



THIRD COMMITTEE  
55th meeting  
held on  
Monday, 23 November 1987  
at 10 a.m.  
New York

SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. RITTER (Panama)

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

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The meeting was called to order at 10.30 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/42/3, A/42/67, A/42/121; A/42/296-S/18873; A/42/391; A/42/402-S/18979; A/42/488, A/42/496, A/42/497, A/42/498 and Add.1, A/42/499, A/42/504, A/42/506, A/42/556 and Corr.1, A/42/568, A/42/612 and Add.1, A/42/641 and Corr.1, A/42/645, A/42/646, A/42/648, A/42/658, A/42/661, A/42/667 and Corr.1, A/42/677, A/42/685, A/42/690, A/42/725, A/42/734-S/19262; A/C.3/42/1, A/C.3/42/6; A/C.3/42/L.2, L.5 and L.8)

1. Mr. VILLAR (Spain), commenting on some of the points already raised in the statement made on behalf of the member countries of the European Economic Community, said that, of the human rights, Spain regarded as paramount the right to life and the related right of the individual to security of the person. Only through the establishment of adequate procedural safeguards would it be possible to protect the security of detained persons and to guarantee them a fair trial, thus preventing torture and summary or arbitrary executions.
2. Spain, which had abolished the death penalty in peace time, none the less respected those legal systems which provided for that penalty. It should, however, be applied with the strictest guarantee of the rights of the accused, by means of a just and impartial trial in which the accused had access to every lawful means for his defence. Accordingly, Spain rejected summary executions outright. It also supported the renewal of the Special Rapporteur's mandate on the question, and endorsed his conclusions.
3. Mass exoduses were also a source of concern to his delegation, particularly those due to systematic violations of human rights. In addition, the economic crisis, which affected more acutely the economically weaker countries, was causing a growing exodus to the richer countries. The establishment of more just international economic relations would to a large extent help to solve that phenomenon. Spain had in the meantime been participating actively in the work of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families.
4. Enforced or involuntary disappearances amounted to another extremely serious violation of human rights. All Governments should collaborate with the Working Group on Enforced or Involuntary Disappearances with a view to the more effective implementation of its mandate.
5. With regard to the consideration of human rights situations in specific countries, the selective approach which had been adopted should be avoided. Reports of human rights violations in Latin American countries had received special emphasis, which could create the erroneous impression that persistent and systematic human rights violations occurred there with greater frequency and severity than in other parts of the world.
6. Where the human rights situation in Afghanistan was concerned, the fact that the Government of that country had permitted the Special Rapporteur of the Commission on Human Rights to visit the country was a positive element. Among the

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many human rights violations referred to in the Special Rapporteur's report (A/42/667), the fact that over one third of the people of Afghanistan had had to leave the country deserved special mention. His delegation agreed in general with the Special Rapporteur's conclusions and particularly with his statement that the presence of foreign troops was the main reason for the intensity and hardening of the armed conflict, the main obstacle to the return of the refugees and the first impediment to the free exercise by the Afghan people of their right to self-determination and to Afghanistan's return to its status as a neutral and non-aligned country. The present Government should in the meantime respect the obligations deriving from the Covenants and the norms of humanitarian law, and ensure that the foreign troops did so.

7. While the report on the human rights situation in the Islamic Republic of Iran (A/42/648) showed that there had recently been some positive developments, its content as a whole continued to be a source of concern. The co-operation extended by the Iranian Government to the Special Representative of the Commission on Human Rights was still not what it should be, which prevented the reports of serious human rights violations from being reliably confirmed. An official denial of such reports was not enough. They should be investigated and, if they proved to be accurate, those responsible should be punished in accordance with Iranian law and with the international norms that had been accepted by Iran.

8. Hopes for a progressive and speedy return to democracy on the Latin American continent were now focused on the Central American region, where the new avenues opened up by the Guatemala agreements could give a marked impetus to democratic consolidation and full respect for human rights and fundamental freedoms.

9. The report of the Special Representative of the Commission on Human Rights on the situation of human rights in El Salvador (A/32/641) contained a balanced analysis of developments in the situation in recent months. The number of politically-motivated murders of non-combatants was still on the decrease in El Salvador, and its armed forces continued to conduct the war in a more humanitarian manner. Cases of death and injury among civilians seemed to be sporadic, and there had been no further incidents of wholesale killing. Also, a number of events promised a progressive improvement in the unsatisfactory situation with regard to criminal justice. Furthermore, Spain took a positive view of the granting of amnesty, but considered that its application should not prevent the investigation of human rights violations committed prior to its entry into force nor allow those responsible to go unpunished.

10. Despite the progress achieved, the Government of El Salvador should pursue and intensify that process, for attacks on human life and in particular politically-motivated murders and disappearances, especially of trade unionists, continued to occur and were attributed to members of the armed forces and Civil Defence. According to the report, many serious human rights violations were partially due to the fact that the Government had not yet gained control over all agencies of the State apparatus. There was also a disturbing resurgence in the activities of the "death squads".

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11. The support of the Government of El Salvador and of the opposition forces for the agreements concluded in Guatemala could make a fundamental contribution to the end of the conflict and to effective respect for the human rights through genuine national reconciliation. The Spanish Government attached the utmost importance to the continuation of the dialogue, which had once again been broken off, as the only means to a negotiated peace that would make for the consolidation of a pluralist democracy and for full respect of human rights and fundamental freedoms.

12. As to the situation in Guatemala, notwithstanding the progress achieved and the laudable intentions of the civilian Government, cases of serious violations of human rights were still being reported. Spain was gratified to note that the Government of Guatemala had finally appointed a Public Prosecutor for Human Rights and trusted that, together with the Human Rights Commission of Congress, he would apply the legal measures available under the Constitution and the new Act on amparo, habeas corpus and constitutionality, with a view to clarifying violations of rights committed in the past and ensuring the effective enjoyment of the rights and freedoms. In that connection, certain practices in the conduct of the internal struggle continued to endanger the security and economy of the rural peoples.

13. Spain supported the mandate given to an expert to assist the Guatemalan Government in implementing the measures necessary to restore human rights, following the completion of the mandate of the Special Representative of the Commission on Human Rights. The work of that expert could be very important in consolidating the policy of restoring the rule of law initiated by the current Guatemalan Government.

14. With respect to the situation in Chile, he said that restoration of full respect for human rights would be possible only through a parallel restoration of democratic principles and structures, something which was not being accomplished in that country at the same encouraging rate as in other Latin American countries.

15. Spain was pleased that the Special Rapporteur of the Commission on Human Rights had been given free access in Chile; nevertheless, the persistent grave violations of human rights and the persistent abusive practices by the authorities, including the practice of administrative banishment should not be overlooked. In that respect, he urged that the situation of Mr. Clodomiro Almeyda should be duly investigated.

16. The Chilean judiciary continued to be severely constrained and restricted. The Chilean Government should assist the courts in bringing to light and punishing human rights violations. In that regard, his delegation made a special appeal for an immediate full inquiry into the cases of Miss Quintana and Mr. Rojas, and the punishment of those responsible.

17. Finally, he indicated that Spain was also particularly concerned by the increased violence in Chile. All violence was reprehensible, and there could be no justification for its indiscriminate use by Chilean authorities in response to violent actions by certain groups. Especially alarming was the upsurge in

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death-squad activities. Intimidation of democratic opponents of the régime must stop. It was also essential to put an end to repression and the increasing spiral of violence so that a democratic way of life could be restored in Chile as soon as possible.

18. Mrs. OTUNBAEVA (Union of Soviet Socialist Republics) said that both the Commission on Human Rights, at its forty-third session, and the Economic and Social Council had accomplished important work with regard to systematic violations of human rights, racial discrimination and apartheid.

19. In endorsing resolution 1987/14 of the Commission, the Economic and Social Council had called for the complete and immediate abolition of the apartheid régime in South Africa and the recognition of the inalienable right of the Namibian people to self-determination. The Commission had recognized the legitimacy of the struggle of the oppressed South African people through all means available to them, including armed struggle, and had condemned all types of collaboration with South Africa.

20. Also with regard to respect for human rights, she stressed the need to implement the Commission's resolutions calling for an end to the violations of the human rights of the Palestinians and other Arab peoples resulting from Israel's expansionist policy.

21. Various resolutions of the Commission dealt with dictatorial or Fascist régimes that systematically violated human rights, as in Chile, Paraguay and El Salvador among others.

22. Especially alarming were the grave and widespread violations of human rights in Chile. Such violations, which had been continuing for more than 13 years, were an integral part of State policy. The "Constitution" of 1980 in fact openly authorized the violation of human rights and fundamental freedoms, and legalized the practice of terrorism against the Chilean people.

23. Chile was submerged in an increasingly profound political crisis. About 90 per cent of the population rejected the dictatorial régime. If all the democratic forces united, they could put an end to the anarchy, but it was first necessary for foreign support and alliances with the Pinochet régime to cease.

24. The period covered by the Special Rapporteur's report (E/42/556) had been an especially difficult one for the Chilean people, given that the number of political assassinations had increased, as had unlawful detentions and torture. The Commission on Human Rights had expressed its profound concern at the grave violations of human rights in Chile, and had called for an end to the state of siege, torture and arbitrary justice. Particularly alarming in that respect was the detention of Mr. Clodomiro Almeyda, former Minister for Foreign Affairs of the Allende Government. His detention, which revealed the true face of the Fascist dictatorship, was nothing more than an attempt to deliver a cruel blow to the opposition. The Third Committee could play an important role in supporting

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Clodomiro Almeyda. In that regard, she emphasized that the Special Rapporteur should be present at the former Minister's trial.

25. Mr. BAKKEVIG (Norway) said that the situation of human rights throughout the world left much to be desired. It was necessary to reverse the trend of indifference towards multilateral co-operation and make human rights a core element of the work of the United Nations. To that end, the capacity of the human rights sector of the United Nations should be improved, so that it could respond adequately to the increase in its activities.

26. The United Nations must have efficient mechanisms to respond to allegations of human rights violations. Member States should co-operate with the institutions set up by the United Nations in that area. The obligation to comply with established human rights procedures was especially valid in a state of emergency, in which every individual needed protection against abuses by both governmental authorities and armed opposition groups.

27. Human rights violations were not the exclusive province of countries with authoritarian Governments. Unfortunately, there were many examples of such violations in countries which had returned to constitutional democracy, and in others where special-power acts had been instituted without the formal declaration of a state of emergency.

28. Norway considered that it would be highly useful to widely circulate among Governments the recommendations on preventive measures contained in the reports on torture, arbitrary or summary executions and disappearances. His delegation stressed the importance of establishing independent mechanisms, such as the institution of "ombudsman", and independent national investigation groups, as well as the need for Governments to review the machinery for the investigation of deaths occurring under suspicious circumstances.

29. Norway also appealed to those Governments which had not yet ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights to do so, and to accede to the Optional Protocol to the International Covenant on Civil and Political Rights. It was important, furthermore, to establish effective national legislation in conformity with international human rights law.

30. Atrocities and abuses taking place in conflicts based on ethnic or ideological factors or on economic disparities were a matter of special concern. If necessary steps were not taken, it was most likely that such conflicts would increase in the future. The international community should respond promptly and effectively to situations of internal strife and public emergency. In such situations, the establishment of an impartial presence, such as international observers, might have a positive effect.

31. Turning to human rights violations on a world-wide scale, he said that the situation in South Africa was the most abhorrent case. In Chile, torture,

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detention and attacks on the physical integrity of persons were continuing, while in Afghanistan and Iran, human rights violations continued to be a matter of grave concern. In El Salvador and Guatemala, problems of that nature had not entirely disappeared. With respect to the situation in Sri Lanka, his delegation welcomed the peace agreement between the Government of Sri Lanka and the Government of India, and was encouraged by the willingness of the Government of Sri Lanka to participate in the peace process. In Central America, some positive signs were also appearing as a result of the signing of the Procedure for the establishment of a firm and lasting peace in Central America. The implementation of that agreement would be an important step towards establishing a positive climate for human rights.

32. In general, Norway was in favour of increased practical support by the international community to new, and often fragile, democratic Governments, within the framework of the programme of advisory services. Such assistance should be based on close contact between the Centre for Human Rights and the development agencies of the United Nations. There should be a careful examination of the content of the programme of advisory services and the possibility of increasing the use of independent experts.

33. As a member of the Commission on Human Rights, Norway had supported the decision to establish a trust fund for advisory services and technical assistance, in order to supplement the regular programme of advisory services. Norway would contribute to the fund 1 million Norwegian kroner (approximately \$US 150,000) for projects and expert assistance in support of an independent judiciary, the development of national legislation in the area of human rights, and the education of law-enforcement personnel in newly democratized countries.

34. Mr. TÜRKMEN (Turkey) said it was now recognized that respect for human rights was directly linked to the process of maintaining international peace and security. The mass media played a vital and indispensable role in that context, since it was almost impossible for any Government to engage in discriminatory practices or persistent human rights violations without generating a universal reaction.

35. Human rights violations could occur in practically any country. The most important question in that regard was the willingness of Governments to pursue a "transparent" policy, to resolve human rights problems, to adopt effective measures in order to prevent violations of those rights, and to ensure that justice prevailed.

36. Despite the strong convictions expressed on human rights, there were a number of problems that remained unresolved, owing in some instances, to the absence of genuine dialogue, which eroded the credibility of the entire system for the protection of human rights. On the other hand, there was a trend towards the political exploitation of the international community's genuine concern for human rights, for purposes of political or ideological propaganda.

(Mr. Türkmen, Turkey)

37. Regional arrangements for the promotion and protection of human rights were an important device for strengthening international co-operation in that field. In its own geographical area, Europe, Turkey was a party to a number of conventions, which in most instances imposed greater obligations on the contracting States than agreements within the framework of the United Nations.

38. The follow-up meetings of the Conference on Security and Co-operation in Europe were a particularly significant mechanism at the regional level. The Helsinki Final Act stipulated the rights of national minorities and reconfirmed all obligations inherent in the various instruments of international law. His delegation stressed again that co-operation between States in the protection of the rights of national minorities would help to improve relations between States, particularly neighbouring countries. Persons belonging to ethnic, religious or linguistic minorities were among those who were particularly vulnerable to arbitrary deprivation of their human rights and fundamental freedoms.

39. In 1986, Turkey had drawn the attention of the Committee to the situation of the Turkish Muslim minority in Bulgaria, and had underlined that Bulgaria's commitments to safeguard the rights of that minority stemmed not only from the Charter of the United Nations and multilateral agreements, but equally from bilateral treaties with Turkey.

40. Turkey's calls for a mutually satisfactory negotiated solution with Bulgaria had not yet received a positive response, and the unacceptable situation which had been imposed on the Turkish minority since 1984 had not changed. Worse still, Bulgaria had continued to deny the existence of that minority, whose members were still being forced to use their officially imposed Bulgarian names, and still being prohibited from speaking Turkish, listening to Turkish broadcasts or playing Turkish music.

41. Human rights organizations had continued to closely monitor the situation in Bulgaria, and had reported that the Bulgarian authorities, by severe censorship, had attempted to conceal the forced assimilation and the abuses against ethnic Turks. Furthermore, deliberately inaccurate press reports had been released in order to mislead world public opinion. A Bulgarian official had admitted that there had been demonstrations - in which lives had been lost - against the forced assimilation campaign. For their part, Bulgarian local authorities had been closely monitoring compliance with the ban on Islamic religious practices.

42. The Contact Group of the Organization of the Islamic Conference had finally been able to visit Bulgaria from 1 to 3 June 1987, and would issue its report in March 1988. A United States Congressional delegation had also visited Bulgaria from 1 to 4 September 1987, and had encountered difficulties; according to one of its members, the State officials had established a kind of "cordon sanitaire" around the visitors. At the end of its visit, the delegation had reached the inevitable conclusion that between the end of 1984 and the beginning of 1985, about 1 million Bulgarian citizens of ethnic Turkish origin had changed their Turkish names to Bulgarian names.



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43. A case in point involved an ethnic Turkish member of the Bulgarian National Assembly, who had been forced to flee the country owing to persecution he had suffered for defending the rights of the Turkish minority, and to threats against him and his family.
44. The report of the Committee on the Elimination of Racial Discrimination (A/42/18), which had been prepared without any participation by Turkey, showed clearly how totally unbelievable were the Bulgarian denials of the existence of a Turkish minority. Bulgaria ought to recognize the inevitable need for negotiations on that humanitarian problem; it would be recalled that there had been previous immigration agreements between Bulgaria and Turkey.
45. Many countries and organizations had appealed to the Bulgarian Government to abandon its policy of oppression and to restore the rights of the Turkish Muslim minority. Should the Bulgarian Government adopt a positive attitude in that regard, not only bilateral relations but also the prospects for Balkan co-operation would improve, and the process of applying the humanitarian principles of the Helsinki Final Act would be reinforced.
46. Miss AL-TURAIHI (Iraq) observed that the Committee was once again examining the question of human rights in Iran in the light of the Special Representative's report on that situation (A/42/648). Iran had respected none of the Security Council resolutions intended to put an end to the conflict with Iraq and, openly violating Security Council resolution 598 (1987), it was deploying large contingents to renew its aggression against Iraq.
47. Actions by Iran that violated human rights ranged from sending to their deaths the thousands of young people who had perished in the conflict, to forcing prisoners of war who were of the Christian or some other faith to convert to Islam. Moreover, all forms of opposition were prosecuted and punished by death or torture. According to the information provided by the Special Representative, 100 persons had been executed between October 1986 and September 1987, in addition to the several thousands who had perished between 1979 and 1985.
48. Because of the situation prevailing in the country, hundreds of thousands had been compelled to flee abroad. The Khomeini régime had organized groups of terrorists, veritable death squads. As an example of the quality of the justice being applied, there were itinerant tribunals that judged each case in a matter of minutes.
49. To that should be added the many prohibitions weighing on daily life. It was forbidden, for instance, to read certain books, and women could not go out into the streets unveiled.
50. It was essential to study in greater depth the case of Iran and all the practices of the Khomeini régime that were in open violation of the United Nations Charter, the Universal Declaration of Human Rights, and other international humanitarian legal instruments. It was therefore important to keep in touch with all organized parties and groups.

51. Mr. WOOLCOTT (Australia) said that his Government gave a high priority in its foreign policy to the promotion of human rights, which it regarded as a moral, legal and, indeed, practical imperative. Discrimination, political and religious intolerance, oppression and brutality not only generated internal conflicts but could also spill across borders and have repercussions on international peace and security. That could be seen all too often in the mass exoduses of refugees and displaced persons, which produced suffering for those fleeing and imposed a burden on others, especially neighbouring States.

52. The connection between development and the protection and promotion of economic, social and cultural rights and civil and political rights was also self-evident. Hence, Governments must be assisted in resolving conflicting interests, protecting the disadvantaged and promoting the development of more just and peaceful societies.

53. With regard to the examination of specific human rights situations, even though there was the real danger of having human rights used as a propaganda weapon in the competition between different States and ideologies as, indeed, had happened in the debate on agenda item 12, that could not be made into an argument to justify inaction. Australia firmly believed that the public airing of specific human rights violations was a necessary and salutary, even if uncomfortable, part of multilateral and bilateral diplomacy. In its view, the protection of human rights was one of the corner-stones of the Charter.

54. The principle focus under agenda item 12 was on the reports prepared by experts designated by the Commission on Human Rights. Public exposure by those experts of violations could have both a remedial and a preventive value. However, another main role of the special rapporteurs and representatives was to make practical recommendations for improving the situations under review. While the capacity of the United Nations to give concrete assistance in such situations was limited, there was scope for the Organization to act as a catalyst. Given the important function of the special rapporteurs and representatives, whether in fact-finding or in providing good offices, efforts must be made to attract high-calibre candidates able to take on assignments that were difficult, sometimes dangerous, and often thankless.

55. One of the strengths of the special rapporteur system was its flexibility. Attempts to impose rigid limits on the activities of special rapporteurs should be therefore be viewed with concern. For example, Australia favoured the continuing involvement of special rapporteurs in situations where authoritarian régimes had been overturned and the focus had shifted to rebuilding and reinforcing the human rights infrastructure, including the legal system and democratic institutions.

56. With regard to specific human rights situations, the situation in Chile, as indicated in the report of the Special Rapporteur (A/42/556), remained disturbing despite some positive developments during 1987. The political prisoners, the incidents of torture and violence by the police, the states of emergency and the extension of military jurisdiction continued to be causes of serious concern to Australia. None the less, it should be noted that the co-operation extended by the

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Chilean authorities to the Special Rapporteur should add momentum to improvements and reinforce their political will to curb some of the excesses of the previous 12 months.

57. Turning to Central America, he said his delegation hoped that the Arias plan would make a significant impact on the region's problems of underdevelopment, social injustice and abuse of human rights.

58. It was to be hoped that the dialogue initiated in El Salvador, between the Government and the opposition forces would soon lead to a complete cease-fire. Even if the conflict itself could not be brought to an end at the current stage, an agreement on proposals to bring about a real improvement in the conduct of the war would be welcome. Similarly, the amnesty which had been signed into law in late October was commendable. Indeed, there had been a general acknowledgement that the human rights situation in El Salvador had gradually improved. In particular, there had been a marked decline in the number of political prisoners as a result of the acceleration of judicial actions brought against individuals accused of collaborating with the armed opposition.

59. At the same time, as indicated by the Special Representative in his report, summary executions of civilians had continued, albeit it at a lower rate, as had disappearances, and there had regrettably been minimal progress in investigating cases of human rights abuses and bringing those responsible to trial.

60. His Government had condemned the recent killing of the President of the Salvadorian Human Rights Commission. His death was an indication that some groups and individuals were still not prepared to accept dissent in El Salvador. His Government hoped, therefore, that the perpetrators of that and other human rights abuses would be pursued and punished and that the Salvadorian Government would take steps to protect other prominent human rights and opposition figures in the country. There was no question that international pressure had been a key factor in the improvements that had occurred in connection with human rights in El Salvador. Therefore, continued international monitoring of the situation in El Salvador was warranted.

61. In Guatemala, the Government was working hard to improve the human rights situation and had made progress during the past year. The appointment of a Human Rights Prosecutor and the Government's decision to establish a government commission to investigate the whereabouts of disappeared persons were also positive developments.

62. However, as the Inter-American Commission on Human Rights pointed out in its most recent report, despite the efforts that had been made, serious obstacles to the exercise of human rights and fundamental freedoms persisted in Guatemala. Disappearances had started again and judicial proceedings initiated by the families of disappeared persons had produced no results. The reappearance of death squads was also deeply disturbing.

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63. The successive reports presented by the Special Rapporteur on Afghanistan had underscored the grave human tragedy being experienced by the people of that country, the magnitude of which was reflected in the exodus of many Afghan citizens. As the Special Rapporteur rightly pointed out, a significant improvement in the human rights situation in Afghanistan could be achieved only in the context of a broader political settlement. The complete withdrawal of all Soviet forces from Afghanistan was fundamental to that solution.

64. His delegation hoped that, in the future, the Afghan Government would demonstrate a more constructive and co-operative attitude towards the United Nations. It also hoped that the International Committee of the Red Cross would be allowed to enter the country as soon as possible.

65. His delegation found it disturbing that the Government of the Islamic Republic of Iran had chosen not to co-operate fully with the Special Representative in his important task of monitoring respect for human rights in that country. The detailed reports submitted by the Special Representative highlighted the numerous and serious allegations of human rights violations in that country, which had gone unanswered by the Iranian Government. His delegation appealed once again to the Iranian authorities to reconsider their position and allow the Special Representative to visit the country.

66. The Australian Government accepted the need to realize savings throughout the United Nations system. Nevertheless, such savings must be made on the basis of a careful examination of priorities. Given the great importance of the human rights cause, his delegation endorsed the recommendation of the Committee for Programme and Co-ordination regarding the staffing of the Centre for Human Rights at Geneva. Adequate resources must be provided so that the United Nations could carry out its human rights programme.

67. Finally, he stressed that the countries he had mentioned were not the only countries in which human rights violations or abuses were being committed. There were many other countries - Latin America, Asia, Africa, Europe and the Pacific - where disturbing cases of human rights violations had been reported. In fact, all countries without exception must be ready to examine their position and record in the area of human rights honestly, especially if they chose to comment on the human rights situations in other countries.

68. Mr. BIRCH (United Kingdom) said he fully subscribed to the statement made by the representative of Denmark on behalf of the 12 States members of the European Economic Community.

69. The year 1988 would mark the fortieth anniversary of the Universal Declaration of Human Rights, an instrument which had served as a foundation and inspiration not only for two international covenants and other United Nations human rights instruments, but also for regional instruments, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(Mr. Birch, United Kingdom)

70. It was currently generally accepted that the promotion of human rights was the legitimate and ongoing duty of the international community and not the exclusive privilege of individual States. His delegation held that the promotion and protection of human rights was one of the touchstones of good government and international co-operation. The promotion of human rights must be based on a fully democratic system characterized by the rule of law. Only such a system could offer recourse to individuals, who were the beneficiaries of human rights.

71. Freedom of the individual and the individual's relationship to the State had been a concern of the British people and Government for centuries. As the Magna Carta - one of the earliest attempts in history to limit the power of the monarchy, many of whose provisions were still in force - and the Bill of Rights adopted following the abdication of James II demonstrated, unless human rights were firmly rooted in legal instruments, they would be nothing more than pious exhortations.

72. Given human imperfections, however, there was no certainty that legal and administrative systems would prevent all human rights violations. Consequently, individuals must have means of obtaining redress when their rights were violated. Such means included the existing machinery for monitoring the implementation of the International Covenants on Human Rights; the activities and procedures of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, particularly the system of special rapporteurs; and the confidential procedures of the Commission and the Sub-Commission. His delegation strongly supported all those mechanisms.

73. Mention should also be made in that context of the recourse individuals could obtain through national courts when they believed their human rights had been violated. That was a crucial step in the protection of human rights. However, it was not always enough. Thus the Government of the United Kingdom attached considerable importance to the optional procedure set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms, which provided that every individual within the jurisdiction of the States parties to the Convention could seek redress outside his own country's legal system if he believed that his human rights had been violated. The Government of the United Kingdom had recognized the right of individual petition to the European Commission of Human Rights and the compulsory jurisdiction of the European Court of Human Rights for over 20 years and looked forward to the day when many more States would make it possible for all their citizens to make use of that procedure.

74. Mr. VILLAGRA DELGADO (Argentina) said that human rights norms were the product of a lengthy process of historical development and had frequently resulted from great sacrifices. Because of that process of development, twentieth-century man enjoyed more far-reaching rights than had previous generations and was more aware of that fact.

75. That process had not been problem-free, however. Things had moved forward and backward, as the major wars of the twentieth century eloquently demonstrated. Even at present, progress in the promotion and protection of human rights was clearly

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uneven, partly because not all countries respected those rights equally and partly because the objective conditions under which those rights existed prevented their full enjoyment or, simply, because there was a discrepancy between theory and practice.

76. It should also be noted that the attitudes of some countries vis-à-vis to specific rights frequently differed. Sometimes greater importance was attached to respect for and enjoyment of civil and political rights while social, economic and cultural rights were considered to be of lesser importance, or vice versa, without taking into account the fact that full enjoyment of human rights depended on all of them being ensured in a harmonious fashion.

77. Similarly, the objective conditions of one country might dictate that some rights should be developed differently than others. There was thus no logic to the theory that some rights could not be respected until the others had been fully achieved. That meant in practice, by way of example, that there was no more reason to promote the right to freedom of expression than there was to promote the right to education, and vice versa.

78. It must also be borne in mind that the process of advancement towards greater respect for human dignity had by no means been completed. A specific illustration of that fact was provided by the studies on the right to development - recognized as a fundamental human right in the Declaration on the Right to Development (General Assembly resolution 41/128) - which some members of the international community had, however, chosen to define as a mere aspiration. The right to express ideas freely had also been regarded as an aspiration in the eighteenth century, but today no one questioned that it was a right. Similarly, it was to be hoped that the right to development would be recognized unreservedly as a human right by all States.

79. The United Nations had played a very important role in the consolidation of human rights and fundamental freedoms as universally recognized rules of international law. It had also played a major role as a forum and sounding-board for the concerns of all mankind and had thus helped to foster and strengthen a world-wide awareness of the pressing need to observe and promote such rights for the good of all.

80. The Latin American countries could be regarded as being among the precursors of those advocating concepts that were now recognized as human rights and fundamental freedoms. The rights in question, which had been guiding principles for Hispanic America in the process of gaining independence in the early nineteenth century, had been laid down in the Latin American countries' constitutions well before they had been recognized as rules of international law.

81. However, the Latin American countries were no exception where the promotion and safeguarding of human rights were concerned, since progress and setbacks had alternated in the process in question. It was well known that some Latin American countries, including Argentina, had undergone periods in which support for the

(Mr. Villagra Delgado, Argentina)

rights in question in theory had not been matched in practice. Nevertheless, Latin America could also serve as an example of ultimate progress in the area in question.

82. The difficulties experienced by the Argentine people had served to strengthen their belief that it was only through full observance of human rights and fundamental freedoms that it would be possible to build a just nation.

83. The United Nations could help in dealing with cases in which human rights were not observed. However, such assistance should not be confined to the promotion of civil and political rights but should be extended to development programmes to create conditions conducive to the full enjoyment of economic, social and cultural rights. Richer countries had a greater responsibility in that connection, and it was to be hoped that they would shoulder that responsibility.

84. The work carried out by the United Nations, particularly by the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, should be fully supported. That endeavour must be continued, and the current financial crisis must not be permitted to have a negative impact on the various programmes and activities in question. While it sometimes seemed that scepticism about actual United Nations achievements was on the increase, it must be borne in mind that the fact that there continued to be men and women whose rights were safeguarded as a result of United Nations activities in itself fully justified the effort made.

85. Mr. MAHMOUD said that, despite its current plight, his country reaffirmed its belief in the inviolability of human rights, as enshrined in its legislation.

86. In resolution 1987/54, the Commission on Human Rights expressed grave concern at the continuous acts of aggression and the arbitrary practices of the Israeli occupation forces in southern Lebanon, which were in flagrant violation of the provisions of the Charter, the principles of international law, the Universal Declaration of Human Rights and the relevant resolutions of various United Nations organs.

87. The letters from the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General (A/42/424-S/19001, A/42/470-S/19032, A/42/643-S/19195 and A/42/702-S/19243) contained numerous examples of inhuman Israeli acts against Lebanese citizens and Palestinian refugees in southern Lebanon. Such practices, which occurred on a daily basis in the villages bordering on the "security zone", had resulted in the killing and wounding of many citizens and in large-scale damage to homes and property. The acts in question included the burning and destruction of crops by means of phosphorus bombs, which had deprived thousands of families of their basic livelihood. One example was what had happened in the township of Kfar-Roummane, in the province of Nabatiye (A/42/702-S/19243).

88. He wondered what human rights Israel believed in, since it was, on a daily basis, violating the rights to life, work, property, freedom and security and denying its neighbours of their right to self-determination.

(Mr. Mahmoud)

89. Under the pretext of ensuring the security of Israeli citizens living near its border with Lebanon, Israel had established a "security zone" inside Lebanon. However, the promotion of Israeli citizens' human rights could not be based on the violation of Lebanese citizens' human rights. Israel was in fact applying a double standard that was characteristic of the Israeli leaders' racist ideology.

90. The human-rights situation in southern Lebanon was a faithful reflection of the unstable state of peace and security in the region. Throughout the Middle East, the observance and promotion of human rights would generate peace, prosperity and stability, whereas a continuation of the violation of human rights would only mean violence, misery and instability.

91. Lebanon was eager to see a peaceful future that could put an end to human-rights violations in the region. However, peace for one country could not be achieved at the expense of peace for another country, either through the establishment of security zones or the internment of another country's citizens in concentration camps or through indiscriminate bombing of villages and cities.

92. Lebanon wished to express its appreciation to the Commission on Human Rights for its consideration of the situation in southern Lebanon and hoped that States Members would endeavour to ensure implementation of the relevant Security Council resolutions, particularly resolution 425 (1978).

93. Mr. DAMM (Chile), speaking in exercise of the right of reply, said that the Soviet Union had reiterated the insulting and inaccurate statements about Chile that it had made over the past three years.

94. Chile could speak about observance of human rights in the Soviet Union, concentration camps in that country, Soviet pacts with Nazi Germany and Soviet observance of the right of other countries to self-determination. Instead, it preferred to wish the Soviet Union success in the process of democratization that it needed so badly.

95. The Soviet Union should offer a representative of the Commission on Human Rights the same facilities provided by the Chilean Government to the Special Rapporteur who had visited Chile. Chile thus reaffirmed its determination to establish a sound, stable democracy, a goal that was to be achieved solely by Chileans.

96. Mrs. GEBRE-EGZIABHER (Ethiopia), speaking in exercise of the right of reply, said that the French representative, who had unhesitatingly depicted France as a veritable champion of human rights, had indicated that one way of assessing observance of human rights in a given country was to count the number of refugees leaving that country.

97. The view expressed by the representative of France was both simplistic and misleading. Before commenting on Ethiopia, the French representative should study the country's recent history.



(Mrs. Gebre-Egziabher, Ethiopia)

98. In the past decade, Ethiopia had been subjected to a war of aggression that had resulted not only in flows of refugees but also in the internal displacement of millions of people. Foreign interference had also given rise to internal tensions, and the devastating drought had forced hundreds of thousands of people to leave their homes in search of food. Any objective assessment should take account of all those factors.

99. It must also be borne in mind that in most cases refugee figures were merely estimates made by the host countries, which sometimes displayed a tendency to inflate the numbers concerned. Furthermore, in any assessment, the refugee situation must be seen in the light of the efforts being made by the Governments concerned to create conditions more conducive to voluntary repatriation. For all the reasons just cited, Ethiopia found the French statement unjustified and ill-advised.

The meeting rose at 12.55 p.m.