assistance had declined at a time when many countries desperately needed to maintain their productive capacity and invest in basic infrastructure. Some of the specialized agencies had published frightening reports of the absence of any prospect for development in most of the developing countries. Thus, underdevelopment had become the primary threat to human rights and fundamental freedoms. The international community, and United Nations human rights bodies, should direct their energies increasingly to the elimination of that threat.

18. It was the duty of States to protect their citizens' human rights in all circumstances. It would be no good claiming, however, that States could not use underdevelopment as an excuse for failing in their obligations towards their citizens, unless radical steps were taken for a more equitable distribution of wealth and the establishment of a new international economic order. Hundreds of millions in the developing countries did not enjoy such basic rights as the rights to food, work and health.

19. Some quarters, however, were not unduly moved by that plight. The claims of the developing countries for the establishment of a new international economic order, recognition of the right to development and permanent sovereignty over national resources were disputed in all forums. The current economic and social situation of the developing countries had assumed the proportions of a human tragedy which the Commission on Human Rights and other United Nations human rights bodies could not continue to ignore or to consider only superficially. The economic and social dimension of fundamental human rights should take its proper place in the Commission's work. Although it should continue to give appropriate attention to massive and flagrant violations of human rights, due among other things to armed conflicts, the Commission must direct its energies more towards a responsible examination of the causes and effects of underdevelopment in terms of human rights.

20. Mr. Zador (Hungary) resumed the Chair.

21. Mr. DAZA (Chile) said that, in general, international law continued to be organized on the basis of the supremacy of the territorial sovereignty of the State, which was still the basic unit of the international community. The developments of the past few decades, however, had recognized the individual citizen as a subject of international law. An exceptional situation had been created wherein the international community took action which had formerly been the domain of territorial sovereignty. The international commitment of States to the protection of human rights had thus given rise to legitimate international jurisdiction.

22. The vital role of maintaining a balance between the interests of the State and those of the individual fell to the United Nations. If that balance was disturbed, legitimate jurisdiction was thrown into dismay. If the General Assembly had

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carried out its task properly, it would have made history; however, inconsistency, lack of respect for the truth, cynicism and dishonesty had damaged the whole process.

23. The Government of Chile had repeatedly given proof of its acceptance of legitimate international jurisdiction in respect of human rights. It had co-operated with the Ad Hoc Group and renewed its co-operation with the Special Rapporteur. That attitude was in sharp contrast to the position of the countries of the Soviet bloc - and others - which supported the resolution directed against Chile but refused point-blank to accept any international supervision of human rights in their own territory.

24. The General Assembly had once again chosen the illegitimate, arbitrary and political course. It was Chile's respect for legitimate jurisdiction that prompted it to reject out of hand the immoral attempt to use the Organization to pursue a political attack on Chile totally unrelated to the protection of human rights. The illegitimate nature of the Third Committee's action was exemplified by the assertions contained in draft resolution A/C.3/40/L.81 in regard to the Chilean Constitution. No country or group of countries, or any international body, was entitled to pass judgement on that system; it had been established by Chileans and it was for Chileans alone to pass judgement on it and - if they so decided - to amend it. He wondered whether those States which supported the draft resolution would be willing to accept similar gross interference in their own domestic affairs.

25. There was a greater degree of freedom of the press in Chile than in most of the countries supporting the draft resolution. He could name a wide range of periodicals put out by the opposition, but he defied the delegations of Algeria, Cuba, Mexico and Yugoslavia, which had co-sponsored the draft resolution, to do the same. There were no restrictions on religious freedom in Chile. It had a trade-union system in which the workers elected their leaders freely. In the universities, both State and private, students elected their own representatives quite independently of the Government. While it suffered from the limitations common to all developing countries, Chile was making every effort to overcome the problem of unemployment and Chileans were free to determine their own economic activity. Chileans could enter and leave their country freely. There was a problem of exile, but it was under constant analysis. In August 1933, 11,600 Chileans had been living in exile but the number was now down to 3,400. It would be hard to find a country in the world that placed fewer restrictions on the entry of foreigners. All those were provable facts. The draft resolution disregarded them entirely, however, and as most of the countries supporting it were unfamiliar with such freedom themselves, the Committee's action was absurd.

26. Through its selective, politicized treatment of the Chilean situation, the Committee and the United Nations as a whole were violating fundamental principles of the Charter. They sinned by omission, passing in silence over continuing violations of human rights, the denunciation of which would affect political interests. The political character of the resolution was intensified, moreover, by the attack launched by the Soviet bloc. How could the Soviet Union, which had

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created the most absolute totalitarian system known to contemporary history, speak of democracy? How could the country which had built the Berlin Wall pass judgement on Chile's open frontiers?

27. In putting forward the draft resolution, the Mexican delegation was carrying out a ritual which had nothing to do with human rights but simply served its own interests. If Mexico was really sincere about protecting human rights, it would look into the innumerable violations of those rights, deaths and disappearances, which had taken place in Mexico itself. The reason why it pressed the draft resolution was that so-called "progressive" international action by Mexico constituted an insurance policy for the Mexican ruling class, enabling it to maintain a reactionary régime at home that exploited the people and permitted generalized corruption. It prevented social disquiet from crossing the Mexican frontier and kept alive the fantasy of the Mexican revolution, which everyone believed in save the Mexican people. Nor was Cuba in any position to sponsor a draft resolution on Chile. A country where freedom of the press was unknown and political prisoners could expect release only in death could hardly be regarded as having a serious interest in human rights.

28. It was unfortunate that the representative of Luxembourg, who had spoken on behalf of the European Economic Community, Spain and Portugal, had been absent when Professor Volio, the Special Rapporteur, had presented his preliminary report (A/40/647). His absence had led him to make a number of false statements. It was untrue that the régime that had followed the lifting of the state of siege had imposed restrictions on the judiciary and thus guaranteed impunity to those guilty of violations. That the Government had co-operated fully in the investigations was recognized in the Rapporteur's report. It was also untrue that the Government had brutally put down popular demonstrations on behalf of freedom and human rights. It had taken action against vandalism and organized terrorism. It was also false that that kind of demonstration was the only means of expressing opposition to the Government. Chile possessed 21 local radio stations and several periodicals run by opposition groups. Spain's new interference and its recommendation that Chile should restore democracy was also hurtful. Chile's experience of democracy was longer lasting than that of Spain.

29. The whole process initiated by the Committee with regard to the situation in Chile constituted a paradox. It was co-sponsored by a number of Western countries - France, Italy, Spain, Portugal and Australia - which might have been supposed to be sincerely interested in human rights. Their devotion to human rights could not be sincere, however, when they associated themselves with Cuba, Algeria, Mexico and Yugoslavia in order to point the way towards democracy. Their association with countries which represented precisely the opposite of the principles they claimed to uphold was a step towards moral bankruptcy.

30. What Chile refused to accept was the whole approach to the problem of human rights in Chile, including the illegitimacy of the draft resolution, the interference in matters which fell solely within Chile's jurisdiction, the politicization, the lies and the inconsistency. That did not mean that Chile did

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not attach importance to human rights and that it was not ready to contribute to universal respect for international obligations and to an honest procedure to protect those rights.

31. The Organization had an obligation to promote human rights at the global level. The fact that, for many years, the Assembly had directed its attention solely to three Latin American countries demonstrated its arbitrary approach. The myriad accounts of violations of human rights in the daily press contrasted with the Organization's selective silence. Accordingly, Chile once again stressed the need to appoint a United Nations High Commissioner for Human Rights who could play a universal and non-political role and act with complete independence.

32. No country had been more consistent than Chile in its co-operation with the United Nations in regard to fundamental human rights. It had accepted legitimate international jurisdiction, but had rejected the machinery of the special rapporteur, which had been selective and discriminatory. It had also rejected the activities of the rapporteurs who, until 1984, had completely lacked objectivity and had interfered in Chile's domestic affairs.

33. Nevertheless, despite its objection of principle, the Government had decided to continue to co-operate with the Organization. In the past year, it had co-operated closely with Professor Volio because it trusted him, and that co-operation was reflected in his report. The relationship that had been established could help to solve problems. It would be well if many other countries had the moral courage to accept co-operation of the kind that Chile had undertaken. If there was a minimum of justice and any real intent to protect human rights, there would be many special rapporteurs. Instead of voting in favour of the draft resolution on Chile, delegations should be asking for special rapporteurs to be appointed to their own countries. The Chilean Government had not only authorized the Special Rapporteur to visit Chile but was prepared to give serious consideration to his recommendations. That co-operation merited the Committee's support.

34. However, such support was obviously not to be found in the draft resolution, which reflected a clear intent to denigrate Chile's co-operation. Such behaviour was not surprising on the part of those whose motives were always political, but it was puzzling that countries which might have been supposed to have a responsible attitude towards human rights should have been deceived into co-sponsoring the draft resolution.

35. The attempt to damage co-operation, however, conveyed a much wider scope. Certain countries refused to accept any serious arrangement for co-operation in the protection of human rights. The countries of the Soviet bloc refused to accept the appointment of a High Commissioner for Human Rights or any other definitive arrangement in case it might be applied to them. It was to be hoped that the Chilean case would open the eyes of those democratic nations which really desired suitable machinery for protecting human rights, and that they would not continue to support a cause which was not theirs.

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36. It was impossible to understand the Chilean situation without reference to terrorism. The effect of terrorism on Chilean life, however, had not even been mentioned in the draft resolution, a further reason why Chile rejected it. Yet the Special Rapporteur had noted in his report that terrorism was undoubtedly one of the factors most influencing the situation in Chile from the human rights standpoint and a terrible adversary of the creation of a climate propitious to the restoration of representative democracy. International terrorism particularly affected the Western hemisphere. The existence of links binding all the terrorist groups was well known. Terrorism in Chile was in fact masterminded from Moscow and Havana. The Government had an obligation to safeguard the lives of its citizens and to maintain security. Terrorism was the reason for the emergency measures that had had to be applied in order to provide the legal means for confronting the threat to the whole country. The Committee's silence in the face of aggression financed, organized and encouraged from outside by sources that were perfectly well known was partisan and cowardly.

37. Chile, although a small country and not wealthy, yielded to none in its capacity to create a free and democratic society. Democracy had advanced steadily in Chile from independence in 1830 until the crisis of 1970. The Government, the armed forces, and the whole country were engaged in restoring democracy. The process had a time-frame that the majority of Chileans approved. Those Chileans who disagreed with it were entitled to do so. By what right had the General Assembly to pass judgement on it? Apart from the Assembly's lack of legal competence, its members included a large group of countries which had never known democracy, dictatorships frozen in time where democracy was not even a distant goal. Chile's democratic process was inspired instead by its own history and tradition, its social and moral continuity and its cultural heritage.

38. For more than 10 years, Chile had been an object of scrutiny by sociologists, journalists, lawyers and others, as well as by the United Nations. Why was there so much interest in Chile? It had been clearly shown that the Committee's concern for human rights in Chile was nothing of the kind, and that its motives were purely political. The real reason seemed to be that Chile's progress was disturbing. Chiefly through its own efforts, and despite the most serious world economic crisis of the past 50 years, Chile was succeeding in managing its economy wisely and responsibly and, thanks to the sacrifices of its people, moving forward. It seemed to be unwelcome that a country to which nature had not been kind should be capable, on its own and through the efforts of its people, of rebuilding and starting anew. It was upsetting, apparently, that, despite all its difficulties, the country was advancing towards fully democratic institutions.

39. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran) said that concern for the international protection of human rights had frequently been exploited for political purposes by certain countries. Many observers and former members of the Commission on Human Rights had concluded that the future for honest and effective activity in that field was not promising, because the Commission was viewed by States as a vehicle for their own political interests. Such interests prevailed over real concern for human rights. The root of the problem lay in the ambiguity

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of the concepts found in international instruments on human rights, which allowed certain States to abuse them. The international community must consider how to prevent such political manipulation of human rights concepts and of the bodies concerned with them.

40. Certain countries had organized a campaign to discredit the Islamic Republic of Iran, one aspect of which was the dissemination of unfounded allegations about the situation of human rights there. Those who had condoned massive violations of human rights by the Shah's régime had begun to shed crocodile tears for the Iranian people under their new Government. Although the Shah's troops had opened fire on a crowd of peaceful demonstrators in September 1978, killing at least 7,000, the summary records of the Committee's proceedings during the thirty-third session of the General Assembly showed no traces of any expression of concern by those same champions of human rights who were currently trying to impose their ridiculous draft resolution (A/C.3/40/L.75) on the Committee. It was clear to any impartial observer that their concern for the situation under the new revolutionary and non-aligned Government was in no way related to the actual human rights situation, but was a political ploy to protect their interests and control the damage resulting from the overthrow of their base in the Gulf region.

41. The motive for the draft resolution had been revealed by an article in a Jewish periodical in August 1985, when it had written that the Iranian delegation to the General Assembly, instead of attacking Israel as usual, would find itself on the defensive. That remark recalled the tactics used by certain Western countries in the early 1970s when they had used human rights considerations against the third world in an effort to dilute the anti-apartheid campaign. It was significant that the same article had supported the Baha'is in the Islamic Republic of Iran. The Baha'i movement was a political party masquerading as a religion which, like others, had been created in the nineteenth century and propped up in various Islamic countries. It was significant that the draft resolution, like its predecessors, paid special attention to the Baha'is. They had all been produced by countries notorious for supporting the crimes of the Zionist entity and for their acquiescence in its violations of the human rights of the Palestinian people.

42. Countries which supported the racist régimes in Palestine and South Africa were exploiting United Nations human rights machinery to put political pressure on the Islamic Republic of Iran. Nevertheless, his country had invited the Secretary-General early in 1983 to send his personal representative to see the realities of the human rights situation for himself. Yet certain quarters in the Commission had prevented depoliticization of the issue by passing a resolution which had prejudged the outcome of such a fact-finding mission, thus deciding the case before an objective report could be prepared. In August 1983, his delegation had denounced that manipulation of the Commission. It was in that light that the international community should evaluate the reaction of his country's Government and judiciary to the Commission's resolution 1983/34. Contrary to what one representative had asserted, the judiciary in the Islamic Republic of Iran was not accountable to the Government. It was such Western misconceptions about his country that had given rise to the sort of unfounded allegations and claims that had been heard in the Committee.

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Republic of Iran)

43. The Special Representative's interim report (A/40/874) had to be studied in the light of the legal background. Although it believed that his appointment was purely political, the Iranian Government had initiated a dialogue with the intention of providing him with the information necessary for him to carry out his mandate in an impartial way, since a detailed study of the theoretical foundations of the Iranian system of jurisprudence was imperative if he was to conduct a serious study. But despite the co-operation extended to the Special Representative, his report failed the test of impartiality and the necessary judicial rigour. It seemed that those who were behind his appointment had prejudged the outcome of his study and were not willing to accept anything contrary to their own allegations about the situation of human rights in the Islamic Republic of Iran. If that continued, it could be detrimental to the cause of the international protection of human rights in general and to the dialogue between the Islamic Republic of Iran and the Commission on Human Rights in particular.

44. The report was based on presumptions divorced from reality and had clearly been effected by the campaign of misinformation in the imperialist media. For example, it lent credence to allegations made by certain groups inside the country, despite the fact that, as paragraph 13 noted, he was aware that they had committed terrorist acts against Iranian officials, security agents and civilians. His excuse had been that it was outside his mandate to consider the activities of those who had provided his information. However, the so-called "People's Mujahidin Organization of Iran" which had produced all the baseless allegations had advised all its members to take part in terrorist activities as early as June 1980. It was hard to understand how a man of the Special Representative's calibre could take their evidence seriously.

45. At the same time, the Special Representative had commented in paragraph 14 on an issue which could not be included in his mandate by any stretch of the imagination, namely, the situation of prisoners of war, which had been dealt with in the Secretary-General's report (S/16962). The Committee should pay due attention to that contrast in the way in which the Special Representative had interpreted the limits of his mandate.

46. The statement in paragraph 15 of the Special Representative's report that no reply had been given to the specific questions asked in his aide-mémoire to the Iranian Government was probably due to failure on his part to study the reply contained in annex IV to the report attentively and without prejudgement. Any reading of that reply would belie the Special Representative's claim that it merely enumerated constitutional provisions concerning human rights. The reply had elaborated on the rights of the accused and the duties of their custodians, indicated the remedies for victims of any excesses in the process of arrest and imprisonment, and endeavoured to initiate a constructive dialogue with the Special Representative. Instead of engaging in such a dialogue, he had insisted on visiting the country, even though it was obvious that for a person unfamiliar with the legal framework in the Islamic Republic of Iran, a visit would allow only a superficial examination of the subject. A more constructive approach by the Special Representative and by the relevant international bodies might produce a more useful dialogue and ensure progress.

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Republic of Iran)

47. In conclusion, the Committee should be aware that The Washington Post, in an article dealing with human rights in the Islamic Republic of Iran on 20 November 1985, had claimed that several members of the Committee had said that their job would be difficult, because United Nations resolutions were based on reports such as that submitted by the Special Representative, which contained little to get a grip on. The attitude of such diplomats was apparent in the draft resolution, which contained no factual references and was based on allegations which the Special Representative had been unable to confirm. The cause of human rights was too important to be exploited for the interest of a certain group of countries which, while claiming to champion human rights, had voted against or abstained on every resolution condemning the apartheid régime in South Africa.

48. Miss LEE Han Yin (Singapore) said that her country had traditionally abstained on resolutions condemning human rights violations in specific countries because it objected to the practice of selective condemnation. That practice worked against the interest of the small and weak countries, which were the only ones to suffer from such selectivity. Her country's position had not changed and its decision to co-sponsor the draft resolution on Afghanistan had been taken only after a close examination of the issue.

49. There was a fundamental difference between the human rights situation in Afghanistan and that in Iran, Chile, Guatemala and El Salvador. Unlike the other countries, human rights violations in Afghanistan arose from armed aggression and foreign occupation. The invasion and occupation of Afghanistan had violated the right to self-determination, upon which the enjoyment of all other civil and political rights depended. Efforts to suppress the opposition in Afghanistan through military action had uprooted 4 million Afghans, and had led to the loss of countless lives and the destruction of Afghanistan's economy and social system. The occupation therefore also violated the right of individuals to life and to peace. Such blatant disregard of the Charter demanded a response from Member States.

50. During the debate in the Third Committee on the right to self-determination, several delegations had affirmed the importance of that right, reiterated their support for the right of nations to freely choose their own Governments, and upheld the need to oppose actions that undermined the right of peoples and nations to self-determination. The representative of the Soviet Union had said that her country fully upheld the right to self-determination and had criticized South Africa and Israel for their denial of that right to the Namibian and Palestinian people respectively. She had described the occupation of Namibia by South Africa as a crime against mankind and a threat to international peace and security and had urged the United Nations to introduce measures to end violations of the right to self-determination.

(Ms. Lee Han Yin, Singapore)

51. The Soviet Union had been right to condemn South Africa's occupation of Namibia, arbitrary imprisonment of political opponents, torture of prisoners, acts of brutality against civilians and indiscriminate killing. Pretoria was clearly prepared to wreck lives and shed blood in Namibia to retain what was not rightfully its own, in blatant disregard of the Charter and the International Covenant on Civil and Political Rights.

52. However, there was no difference between the situation of the Namibian people and that of the people of Afghanistan. Both were subjected to imprisonment, physical and mental abuse and death, as a result of the desire of their bigger and more powerful neighbours to control their country. If the international community opposed such practices in Namibia, it must also speak up against them in Afghanistan.

53. With regard to the argument that the report by Professor Ermacora, the Special Rapporteur (A/40/843), on which the draft resolution was based, was biased and inaccurate, her delegation had carefully examined the report and was persuaded that Professor Ermacora had provided evidence that arbitrary arrests and the torture of political opponents were widespread, that the armed forces committed acts of brutality against civilians and that villages were being systematically bombed. Professor Ermacora's account had been corroborated by other sources, including Amnesty International and the reports of various journalists who had travelled inside Afghanistan. It was difficult to believe that the various sources had all been misled.

54. The same countries which vehemently opposed a resolution on human rights violations in Afghanistan would gladly support an analogous resolution on Namibia. It was difficult to understand such inconsistency and her delegation urged that there should not be different rules for different countries. The adoption of double standards would erode the credibility of the United Nations, whose effectiveness lay in the moral pressure it could exert.

55. The Committee should not be blinded to the real issues by arguments that the question of human rights in Afghanistan was an East-West confrontation. The USSR representative had declared that the assertion in Western propaganda that the conflict in Namibia was a manifestation of East-West confrontation was an attempt to cast a smokescreen over southern Africa. However, the same could be said of the argument that the third world should not speak up on Afghanistan because it was a manifestation of the confrontation between East and West.

56. Member States needed to decide whether they wanted to uphold the sanctity of the right to self-determination and independence, the right to life and the right to peace. In voting in favour of General Assembly resolution 39/13 on the situation in Afghanistan, the vast majority of Member States had recognized that Afghanistan was under foreign occupation and that the internal conflict in that country stemmed directly from that foreign occupation. Those countries must therefore also acknowledge that the blatant human rights violations perpetrated in Afghanistan had been unleashed by the invasion of that country. That invasion had

(Mr. Rajaie-Khorassani, Islamic Republic of Iran)

47. In conclusion, the Committee should be aware that The Washington Post, in an article dealing with human rights in the Islamic Republic of Iran on 20 November 1985, had claimed that several members of the Committee had said that their job would be difficult, because United Nations resolutions were based on reports such as that submitted by the Special Representative, which contained little to get a grip on. The attitude of such diplomats was apparent in the draft resolution, which contained no factual references and was based on allegations which the Special Representative had been unable to confirm. The cause of human rights was too important to be exploited for the interest of a certain group of countries which, while claiming to champion human rights, had voted against or abstained on every resolution condemning the apartheid régime in South Africa.

48. Miss LEE Han Yin (Singapore) said that her country had traditionally abstained on resolutions condemning human rights violations in specific countries because it objected to the practice of selective condemnation. That practice worked against the interest of the small and weak countries, which were the only ones to suffer from such selectivity. Her country's position had not changed and its decision to co-sponsor the draft resolution on Afghanistan had been taken only after a close examination of the issue.

49. There was a fundamental difference between the human rights situation in Afghanistan and that in Iran, Chile, Guatemala and El Salvador. Unlike the other countries, human rights violations in Afghanistan arose from armed aggression and foreign occupation. The invasion and occupation of Afghanistan had violated the right to self-determination, upon which the enjoyment of all other civil and political rights depended. Efforts to suppress the opposition in Afghanistan through military action had uprooted 4 million Afghans, and had led to the loss of countless lives and the destruction of Afghanistan's economy and social system. The occupation therefore also violated the right of individuals to life and to peace. Such blatant disregard of the Charter demanded a response from Member States.

50. During the debate in the Third Committee on the right to self-determination, several delegations had affirmed the importance of that right, reiterated their support for the right of nations to freely choose their own Governments, and upheld the need to oppose actions that undermined the right of peoples and nations to self-determination. The representative of the Soviet Union had said that her country fully upheld the right to self-determination and had criticized South Africa and Israel for their denial of that right to the Namibian and Palestinian people respectively. She had described the occupation of Namibia by South Africa as a crime against mankind and a threat to international peace and security and had urged the United Nations to introduce measures to end violations of the right to self-determination.

(Ms. Lee Han Yin, Singapore)

51. The Soviet Union had been right to condemn South Africa's occupation of Namibia, arbitrary imprisonment of political opponents, torture of prisoners, acts of brutality against civilians and indiscriminate killing. Pretoria was clearly prepared to wreck lives and shed blood in Namibia to retain what was not rightfully its own, in blatant disregard of the Charter and the International Covenant on Civil and Political Rights.

52. However, there was no difference between the situation of the Namibian people and that of the people of Afghanistan. Both were subjected to imprisonment, physical and mental abuse and death, as a result of the desire of their bigger and more powerful neighbours to control their country. If the international community opposed such practices in Namibia, it must also speak up against them in Afghanistan.

53. With regard to the argument that the report by Professor Ermacora, the Special Rapporteur (A/40/843), on which the draft resolution was based, was biased and inaccurate, her delegation had carefully examined the report and was persuaded that Professor Ermacora had provided evidence that arbitrary arrests and the torture of political opponents were widespread, that the armed forces committed acts of brutality against civilians and that villages were being systematically bombed. Professor Ermacora's account had been corroborated by other sources, including Amnesty International and the reports of various journalists who had travelled inside Afghanistan. It was difficult to believe that the various sources had all been misled.

54. The same countries which vehemently opposed a resolution on human rights violations in Afghanistan would gladly support an analogous resolution on Namibia. It was difficult to understand such inconsistency and her delegation urged that there should not be different rules for different countries. The adoption of double standards would erode the credibility of the United Nations, whose effectiveness lay in the moral pressure it could exert.

55. The Committee should not be blinded to the real issues by arguments that the question of human rights in Afghanistan was an East-West confrontation. The USSR representative had declared that the assertion in Western propaganda that the conflict in Namibia was a manifestation of East-West confrontation was an attempt to cast a smokescreen over southern Africa. However, the same could be said of the argument that the third world should not speak up on Afghanistan because it was a manifestation of the confrontation between East and West.

56. Member States needed to decide whether they wanted to uphold the sanctity of the right to self-determination and independence, the right to life and the right to peace. In voting in favour of General Assembly resolution 39/13 on the situation in Afghanistan, the vast majority of Member States had recognized that Afghanistan was under foreign occupation and that the internal conflict in that country stemmed directly from that foreign occupation. Those countries must therefore also acknowledge that the blatant human rights violations perpetrated in Afghanistan had been unleashed by the invasion of that country. That invasion had

(Mr. Castellon, Nicaragua)

68. The methods used by the United States included covert operations to annul the Sandinista revolution, the attack on the port of Corinto, the mining of other ports of Nicaragua and the distribution of the infamous manual containing instructions on how to carry out assassinations in Nicaragua. The Third Committee should judge for itself whether the United States Government was not the most blatant violator of human rights.

69. As to the reference made by the representatives of the Netherlands and Canada to the state of emergency in Nicaragua, he wished to point out that those representatives had remained silent in the face of the facts he had just mentioned. They should demand instead that the United States cease its aggression and its financing of the mercenary gangs which murdered men, women and children every day in Nicaragua.

70. Mr. TANASA (Romania) said that debates on human rights ought to contribute to strengthening of international understanding and co-operation. If they were conducted in a polemical spirit, they obviously could serve neither the cause of human rights nor that of co-operation and peace in the world.

71. His delegation wished to underline the inadmissibility of using human rights issues to interfere in countries' internal affairs either regionally or in the United Nations. Debates on such issues should examine the fundamental problems facing the world community, bearing in mind that all human rights and fundamental freedoms were indivisible and that equal attention should be paid both to civil and political and to economic, social and cultural rights. A selective approach which neglected whole categories of human rights was likely to produce a distorted image, lead to wrong conclusions and divert attention from the grave situation affecting many people. Debates in the international arena should therefore focus on the real and urgent concerns of many States and peoples. Without the effective enjoyment of all human rights, it was not possible to ensure the real welfare of human beings. Particular attention should therefore be paid to eliminating the massive violations of human rights caused by colonialism, apartheid, racism, foreign domination and occupation and threats to national sovereignty and territorial integrity.

72. The differing conditions in various parts of the world obviously influenced the possibility of implementing human rights. Consideration of human rights problems without taking reality into account could result in a simplistic approach, and no single country could assume that it was a model to be followed by other countries.

73. The fundamental aim should be to achieve equal rights for all peoples without any discrimination that would affect their real enjoyment by millions of human beings. One of Romania's main concerns was to create equitable conditions for all members of society. Its legislation provided for equal rights without any discrimination and prohibited any nationalist or racist propaganda. Implementation of the legislation was ensured by providing all members of society with the material means of enjoying their human rights. The State's policy was to guarantee conditions for the equality of all citizens both in law and in practice. But

(Mr. Tanasa, Romania)

although the implementation of human rights was founded on the national efforts of each State and people, international co-operation was required to support such efforts, in particular those aimed at eliminating underdevelopment, by encouraging fair economic relations and respecting the path of development chosen by each country.

74. His delegation did not believe that establishing new institutional structures was the way to achieve real progress in protecting human rights; there were enough bodies competent to deal with human rights issues within the United Nations system. Attention should be focused instead on how those bodies could implement their mandates and on measures to ensure that their activities reflected the real requirements of international co-operation in the field of human rights. They should concentrate on fundamental issues, rather than formal aspects of human rights and should not be used for purposes of political and ideological diversion. It was also necessary to consider what measures might be taken to enable them to make a more constructive contribution to promoting and protecting human rights. The strengthening of the role and authority of the United Nations depended on the political will of Member States, although opinions still differed about the establishment of new human rights institutions.

75. Turning to the subject of measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, he said that his delegation supported the draft resolution to be submitted to the Committee (A/C.3/40/L.85). In the fortieth anniversary year of the United Nations, it was natural that States should be called upon to adopt strong measures in that regard, especially since such forces were again openly promoting their ideologies in some countries. Any indulgence towards such phenomena would merely help them to spread, so they should be fought wherever they occurred. The matter was of particular relevance to the upbringing of the younger generation: schools should cultivate in the young a firm desire to eliminate racist, Nazi and neo-Fascist concepts and practices, which were in flagrant contradiction with the spirit of friendship, understanding and co-operation.

The meeting rose at 9.20 p.m.