



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1988/SR.19
18 February 1988

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 February 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)

CONTENTS

Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts (continued)

The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (continued)

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (continued)

This record is subject to correction.

Corrections should be submitted in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva.

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

CONTENTS (continued)

Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination (continued)

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (continued)

Question of the violation of human rights in the occupied Arab territories, including Palestine (continued)

The meeting was called to order at 10.30 a.m

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/1988/8, 47 and 50; E/CN.4/1988/NGO/16, 35 and 42; A/RES/42/124)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA (agenda item 7) (continued) (E/CN.4/1988/37, Chapter I, Section A, draft resolution V; E/CN.4/Sub.2/1987/8/Rev. 1 and Add. 1 - Parts I and II)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued) (E/CN.4/1988/30 and Add.1-8, E/CN.4/1988/31 and Add.1-3 and Corr.1, and E/CN.4/1988/32)

STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 17 (a)) (continued) (E/CN.4/1988/37, Chapter I, Section A, draft resolution IV)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 17 (b)) (continued) (E/CN.4/1988/2, 33, 34, 35 and 37, Chapter I, Section A, draft resolution III; A/RES/42/47; A/42/492 and 493)

1. Mrs. MARKHUS (Observer for the Libyan Arab Jamahiriya), reviewing the efforts made by the United Nations in the past to put an end to racism and racial discrimination, said that racist régimes were an affront to human dignity and a crime against humanity. In South Africa, a distinction was made between the economic, political and social rights of Africans and of whites. Similarly, the racist régime in the occupied territories of Palestine differentiated between the rights of Israelis and the rights of the Palestinians, the true owners of the land, and the General Assembly had already condemned zionism as a form of racial discrimination.
2. Those two racist régimes would be unable to exist, however, were it not for the economic and military support of the United States, which enabled them to defy the will of the oppressed peoples and the international community. Libya gave material and moral support to the peoples of South Africa and Namibia and supported the liberation movements there, as it did the struggle of the Palestinian people to achieve human dignity and equality. Her Government called upon all peace-loving countries to take a firm stand on refusing to assist those racist régimes. It had signed the International Convention on the Elimination of All Forms of Racial Discrimination and urged all Governments that had not already done so to follow suit.
3. Her Government welcomed United Nations activities in the field, including those of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organization (ILO). It appreciated the work accomplished by the Department of Public Information (DPI) in disseminating information on racial discrimination. Efforts must be

intensified to achieve the goals of the Second Decade to Combat Racism and Racial Discrimination and to put an end to a phenomenon which not only violated basic human dignity but also posed a threat to international peace and security.

4. Mr. HACHED (Observer, Organization of African Unity), having reaffirmed the Organization's condemnation of the shocking and flagrant human-rights violations in South Africa and Namibia, praised the Interim Report of the Ad hoc Working Group of Experts on Violations on Human Rights in Southern Africa (E/CN.4/1988/8) and said he was particularly concerned about the cases of abuse of children. As the report clearly showed, the so-called reforms loudly proclaimed by the racist régime simply served to conceal the continuation of apartheid. Only by dismantling apartheid and replacing it by a democratic non-racist system of government could human rights be guaranteed for the entire population of South Africa.

5. The OAU was deeply concerned at the acts of destabilization carried out by the racist régime against the front-line States and aimed at weakening their support for the struggle against apartheid in South Africa itself. It was no secret that, without the support of the South African régime, RENAMO and UNITA, which perpetrated murderous acts of gratuitous and blind destruction in Mozambique and Angola, would not last more than a few weeks.

6. The international community had the moral and legal obligation to co-ordinate its efforts to put an end to the system of apartheid in South Africa and to the illegal occupation of Namibia, in particular through the immediate implementation of Security Council resolution 435 (1978). The introduction of extraneous issues as an excuse for not granting Namibia immediate independence was totally unacceptable.

7. At the twenty-third Summit Conference of Heads of State and Government of the Organization of African Unity, a declaration was adopted (AHG/Doc.2 (XXIII)) calling for comprehensive and mandatory sanctions against South Africa in conformity with the provisions of Chapter VII of the United Nations Charter, as the sole peaceful means of dismantling the apartheid system. Having noted that South Africa was increasingly isolated, the OAU had firmly condemned the activities of those countries which, while criticizing apartheid, continued to maintain commercial relations with Pretoria and encouraged their citizens and multinational companies to reinforce their economic ties with that régime. A list of those nations was contained in the excellent report on the Adverse Consequences for the Enjoyment of Human Rights of Political, Military, Economic and Other Forms of Assistance Given to the Racist and Colonialist Régime of South Africa (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1 - Parts I and II).

8. The OAU rejected the hypocrisy of those Governments that justified their refusal to apply sanctions by arguing that their effects would be disastrous for the Africans and the front-line States. The States and the peoples concerned were well aware of the sacrifices that comprehensive and mandatory sanctions would require, but considered that it would be an insignificant price to pay compared to the suffering that they endured daily.

9. The OAU, which would be celebrating the twenty-fifth anniversary of its foundation on 25 May 1988, gave priority to supporting the struggle to

liberate the peoples of South Africa and Namibia under the leadership of the African National Congress (ANC). The Pan-Africanist Congress of Azania (PAC) and the South West Africa People's Organization (SWAPO).

10. Mr. TUKA (Observer for Czechoslovakia) said that, as long as racism and racial discrimination were not totally eliminated, it would not be possible for peoples to obtain their rights, for mutually advantageous co-operation between peoples to be developed or for real social progress to be attained. Czechoslovakia actively supported international efforts to eradicate racism and to assist the peoples struggling to realize their right to self-determination.

11. The apartheid régime of South Africa was the most extreme manifestation of a policy of racial terror and repression, a system based on systematic segregation and the complete domination by a racial minority of the vast majority of the population, in flagrant violation of the political, civil, social and economic rights of the black population, whose plight continued to worsen.

12. The racist régime of South Africa was undergoing an inner crisis, which it was attempting to overcome by instigating regional conflicts and carrying out acts of aggression against the front-line States. Such aggressive acts had been made possible through the military build-up in Namibia, which Pretoria continued to occupy illegally despite numerous United Nations resolutions.

13. As shown in the report of the Adverse Consequences for the Enjoyment of Human Rights of Political, Military, Economic and Other Forms of Assistance given to the Racist and Colonialist Régime of South Africa (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1 - Parts I and II), close ties existed between the racist régime of Pretoria and a number of Western States.

14. Apartheid could be eradicated only by implementing the relevant United Nations resolutions and the Programme of Action to Combat Racism and Racial Discrimination. The Security Council must impose sanctions in accordance with Chapter VII of the United Nations Charter. His Government found it unjustifiable that certain States should, through their votes in the Security Council, prevent the imposition of comprehensive and mandatory sanctions against South Africa. Many of the States that attempted to depict themselves as the sole champions of human rights had not even deemed it necessary to sign the International Convention on the Suppression and Punishment of the Crime of Apartheid.

15. Czechoslovakia actively supported the struggle against racism and fully identified with the tasks and goals of the Second Decade to Combat Racism and Racial Discrimination. The struggle against racism required concrete efforts by all democratic forces and determined steps by Governments.

16. Mr. AMSELEM (United States of America), speaking in exercise of the right of reply, said that the Nicaraguan delegation, had at a previous meeting compared United States policy towards South Africa with its policy towards Nicaragua. His delegation had requested a copy of the statement, but the copy it had received had had one page missing. A further request had produced a page with one third of the text blanked out. Apparently, the representatives of Nicaragua were ashamed to set all their words down on paper.

17. Blanked-out pages were becoming a trade mark of the Sandinist revolution: the page before him was an appropriate symbol of Nicaraguan press censorship, the jamming of radio broadcasts, the efforts to silence the people's demands for democracy and the convenient lapses of memory about the Government's promises for a democratic political system.

18. Mr. KISS (Observer for Hungary) said that, despite significant achievements in implementing the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, it could hardly be said that the goals of the Decade had been achieved while the South African régime persisted in its apartheid policy, using theories of racial superiority to justify its oppression of the indigenous population, military aggression against neighbouring countries and the illegal occupation of Namibia. Apartheid was a constant threat to international peace and security.

19. Tension, confrontation and bloodshed had become a daily reality in South Africa. It was evident that the Pretoria régime would not change its policy of its own accord but must be forced to do so by determined international action. Consequently his Government called for the imposition of comprehensive and mandatory sanctions against South Africa the more so as the assertion that economic co-operation with South Africa helped to improve the economic and social conditions of the oppressed majority had long been proved false.

20. His country was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, and was also a signatory to the International Convention against Apartheid in Sports. His Government had recently submitted periodic reports to the Special Committee against apartheid and the Group of Three set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid.

21. Mr. MAXIM (Observer for Romania), having commended the Ad Hoc Working Group of Experts on its report on human-rights violations in southern Africa (E/CN.4/1988/8) and the Special Rapporteur of the Sub-Commission on his report on the adverse consequences of assistance to the racist régime of South Africa (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1 - Parts I and II), said that his Government unreservedly condemned human-rights violations and the brutal treatment of the black population by the Fascist Pretoria régime which used every means in its power to deny the legitimate claims of the black population, acting not only against black militants and even children, but also against any whites who criticized the official policy.

22. The Pretoria régime also extended its acts of aggression to neighbouring countries. Its policies were a threat to international peace and security and jeopardized the economic and social development of the entire subregion.

23. The arrogant attitude of the South African authorities would not be possible without the complicity of certain foreign political and economic elements, including approximately 1,000 foreign corporations in Namibia alone, which were anxious to preserve their interests. Imperialist forces were taking advantage of the instability in the region to perpetuate foreign domination in Africa.

24. The time had come to take vigorous action to eradicate the colonial system and all forms of domination and foreign exploitation. Romania, which had no relations of any sort with South Africa, and was a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, supported the just struggle of the peoples of South Africa and Namibia and called for the imposition of mandatory and punitive international sanctions against the South African régime.

25. Mr. LOAIZA (Observer for Bolivia) said that his delegation had supported all the many General Assembly resolutions calling upon the South African régime to put an end to the shameful segregation of apartheid and recognize the civil and political rights of the black majority. The system of colonial rule in Namibia was another situation which threatened peace and security in the African continent, and his country supported General Assembly resolution 42/23 as offering a peaceful solution to the problem and an alternative to apartheid.

26. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had produced some valuable ideas at its most recent session, including criteria for the application of the International Convention on the Elimination of All Forms of Racial Discrimination. The report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/1988/8) gave a disturbing picture of the violation of the human rights of the black population in South Africa. The Commission should vigorously condemn the racial violence of the South African régime.

27. His own country, a multicultural and multiracial society where all groups were completely equal and respected the values and traditions of others, provided an example of a valid alternative to the policy of segregation adopted in South Africa.

28. Mr. EL TURABI (Observer for the Sudan) said that the great variety of races, languages, religions and cultures in his country could not have co-existed without accepting their diversity and acting in the common interest. His delegation condemned the brutal crimes of the South African régime, which had violated all moral precepts and the standards of international law.

29. The tide of condemnation from the international community was growing ever stronger, and, if properly used, could succeed in bringing down apartheid, although some States were anxious to protect their own interests in South Africa, which was the real reason why no settlement had yet been achieved. However, it was important not to whip up hatred of the South African whites, since that would merely replace one kind of tyranny by another.

30. His Government strongly opposed the colonial occupation of Namibia; it was essential for all countries to support the Namibians in their fight, under the leadership of SWAPO, to regain their legitimate rights.

31. Racial tolerance and self-restraint were the essential basis for the dialogue which alone could lead to a settlement of the situation. The actions of the South African Government threatened not only its own citizens, but the

whole of southern Africa. His delegation supported the aims of the Second Decade to Combat Racism and Racial Discrimination and hoped that there would be no need to declare a third Decade.

32. Mrs. CASCO (Nicaragua), speaking in exercise of the right of reply, said that her delegation had not been surprised by the false accusations made by the United States representative, whom she challenged to provide evidence of any discrepancy between the statement she had made in the meeting and the copy he had subsequently received.

33. Her country had no need to impose a news embargo, as the United States of America had done during its invasion of Grenada and its attack on Libya. Her delegation had nothing to be ashamed of: it acted according to a consistent policy based on reason and justice. The investigation into the Iran-Contra scandal had shown the political and moral corruption of the United States Government and the action it was prepared to take against Nicaragua.

34. Mr. AMSELEM (United States of America), speaking in exercise of the right of reply, said that Nicaragua was a disaster in every sense of the word, but particularly in respect of its human-rights record. It had a large and increasingly powerful secret police, and a chain of prisons, in which political offenders were detained without proper trial. Those who opposed the régime were denied the right of assembly, refused ration cards or sent into exile. The Parliament was a mere sham which had no influence on Government policy.

35. The Sandinists had violated their promises to restore civil and political freedoms and maintain a non-aligned stance and a mixed economy. Instead, the Nicaraguan army threatened the entire region, Nicaraguan foreign policy was dependent on the dictates of a foreign Power and the economy served merely to finance the extravagant lifestyle of the comandantes.

36. As for the Congressional inquiry into the so-called Iran-Contra scandal, he would like to ask the Nicaraguan representative when such independent action could be expected from her country's Parliament.

37. Mrs. CASCO (Nicaragua), speaking in exercise of the right of reply, said that the response of the United States representative had been wholly predictable. Her delegation had merely pointed out the inconsistency between the foreign policy of the United States of America towards Nicaragua, including an embargo on exports, and its policy towards South Africa, where it refused to contemplate sanctions.

38. Since the United States representative was clearly unfamiliar with the judgement of the International Court of Justice of 27 June 1986, she would make sure that he received a copy.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1988/L.2 and L.3)

39. Mr. HACENE (Algeria), introducing draft resolution E/CN.4/1988/L.2 on behalf of its 26 sponsors, to which the Ukrainian Soviet Socialist Republic was to be added, said that it was very largely based on Commission resolution 1987/2 but that, in view of the recent unrest in occupied Palestine, it also incorporated a number of new elements. The sponsors hoped that the draft resolution could be adopted by consensus.

40. Mr. PACE (Secretary of the Commission) said that the delegations of Gambia and Senegal and the observers for Afghanistan, Democratic Yemen, Kuwait, Mauritania, Qatar, Saudi Arabia, Viet Nam and Yemen had asked to be added to the list of sponsors of draft resolution E/CN.4/1988/L.2.

41. The CHAIRMAN invited the Commission to vote on part A of draft resolution E/CN.4/1988/L.2.

42. The vote was taken by roll-call

43. Colombia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Italy, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Ireland, Japan, Spain.

44. Part A of draft resolution E/CN.4/1988/L.2 was adopted by 31 votes to 8, with 4 abstentions.

45. The CHAIRMAN invited the Commission to vote on part B of draft resolution E/CN.4/1988/L.2.

46. At the request of the representative of the United Kingdom, a vote was taken by roll-call on operative paragraph 1 of part B.

47. Iraq, having been drawn by lot by the chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Belgium, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cyprus, Ethiopia, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Iraq, Ireland, Italy, Japan, Mexico, Mozambique, Nicaragua, Nigeria, Norway, Pakistan, Peru, Philippines, Portugal, Rwanda, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: None.

48. Operative paragraph 1 in part B of draft resolution E/CN.4/1988/L.2 was adopted by 43 votes to none.

49. At the request of the representative of the Federal Republic of Germany, a vote was taken by roll-call on operative paragraph 4 of part B.

50. Senegal, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Italy, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica, Ireland, Japan, Portugal, Spain.

51. Operative paragraph 4 in part B of draft resolution of E/CN.4/1988/L.2 was adopted by 31 votes to 7, with 5 abstentions.

52. At the request of the representative of the United States of America, a vote was taken by roll-call on Part B of draft resolution E/CN.4/1988/L.2 as a whole.

53. Belgium, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

54. Part B as a whole of draft resolution E/CN.4/1988/L.2 was adopted by 31 votes to 1, with 11 abstentions.

55. Mrs. CASCO (Nicaragua), introducing draft resolution E/CN.4/1988/L.3, said that the text was based on the similar resolution tabled at the Commission's previous session but brought up to date in the light of recent events in the occupied Arab territories and of the relevant reports thereon by

various United Nations bodies. In view of the increasingly explosive situation in those territories, her delegation hoped that the Commission would adopt the text by consensus.

56. Mr. PACE (Secretary of the Commission) drew attention to a number of changes to the text of the draft resolution. In the heading, the term "Syrian territories" should read "Syrian territory"; in the third and fourth preambular paragraphs and in operative paragraphs 3, 4, 6 and 8, the expression "Syrian Golan Heights" should be replaced by "Syrian Arab Golan"; in the ninth preambular paragraph, the General Assembly resolution mentioned on the first line should be numbered 3314, not 3374; and in the eleventh preambular paragraph, "and 42/160 F of 7 December 1987" should be inserted after "41/162 B of 4 December 1986", the punctuation being amended accordingly.

57. The delegations of Bangladesh, Gambia, India, Nicaragua, Sao Tome and Principe, Senegal and Somalia and the observers for Afghanistan, Ghana, Kuwait, Mauritania, Qatar, Viet Nam and Yemen had asked to be included among the sponsors of the draft resolution; the delegation of Sri Lanka had withdrawn its sponsorship.

58. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1988/L.3.

59. A vote was taken by roll-call on the last preambular paragraph.

60. France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mozambique, Nicaragua, Nigeria, Pakistan, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Union of Soviet Socialist Republics, Yugoslavia.

Against: Argentina, Belgium, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Colombia, Costa Rica, Mexico, Peru, Philippines, Togo, Venezuela.

61. The last preambular paragraph of draft resolution E/CN.4/1988/L.3 was adopted by 23 votes to 12, with 8 abstentions.

62. A vote was taken by roll-call on operative paragraph 5.

63. Rwanda, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Bangladesh, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, China, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mozambique, Nicaragua, Nigeria, Pakistan, Senegal, Somalia, Union of Soviet Socialist Republics, Yugoslavia.

Against: Argentina, Belgium, Brazil, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Philippines, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Colombia, Cyprus, Mexico, Peru, Rwanda, Sao Tome and Principe, Sri Lanka, Togo, Venezuela.

64. Operative paragraph 5 of draft resolution E/CN.4/1988/L.3 was adopted by 19 votes to 15, with 9 abstentions.

65. A vote was taken by roll-call on draft resolution E/CN.4/1988/L.3 as a whole.

66. France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: United States of America.

Abstaining: Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

67. Draft resolution E/CN.4/1988/L.3 as a whole was adopted by 31 votes to 1, with 11 abstentions.

68. Mr. BREGER (United States of America), speaking in explanation of vote, said that his delegation had voted against draft resolutions E/CN.4/1988/L.2 and L.3 because the texts of those draft resolutions contained falsehoods, errors and unacceptable language, including claims that Israel had a policy of causing miscarriages among pregnant women and of kidnapping children, had destroyed the architectural character of Jerusalem and had committed aggression against Islamic and Christian holy places. Such grotesque charges made a mockery of the Commission's business.

69. The United States Government had expressed its concern about current Israeli policy in the West Bank and Gaza both to the Israeli Government directly and in international forums; in particular, it believed that the deportation of Palestinians violated the Geneva Conventions. In fairness, however, it should be recognized that many of the countries that had vituperatively attacked Israel carried out deportations themselves for political purposes, or maintained the right to do so, as could be seen from the Department of State's yearly human-rights reports.

70. The United States Government had also communicated its concern about any policy of indiscriminate beatings and the use of live ammunition. It was only

fair to note, however, Israel's legitimate security concerns and its obligation, under international law, to maintain the civil order essential to progress towards a political settlement. It was folly to condemn Israel's riot-control practices without also calling for a halt to the terror and violence which gave rise to them; there was no human right to throw stones or petrol bombs.

71. The military occupation was bound to cause friction, and United States diplomacy was based on the view that the status quo could not be considered permanent. The resolutions in question completely neglected the historical background to the Arab-Israeli conflict, however, and their violent rhetoric only made a peaceful solution more difficult. The Israeli occupation of the West Bank and Gaza had begun, 21 years previously, after a war in which nearly all Israel's neighbours had been arrayed against it.

72. His delegation could only hope that the recent unrest would encourage all the parties concerned to begin direct negotiations, the only way to achieve permanent peace in the region. The United States Government was actively consulting with the parties directly concerned with a view to such negotiations on the basis of Security Council resolutions 242 (1967) and 338 (1973). Votes in favour of draft resolutions E/CN.4/1988/L.2 and L.3 did not serve that end.

73. Mr. CASTRIOTO de AZAMBUJA (Brazil) said that his delegation had voted in favour of draft resolutions E/CN.4/1988/L.2 and L.3 because his Government was most concerned at current developments in the occupied territories. That did not mean, however, that his delegation endorsed every word of the resolutions in question. In fact, if separate votes had been taken on certain paragraphs in part A of draft resolution E/CN.4/1988/L.2, it would have abstained, because it felt that their wording could have been more precise and more sober.

74. Mr. CERDA (Argentina) said that, had a separate vote been taken on part A, paragraph 13, of draft resolution E/CN.4/1988/L.2, his delegation would have voted against it. If a separate vote had been taken on part B, paragraph 3, of the same draft resolution, his delegation would have abstained. It had voted in favour of both draft resolutions as a whole, however, because they reflected the importance which it attached to the Commission's making a clear statement with regard to events in the occupied territories. Nevertheless, it was regrettable that the resolutions adopted contained certain terms and ideas which were not consistent with his Government's foreign policy.

75. Mr. BIGGAR (Ireland) said that his delegation had abstained in the vote on draft resolution E/CN.4/1988/L.2, part B, despite its strong conviction that the Fourth Geneva Convention was fully applicable to all the occupied territories and must be implemented. It did not, however, share some of the interpretations of the Convention contained in the resolution, notably in operative paragraphs 4 and 5. Furthermore, some of the language was excessive.

76. Mr. OBREGON VALVERDE (Costa Rica) said that his delegation had abstained in the vote on both draft resolutions, although it recognized that all nations of the world had an equal and unquestionable right to self-determination.

However, his Government could not approve of the use of any type of violence - either verbal or armed - for the purpose of putting an end to a given unjust situation.

77. In the many political and bellicose disturbances of the contemporary world, there was a confusing mixture between historical reasons, on the one hand, and diverse ideologies, on the other. As a result, the true origin of the violence was sometimes forgotten. Where there were also age-old religious and philosophical principles involved, as in the Middle East, the picture became even more confused and called for a calmer approach when seeking solutions.

78. Perhaps the most primary human right was the right to daily sustenance. First, however, democracy must be consolidated in every country. For Costa Ricans, democracy began with the people's right to elect their leaders freely. His delegation therefore fully supported the statement by the Minister for Foreign Affairs of Portugal that self-determination was a result of free, popular elections. Perhaps it was also true, as the representative of Brazil had said, that the crux of the matter lay in the refusal of some to recognize the existence of the State of Palestine, and the refusal of others to recognize the existence of all the other States, including Israel.

79. In seeking a political solution to the many conflicts, there must be a willingness to understand, and admit, that no one could gain all his rights at once. Wisdom lay in the knowledge that it was essential to make concessions. Those who wished to learn how to win must learn how to yield.

80. Mr. ALVAREZ VITA (Peru) said that his delegation had voted in favour of draft resolutions E/CN.4/1988/L.2 and L.3 because it considered respect for human rights to be essential, whether territories were independent or under occupation. In the Middle East, the human rights of the peoples should be respected in full, and in that context the right to self-determination was particularly important, because it was a prerequisite for all other human rights. A solution to the problems in the Middle East could be found only with the participation of all parties involved in the conflict, pursuant to Security Council resolution 242 (1967). For reasons of principle, also, his delegation had abstained in the vote on certain paragraphs, in that they contained terms which created imbalances.

81. Mr. TAYLHARDAT (Venezuela) said that his delegation had voted in favour of draft resolution E/CN.4/1988/L.2 because it was deeply concerned at the underlying problems and current events in the Arab occupied territories, especially the most recent tensions, which were seriously affecting the physical integrity of the Palestinian people. However, some paragraphs in part A of that draft resolution used language that was not appropriate to an international body like the Commission. Had a separate vote been taken on those paragraphs, therefore, his delegation would have abstained.

82. Mr. STEEL (United Kingdom) said that his delegation had voted against draft resolution E/CN.4/1988/L.2, part A, and had abstained in the votes on part B of that resolution, and on resolution E/CN.4/1988/L.3 because they contained many elements that it could not accept, either by reason of the extreme language used or because of the inappropriateness or intrinsic

unacceptability of the propositions. There had been no serious attempt to negotiate the draft resolutions and no sign of any willingness to take his delegation's views into account.

83. It was most desirable that the Commission should speak with a single, united voice on such an important subject, and his delegation was bitterly disappointed that the opportunity to do so had once more been missed.

84. He drew attention to various recent statements on the subject made by representatives of his Government. More specifically, his Government abhorred such actions by the Israeli authorities as the fatal shootings and deliberate beatings that had taken place in recent weeks, the carrying out of deportations, the imposition of collective punishment and the establishment of illegal Israeli settlements in the occupied territories. It condemned the provocative acts of some settlers and was deeply concerned at the reports of ill-treatment of detainees. In general, his delegation urged the Israeli Government to acknowledge and to observe its obligations under the Fourth Geneva Convention and to co-operate fully with the relief agencies in providing food and water for the refugees.

85. The attitude which had produced the resolutions was particularly disappointing when compared with the excellent spirit of co-operation manifested recently in the drafting of resolutions on the situation in the occupied territories at United Nations Headquarters. The resolutions just adopted by the Commission would not advance the cause of human rights, their intended impact being blunted and obscured by their use of irrelevant invective and by their failure to concentrate on the real human rights issues.

86. Mr. PALACIOS (Spain) said that if a separate vote had been taken on paragraph 13 of draft resolution E/CN.4/1988/L.2, part A, his delegation would have voted against it, because it felt that the Commission did not have the competence to make such recommendations. It had abstained in the vote on draft resolution E/CN.4/1988/L.3 because of the inappropriate language used and because certain statements contained therein were outside the competence of the Commission.

87. Mr. MONTEMAYOR CANTU (Mexico) said that his delegation had voted in favour of part A of draft resolution E/CN.4/1988/L.2 despite the fact that paragraph 13 was not, in its view, the appropriate way to implement Chapter VII of the Charter.

88. Mr. GRILLO (Colombia) said that his delegation had voted in favour of draft resolution E/CN.4/1988/L.2 on the basis of its support for the principle of self-determination. If separate votes had been taken on certain paragraphs, however, it would have abstained because of the inappropriate language contained therein.

89. Mr. GLAIEL (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that the adoption of resolution E/CN.4/1988/L.3 coincided with the strengthening of the uprising in the occupied territories and its extension to the Golan Heights. The Commission had given moral support to the inhabitants of the occupied territories, thereby providing them with a weapon they could use against their armed adversary.

90. Mr. RAMLAWI (Observer, Palestine Liberation Organization) said that the United States Government's view as expressed in its delegation's explanation of vote, that Palestinians did not have the right to throw stones at Israeli soldiers was tantamount to depriving the people entirely of the right to confront an occupying force, a right which was enshrined in the Charter and many United Nations resolutions.

91. The United States representative had also said that the resolutions adopted would not help bring about a peaceful solution of the problem and that his Government was making efforts to solve it through its contacts with the parties concerned, on the basis of Security Council resolution 242 (1967). However, that Government actually had no contacts at all with one of the parties concerned, namely the Palestinians. Moreover, Security Council resolution 242 (1967) was not in accord with the political dimensions of the problem and the United States Government was ignoring other, more appropriate United Nations resolutions that expressed the international community's desire to arrive at a solution.

The meeting rose at 1.10 p.m.