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SECOND (SOCIAL) COMMITTEE

SUMMARY RECORD OF THE 14th MEETING

Held at Headquarters, New York,  
on Thursday, 30 April 1981, at 4.15 p.m.

Chairman: Mr. MAPP (Barbados)

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Human rights questions (continued)

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The meeting was called to order at 4.15 p.m.

HUMAN RIGHTS QUESTIONS (continued) (A/36/209; E/1981/25, E/1981/28)

1. Mr. LINCKE (Federal Republic of Germany) said that the report of the Commission on Human Rights on the work of its thirty-seventh session (E/1981/25) bore witness to the Commission's ever-increasing importance. The Federal Republic of Germany regarded human rights as a question of high priority for the United Nations and welcomed the fact that standard setting had become an important aspect of the Commission's work. The principle had generally been accepted that violations of human rights were not only a national matter, but also a matter of international concern.
2. As much as his delegation recognized the particular importance of the problems in the Middle East and in southern Africa, it also recognized that such problems were discussed in many other competent forums of the United Nations. No part of the world where human rights were violated should be immune from the scrutiny of the Commission. His delegation did, however, sympathize with the feeling on the part of the Latin American countries that their region was given too much attention by the Commission, while violations in other parts of the world might not be dealt with according to the same vigilant standards. Chile had been singled out for many years. Standard setting could not be achieved successfully if one country was singled out and if the standards were not applied to other countries. It was true that the procedure set forth in Economic and Social Council resolution 1503 (XLVIII) had brought progress and a more balanced approach. However, the results were treated confidentially, and particularly serious situations often required public discussion.
3. There had been more progress in the general approach towards certain types of human rights violations. The Federal Republic of Germany considered the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief to be a major success for the Commission after nearly 20 years of deliberations. It was essential for the Economic and Social Council to make further progress with regard to the Declaration and the question of a United Nations voluntary fund for victims of torture.
4. The renewal of the mandate of the Working Group on the question of enforced or involuntary disappearances represented another major step forward. The Commission had adopted resolutions on other burning questions, such as mass exoduses and hostage-taking. It had expressed its profound concern that there continued to be flagrant breaches of the rights of individuals, groups and organs of society to promote the effective observance of human rights. In Europe, it was important that the Final Act of the Conference on Security and Co-operation in Europe should be implemented by all its signatories.
5. The rights of the individual constituted only one aspect of the work of the Commission on Human Rights. Such rights were closely interwoven with the right of all peoples to self-determination. The latter was of particular concern to his Government, since it was a basic tenet of its policy to work for a state of peace in Europe in which the German nation would recover its unity in conditions of free self-determination. Friendly nations would uphold its efforts in that direction.

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(Mr. Lincke, Federal Republic of Germany)

It was natural that the Federal Republic of Germany should strongly support all countries whose right to self-determination was being violated; it understood their plight.

6. Recently there had been two serious examples of the violation of the right to self-determination and other human rights: in Afghanistan and in Cambodia. The Commission on Human Rights had expressed the international community's concern about those situations. It was essential to continue speaking out against the acts of foreign invasion and occupation that had driven great numbers of people out of their homes and had grossly violated the rights of those who had stayed behind. His delegation's purpose was not to embarrass those responsible for the situations, but to defend the rights of the victims. If those responsible wanted to stop discussion, the only way was to remedy the situations. Polemic statements and far-fetched "retaliatory" resolutions were not a valid response. Such resolutions had unfortunately led to unnecessarily polemic discussions at the thirty-seventh session of the Commission. Such a reaction by some countries to genuine human rights concerns did not seem to be in accordance with the humanitarian goals of the Economic and Social Council and the Commission. It was a privilege of those forums that non-controversial as well as controversial questions could be discussed in a spirit of frankness and fairness.

7. Ms. AKAMATSU (Observer for Japan) said Japan was pleased that the significance of the role of the Commission on Human Rights and the importance of human rights and fundamental freedoms were so widely recognized, as reflected by the large number of participants, including Japan, in the Commission's thirty-seventh session. One of the major purposes of the United Nations was to achieve international co-operation in promoting respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. At recent sessions of the General Assembly, many delegations had stressed the importance of strengthening the functions of the United Nations in that area. In resolution 35/194, the Assembly had requested the Secretary-General to consider redesignating the Division of Human Rights as a Centre for Human Rights. Her delegation fully supported that resolution in the conviction that the status of the office dealing with human rights in the United Nations should be commensurate with the importance of human rights in the Charter of the United Nations. At the same time, her delegation believed that a review should be undertaken of all the activities relating to human rights within the United Nations system, including the activities of the Commission on Human Rights, so that the most effective means of promoting human rights throughout the world could be determined. Those matters should be considered further at the thirty-sixth session of the General Assembly.

8. One of the achievements of the Commission on Human Rights at its thirty-seventh session had been the adoption of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. As Japan was a country where religious freedom was guaranteed by the Constitution, her delegation sincerely welcomed the elaboration of the draft Declaration and commended the Commission on completing a task begun nearly 20 years earlier. The Economic and Social Council should adopt draft resolution I of the Commission and the General Assembly should give consideration of the draft Declaration its highest priority. Her delegation hoped that the Commission would continue to make progress in drafting other important instruments concerning human rights.

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(Ms. Akamatsu, Observer, Japan)

9. Violations of human rights continued in many parts of the world. Racial discrimination, particularly the practice of apartheid, was a gross violation of human rights with which the United Nations had had to deal ever since its establishment. Efforts in that area must be continued. Another serious violation of human rights was the denial of the right to self-determination, one of the most fundamental of all human rights. That question had consistently preoccupied the United Nations and would continue to do so as long as the right was denied anywhere in the world.

10. Japan deplored the fact that national independence, sovereignty and territorial integrity continued to be violated or threatened in a number of countries. As a result of foreign intervention, the fundamental principles of human rights in Kampuchea were not being observed. With a view to the peaceful settlement of that problem, Japan, together with the members of the Association of South-East Asian Nations, had proposed the convening of an international conference in which conflicting parties and countries concerned would participate. Although two resolutions on the situation in Kampuchea had been adopted by overwhelming majorities at the thirty-fourth and thirty-fifth sessions of the General Assembly, they had not been complied with by certain countries. Resolution 11 (XXXVII) of the Commission on Human Rights called for the immediate and unconditional withdrawal of foreign forces from Kampuchea in order to allow the people of Kampuchea to exercise their fundamental freedoms and human rights including the right to self-determination. It reaffirmed the proposal for an international conference contained in General Assembly resolution 35/6.

11. The Commission had also devoted its attention to the situation in Afghanistan, another country whose people were being denied the right to self-determination, and had called for the immediate withdrawal of foreign troops. Japan sincerely hoped that that matter would be resolved in the near future so that the people of Afghanistan could enjoy their fundamental human rights.

12. Her country was ready to continue to contribute positively to the peaceful solution of those problems. It called upon all peace-loving States members of the Economic and Social Council which respected international justice and fundamental human rights to lend their much needed support to efforts to guarantee all peoples the right to self-determination. Her delegation noted that other forms of human rights violations continued to occur in a number of countries. It deplored those violations, wherever they occurred, but was of the view that their consideration in the United Nations must be balanced and consistent.

13. In conclusion, she reaffirmed the importance attached by Japan to human rights. Her delegation intended to participate with renewed determination in activities relating to human rights, in the hope that the day would soon come when they would be respected and enjoyed by all the peoples of the world.

14. Mr. MATELJAK (Yugoslavia) said that, like previous sessions, the thirty-seventh session of the Commission on Human Rights had demonstrated the important role played by the Commission in the protection and promotion of human rights throughout the world. The session had taken place at a time of a further worsening of international relations, caused primarily by growing confrontation between blocs and big-Power rivalry. In that regard, the tendency to use the question of human rights as a political instrument was causing particular concern.

15. Despite those and other difficulties, the session had on the whole been quite successful. The Commission had tackled successfully such important issues as self-determination, apartheid, racism, racial discrimination and the mass violation of human rights. Adequate attention had also been paid to the elaboration of international instruments and the further elaboration of the concept of human rights, with particular emphasis on the right to development as a human right. While the Commission had its short-comings, those achievements clearly showed that the criticism addressed to it from time to time was unjustified.

16. As a non-aligned and developing country, Yugoslavia attached great importance to the right to development. That was why it had taken an active part in the drafting of resolution 36 (XXXVII) of the Commission on Human Rights. His delegation was encouraged to note that the resolution had been adopted almost unanimously; it hoped that those few countries which had been unable to support it would soon take a more positive stand on the issue. The right to development belonged to peoples, including minorities, as well as individuals, and represented a synthesis of all other aspects of human rights. The right to self-determination, the right to independent internal and foreign policies and the right to active participation in international relations without pressure, interference and exploitation were the basic pre-conditions for the realization by a people of its right to development. Such realization was possible only through the elimination of the current unjust system of international economic relations, through the establishment of the new international economic order and through a further general democratization of international relations as a whole.

17. The individual's right to development presupposed the existence of fundamental human rights, as well as the existence of a social structure guaranteeing every individual equal participation in the planning for socio-economic development, in the implementation of development plans and in the enjoyment of the fruits of development. There was no doubt that the world was moving in that direction, as indicated by the various forms of popular participation and the tendency to involve workers in decision-making in the management of enterprises.

18. The Commission deserved to be commended on the progress it had made at its thirty-seventh session in further developing human rights standards. His delegation was particularly glad to see that initial progress had been made on the draft declaration on the rights of minorities. It hoped that in the near future the Commission would be able to complete the draft and submit it for adoption.

19. His delegation shared the opinion of the Commission, contained in paragraph 9 of its resolution 5 (XXXVII), that the General Assembly should refer for consideration to the International Court of Justice the question whether a State

(Mr. Mateljak, Yugoslavia)

which pursued a policy of apartheid could lawfully continue to hold a place in the international community. That was all the more pertinent in view of the stubbornness of the racist régime of South Africa and the latest negative developments relating to southern Africa.

20. His delegation supported the decision of the Commission to extend the mandate of the Special Rapporteur for Chile. It could not, however, support the recommendation that the United Nations Trust Fund for Chile should be redesignated as a United Nations Voluntary Fund for victims of torture, for the reasons he had given in the Third Committee of the General Assembly on 25 November 1980.

21. While fully supporting the Commission's resolution on migrant workers (resolution 37 (XXXVII)), his delegation regretted that the Commission had not found time to discuss the item at either its thirty-sixth or its thirty-seventh session.

22. Paragraphs 1, 2 and 3 of resolution 17 (XXXVII) were particularly important for the future work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. In general, his delegation felt that the Sub-Commission should pay more attention to the basic activities assigned to it by its mandate.

23. The debate at the thirty-seventh session of the Commission on Human Rights had once again proved that the majority saw no need, for the time being, for any substantial institutional changes within the United Nations system in the field of human rights. It would be better to concentrate attention on other aspects relevant to that item, such as the rationalization and increased effectiveness of the work of existing United Nations bodies in the field of human rights and the provision of better facilities for their work. It was particularly important to increase staff and financial support for the Division of Human Rights because of its growing workload. His delegation was glad to note, however, that, despite all of the odds, the Division was performing its work successfully. Due attention should also be paid to the identification of the root causes, at the national and international levels, of human rights violations and to the search for ways of effectively eliminating those causes.

24. Mr. RANGACHARI (India) said that, at its thirty-seventh session, the Commission on Human Rights had taken a number of important decisions which would contribute further to the promotion and protection of human rights. A most important decision, taken at the initiative of the delegations of the non-aligned countries, related to the right to development. The Commission had been able to establish a working group of experts to consider the concept of the right to development in its totality and to make recommendations to the Commission so as to enable it to draft an international instrument on the subject. The fact that the working group was to be composed of three members from each region would ensure broad-based representation of views and development experience. The fact that there would be three meetings of the working group before the thirty-eighth session



(Mr. Rangachari, India)

of the Commission should ensure adequate time for a detailed exchange of views. His delegation attached the utmost importance to the work of the group and was sure that it would put forward constructive proposals to help in the drafting of an international instrument. That would make a more comprehensive approach to human rights possible, with equal emphasis on the human rights dimension of development and on the development dimension of human rights. His delegation regretted that three delegations had not found it possible to join in a consensus on that most important initiative, despite intensive consultations.

25. Another major accomplishment of the session had been the adoption, though regrettably not by consensus, of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. India believed that religion should serve as a unifying rather than a divisive force. As a secular country, it had always upheld the right of all citizens to freedom of religious belief and worship. That was a fundamental right guaranteed in the Constitution proclaimed in 1950. The origin of the draft Declaration could be traced back nearly 25 years to the time when a study on the subject had been prepared by an Indian. Now that the draft Declaration had finally been adopted by the Commission, it might be appropriate to consider reprinting that study. His delegation hoped that the draft Declaration would be adopted by the General Assembly at its thirty-sixth session.

26. Notwithstanding some progress, it had to be recognized that the situation of human rights and fundamental freedoms around the world was far from rosy. The number of communications regarding violations of human rights, as well as the number of countries wherein violations were alleged to have occurred, had increased sharply since the previous year. The greatest challenge to the conscience of all civilized people, however, was the system of apartheid in South Africa. The will of the international community, as expressed in the resolutions and decisions of the Commission, was clear. The documentation prepared by the Ad Hoc Working Group of Experts had left no doubt about the inhuman consequences of the barbarous policies of the racist, minority régime of South Africa. His delegation welcomed the extension of the mandate of the Working Group and hoped that its report would receive the widest possible publicity.

27. Elsewhere in the world, Israel continued to flout the will of the international community by expanding its aggression and its suppression of the rights of the Arab peoples, including the Palestinian people.

28. Whenever problems involving violations of human rights arose, an attempt was made to create additional institutional mechanisms, as if violations of human rights took place because adequate institutional safeguards did not exist. The question might be asked whether institutional mechanisms would serve any purpose at all if the approach to human rights issues was constantly tailored to suit the convenience of political expediency. The greatest problem might well be that, notwithstanding the many international instruments in existence (none of which had

(Mr. Rangachari, India)

yet been ratified by all Member States), human rights continued to be a matter of interpretation, and policies dictated what such interpretation should be. In that connexion, the Chairman of the Commission had been constrained to remark at the end of the thirty-seventh session that at times it had been difficult to distinguish the debate in the Commission from those in the Security Council and the General Assembly. There had been an unfortunate revival of East-West confrontation, which had not contributed to enhancing the quality of the discussion. His delegation hoped that it might be possible to deal with fundamental issues of that type within the framework of one of the Commission's working groups - for example, the working group established to consider the item on further promotion and encouragement of human rights and fundamental freedoms.

29. Progress had been slow on the international instruments which were being drafted in the Commission, including the draft conventions against torture and on the rights of the child and the draft declaration concerning the rights of persons belonging to national, ethnic, religious and linguistic minorities. Work would have to be accelerated if the drafts were to be completed the following year. Thereafter, the Commission should consider taking up only two instruments at a time. The current pattern of working on three or four instruments simultaneously led to delays and made it difficult for smaller delegations to participate.

30. His delegation wished to repeat its plea regarding the need for consensus; any resolution or decision adopted by consensus had a better chance of success than one on which views were divided. That was particularly so in the case of proposals relating to institutional mechanisms.

31. His delegation would be inclined to support suggestions for enhancing the effectiveness of the Commission on Human Rights and proposed to pursue the issue in greater depth during the Commission's next session. There was also a need to ensure that the Secretariat was provided with adequate resources to discharge its mandate effectively. That would be far more likely to ensure effective implementation of decisions taken by the Commission than the setting up of new institutional mechanisms. The Commission should also consider streamlining its procedures in order to ensure that all items on its agenda received proper attention. The Commission might also consider whether its agenda contained too many items in relation to the time available to it.

32. Mrs. RODRIGUES (Observer for Cuba) expressed the satisfaction of her delegation with the work carried out by the Commission on Human Rights during its thirty-seventh session and said that its 40 resolutions and 12 decisions afforded the international community a useful framework for future action. Resolution 36 (XXXVII), which concerned the special problems which the developing countries faced in their efforts to achieve human rights, was particularly important, though it would require political will and appropriate action to implement the recommendations contained in the 16 operative paragraphs and annex, especially in view of the results of the vote on the resolution. It was imperative that agreement



(Mrs. Rodriguez, Observer, Cuba)

be reached among members of the international community on the right to development. Guidelines had been drawn up and suggestions made and, even if some countries chose to forget or ignore them, the peace-loving nations of the world would ensure that they were respected. The findings of the seminar on the relations that exist between human rights, peace and development to be held at United Nations Headquarters in August 1981 would be highly significant.

33. Of the other texts recently adopted by the Commission on Human Rights, the Cuban delegation whole-heartedly endorsed resolutions 1, 2, 4, 5, 6, 7, 8 and 14, which were concerned with guaranteeing the exercise by the Palestinian people of their legitimate and inalienable rights, liberating the people of South Africa from the shame and horror of apartheid and granting the people of Namibia the right to self-determination and independence.

34. In the interval between the adoption of General Assembly resolution 35/200 on measures to be taken against ideologies and practices based on racial intolerance, hatred and terror and resolution 3 (XXXVII) of the Commission on Human Rights, the importance of energetically condemning such ideologies and practices, and particularly Nazi, Fascist and neo-Fascist activities, had been confirmed and it was to be hoped that the Commission would, at its thirty-eighth session, draw up a draft declaration on the subject.

35. Cuba had voted against resolutions 11 (XXXVII) and 13 (XXXVII). In the case of resolution 11, the Cuban Government was convinced that the situation in Cambodia, whose people should be helped rather than hindered in their efforts to rebuild their country under the guidance of the People's Revolutionary Council, had been artificially manipulated. In view of the joint initiatives and discussions currently under way among the countries in the region, a resolution which failed to take into account the will of the countries involved and provided no serious basis for a genuine solution to the problem was uncalled for. As to resolution 13, Cuba refused to contribute to the success of reactionary and imperialistic propaganda campaigns. It had always defended the right of peoples to self-determination but rejected absolutely the verbal trickery and slogans of the accomplices of zionism and racism. She did not include among the latter certain friendly countries which had voted in favour of the resolution or abstained in the belief that they were defending the rights of peoples.

36. It had been suggested in the course of the debate that the discussions held in the Commission on Human Rights had been unduly politicized and her delegation agreed that, theoretically, the Commission should be able to devote itself to strictly humanitarian issues. However, the countries which had introduced political considerations into the Commission were precisely those which refused to relinquish their colonial aspirations, supported apartheid, supplied the Zionists with nuclear weapons, hampered the introduction of the new international economic order, undermined the International Development Strategy, subverted years of effort by the Member States, trained and equipped mercenaries and engaged in extortion and

(Mrs. Rodriguez, Observer, Cuba)

economic blockades. Naturally, there was a political background to the excellent and humanitarian resolutions 9, 12, 32, 33 and 34, but it was undeniable that the fascist Junta in Chile, aided and abetted by North American imperialism, continued to violate the human rights of the people, that El Salvador was the victim of a genocide made possible by the military aid provided by the same imperialist Power and that Guatemala had been suffering for decades from bloody repression encouraged by the same reactionary forces that prevented several Central American peoples from exercising their rights.

37. For 20 years, the only Power in the hemisphere which had intervened in the domestic affairs of the Central American States had subjected Cuba to threats and pressure and to a criminal economic blockade in order to prevent Cuba's development. Spy flights were carried out over Cuban territory, a naval base was maintained in Caimaneras against the will of the people and the Government and in defiance of international law, and mercenaries were being trained to commit aggressions against his country and its leaders. As had happened 20 years ago, however, all such criminal ventures would come to naught in the face of the steadfast determination of the people to defend its revolutionary achievements.

38. Because the Commission would in due course be called upon to deal with problems of human rights arising out of current situations, it was unlikely that its workload could be reduced in the future. His delegation hoped, moreover, that the Commission would find time to deal, within the sphere of its competence, with the flames of war being fanned by the imperialists and with the new instances of aggression, mercenary tactics, economic repression and denial of the rights of peoples to independence, self-determination, the use of their own resources and a development unimpeded by external interference in their affairs.

39. Mr. GAGLIARDI (Brazil) said that the report of the Commission on Human Rights (E/1981/26) showed clearly that the previous session of the Commission had been one of its most productive. It had been able to conclude the elaboration of the draft Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and had clearly established itself as the principal organ for dealing with human rights in the United Nations. His delegation wished to reiterate its full support for the work of the Commission; there was no need to establish parallel mechanisms. His delegation attached great importance to the future work and programme of the Commission and to the issue of the resources available to the Secretariat.

40. His delegation considered that the Commission's resolution 17 (XXXVII) represented an important step towards clarifying the relationship between the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and that it would enable the Sub-Commission to enhance its contribution still further.

41. Mr. PRASITH (Observer for Democratic Kampuchea) said that, following hard struggles, most peoples had recovered their fundamental and inalienable right to self-determination. Article 1 of the International Covenant on Economic, Social

(Mr. Prasith, Observer, Democratic  
Kampuchea)

and Cultural Rights stated clearly that, by virtue of the right of self-determination, all peoples freely determined their political status and freely pursued their economic, social and cultural development.

42. Since the end of the 1970s, a new form of regional and world domination had emerged with threatened the right of peoples to self-determination in a more barbarous form than any of its predecessors. That new form of domination was hegemonism or expansionism.

43. The invasion and occupation of Kampuchea and Afghanistan within a year of each other, under similar conditions and identical pretexts, had enabled the peace-loving peoples of the world to see the ugly truth. The new force of domination and enslavement paid lip-service to the anti-imperialist struggle but pursued a policy of expansionism and hegemonism. It purported to uphold the struggle for national liberation, proclaiming that nothing was more precious than independence, while at the same time it destroyed that newly acquired and dearly bought independence. It spoke of respect for national sovereignty and territorial integrity but invaded neighbouring countries in order to annex them in the name of proletarian internationalism or fraternal aid. It proclaimed itself to be the natural ally of the non-aligned countries and the third world but stretched its tentacles everywhere and sowed dissension between those countries. Seldom in history had the chasm between words and deeds been so wide. Never in the annals of international crime had demagoguery been employed in such an unworthy fashion to serve a strategy of regional and world domination.

44. In Afghanistan, the basic right of the Afghan people to self-determination had been crushed by the Soviet Union only two weeks after that super-Power had proposed and voted for General Assembly resolution 34/103, entitled "Inadmissibility of the policy of hegemonism in international relations".

45. In Kampuchea, the people had been denied that same right for more than two years. The regional expansionists of Hanoi had invaded and occupied Democratic Kampuchea in December 1978 in an attempt to integrate it by force into an "Indochinese Federation" under Vietnamese domination and eventually to make it into a Vietnamese province after exterminating or absorbing all the people of Kampuchea. The same process was under way in South Viet-Nam, a former Kampuchean territory, which currently contained around four million Kampucheans who had become a national minority and were gradually being absorbed.

46. The Vietnamese regional expansionists, in a vain effort to suppress the ever-increasing struggle of the Kampuchean people, had already massacred more than 2.5 million Kampucheans by conventional weapons which wiped out entire villages, by the use of poisonous chemical weapons and by the famine which they had deliberately engineered. Many United Nations documents, particularly documents A/35/462 and A/36/157, contained numerous accounts of the sufferings of the Kampuchean people, the massacre of entire families and entire villages and the deliberate transformation of a green and fertile land into a famine-stricken and devastated country. The Vietnamese invaders had gone so far as to abuse the humanitarian sentiments and the generosity of millions of donors throughout the

(Mr. Prasith, Observer, Democratic Kampuchea)

world by using the humanitarian aid intended for the people of Kampuchea to feed their forces of occupation, thus transforming each dollar of humanitarian aid into a weapon used to exterminate the people and the nation of Kampuchea.

47. The international community had been deeply moved by the immeasurable suffering of the Kampuchean people and had consistently denounced and condemned all the criminal acts committed by the Hanoi authorities, in flagrant violation of the fundamental principles of the United Nations Charter and numerous other international conventions: General Assembly resolution 34/22 and 35/6, adopted by overwhelming majorities, had demanded that Viet Nam put an end to its aggression in Kampuchea and unconditionally withdraw all its occupying forces from that country. General Assembly resolution 35/6 had also called for the convening of an International Conference to arrange a specific time-frame for the total withdrawal of Vietnamese troops from Kampuchea and to take the necessary measures to ensure that the Kampuchean people could exercise their inalienable right to self-determination. The same demands had been expressed at the Ministerial Conference of the Non-Aligned Countries held at New Delhi from 9 to 13 February 1981 and in resolution 11 (XXXVII) adopted by the Commission on Human Rights on 6 March 1981. In operative paragraph 7 of that same resolution, the Commission had recommended that the Economic and Social Council should consider the situation in Kampuchea at its first regular session in 1981 with a view to ensuring the full enjoyment of the fundamental human rights and freedoms, including the right to self-determination, of the Kampuchean people.

48. The condemnation of the invasion and the occupation of Kampuchea by the Vietnamese regional expansionists was virtually universal. Nevertheless, since the Hanoi authorities had been driven for more than half a century by an unbridled ambition to establish the "Indochinese Federation", which was no more than a greater Viet Nam, and by a lust for regional domination sustained by Soviet world expansionism, they were relentlessly continuing their inhuman crimes against the Kampuchean people and nation. They were stepping up the use of poisonous chemical weapons, pillaging the harvests of the Kampuchean peasants and continuing to divert international humanitarian aid to feed their occupying forces, since they could not send them sufficient food from Viet Nam, where the food situation was, to say the least, disastrous.

49. Although the Vietnamese authorities could no longer deceive the international community, they were continuing to advocate the convening of a so-called "regional conference" between the so-called "Indochinese" countries in the vain hope that they could thus free themselves from their obligation to implement General Assembly resolutions 34/22 and 35/6 and, at the same time, obtain recognition of the fait accompli of their invasion and occupation of Kampuchea and of the Vietnamese "Indochinese Federation".

50. The Hanoi authorities were currently conducting a propaganda campaign to promote what they called "elections" in Kampuchea. No one, however, would be deceived by those manoeuvres at a time when 250,000 Vietnamese soldiers and 50,000 Vietnamese administrators were occupying Kampuchea and massacring the Kampuchean

(Mr. Prasith, Observer, Democratic  
Kampuchea)

people, and when the Le Duan clique was trampling underfoot the United Nations Charter and the principles of non-alignment and continuing to establish the law of the jungle and the gangster mentality as a code of conduct in its international relations. Those political and diplomatic manoeuvres were but a further illustration of the arrogant contempt of the Le Duan clique for United Nations resolutions and the international community's desire for peace.

51. For more than two years the people of Kampuchea had been fighting a popular war of national resistance against the Vietnamese invaders under the leadership of the Patriotic and Democratic Front of Grand National Union of Kampuchea and the Government of Democratic Kampuchea. That patriotic war for national survival was growing in scale and in intensity, was spreading throughout the country and was engulfing the 300,000 members of the Vietnamese invasion and occupation forces. The Kampuchean people had clearly shown its resolve not to submit to the Vietnamese colonialist yoke and to fight heroically against all the weapons which the Hanoi clique was employing. Everyone knew that that struggle was developing and growing irresistibly and it was perfectly clear that to speak of elections in a country ravaged by war could be no more than a form of trickery.

52. The people of Kampuchea would be able to exercise their inalienable right to self-determination only after the total and unconditional withdrawal of the Vietnamese forces from Kampuchea in accordance with General Assembly resolutions 34/22 and 35/6. Only then could true elections be held in Kampuchea under United Nations supervision. The people of Kampuchea and the Government of Democratic Kampuchea supported the tireless efforts of the countries members of ASEAN and all other countries that desired peace and justice in the world, as well as those of the United Nations Secretary-General, to hold an International Conference on Kampuchea as soon as possible in order to arrange the time-table for the withdrawal of all Vietnamese forces from Kampuchea. The Government of Democratic Kampuchea, as the only legitimate Government of Kampuchea, was ready to participate in that Conference, which should be held as soon as possible, even if Viet Nam was unwilling to take part.

53. Therefore, he appealed to all the members of the Economic and Social Council to approve Commission resolution 11 (XXXVII) which had been adopted by an overwhelming majority. He thanked the members of the Council in advance for the contribution they would make to the rapid and meticulous implementation of General Assembly resolutions 34/22 and 35/6 in order to put an end to the suffering of the people of Kampuchea, allow them to exercise their inalienable right to self-determination and restore peace and national independence in Kampuchea, thus ensuring durable peace, security and stability in that region of South-East Asia and the Pacific and in the world.

54. Mr. WALKATE (Observer for the Netherlands) said that the 10 member States of the European Communities, on whose behalf he was speaking, attached great importance to the draft United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. At long last the Economic and Social Council was able to fulfil the request of the General Assembly, made in 1962, in resolution 1781 (XVII). Numerous delegations from all regions of



(Mr. Walkate, Observer, Netherlands)

the world and representing all possible religions and beliefs had taken part in the step-by-step drafting of the text which was now before the Council in the form of draft resolution I, after being adopted with near unanimity by the Commission on Human Rights at its thirty-seventh session. It was a carefully balanced elaboration of the universally recognized fundamental freedom of thought, conscience and religion as entrenched in article 18 of the International Covenant on Civil and Political Rights, and he hoped and trusted that, after all those years of painstaking drafting and negotiation, it would be adopted without delay by the Council. He regretted that the standards it set out did not serve a purely theoretical purpose but were highly relevant to the modern world in view of the persistent discrimination shown by many Governments to those who professed certain religions or beliefs. A current and tragic example was the plight of the Baha'is in Iran, which seemed to have taken a certain turn for the worse with recent executions and disappearances. He sincerely wished that the Government of Iran would reconsider its policy towards its minority group in the spirit of the International Covenant on Civil and Political Rights to which it was a party.

55. The 10 member States of the European Communities strongly recommended that the Economic and Social Council should adopt draft resolution I in order that the General Assembly at its thirty-sixth session might consider and proclaim the declaration.

56. Mr. CARDWELL (United States of America), speaking on a point of order, said that his delegation reserved the right of reply in the light of some statements which had been made in the Committee that afternoon.

57. Mr. SCHLEGEL (German Democratic Republic), speaking in exercise of the right of reply, said that the representative of the Federal Republic of Germany had abused the debate by departing from the subject under discussion to repeat old slogans concerning so-called free self-determination of the German people. In answer to those distortions, he stated that people of the German Democratic Republic had implemented their right to self-determination by opting for the way of socialism. Such formulations as those employed by the representative of the Federal Republic of Germany could only testify to a spirit of putting others under their tutelage. As Eric Honecker, the General Secretary of the Central Committee of the Socialist Unity Party and the Chairman of the State Council, had said at the Tenth Party Congress, it was necessary to recognize without reservation the existence of two mutually independent and sovereign German States with differing social systems. The only relationship between those two States could be one of peaceful co-existence.

58. Mr. LINCKE (Federal Republic of Germany), speaking in exercise of the right of reply, said that the question of self-determination, far from being a departure from the subject under discussion, was one of the main elements of human rights as understood in the Commission on Human Rights and the Council. The question of self-determination was linked to the concept of peoples and nations, not to States and ideologies. His delegation considered that there was only one German nation and that all nations had the right to self-determination. In its view of history, self-determination would prevail over various ideologies.



59. Mr. SCHLEGEL (German Democratic Republic), speaking in exercise of the right of reply, said that the representative of the Federal Republic of Germany would have to learn to speak for the people of his country and not for those of the German Democratic Republic. His country needed no advice from the Federal Republic of Germany.

60. The CHAIRMAN said he was sure that the representative of the Federal Republic of Germany had been speaking for his country, its people and himself.

The meeting rose at 5.55 p.m.