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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 7 February 1983, at 10 a.m.

Chairman: Mr. OTUNNU (Uganda)

later: Mr. HAYES (Ireland)

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The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

- (b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII); REPORT OF THE WORKING GROUP ESTABLISHED BY THE COMMISSION AT ITS THIRTY-EIGHTH SESSION (agenda item 12)

1. The CHAIRMAN drew attention to the note by the Chairman of the Commission at its thirty-eighth session concerning the human rights situation in Guatemala (E/CN.4/1983/43), in which he reported on developments relating to the appointment of a Special Rapporteur for Guatemala. As was clear from the note, the Commission would not have before it at its current session a report by a Special Rapporteur on the situation in Guatemala in connection with agenda item 12 (b). Bearing in mind the request made by various delegations that information received by the secretariat concerning the situation in Guatemala should be made available to the Commission, the Bureau had considered the matter and decided to propose the following draft decision for adoption by the Commission:

"The Commission on Human Rights,

Taking into account that in resolution 1982/31 the Commission decided to continue the examination on the situation of human rights and fundamental freedoms in Guatemala, and in view of the wish expressed that the Commission receive some information on developments in that situation since the adoption of that resolution, requests the Secretary-General to prepare a brief note containing a listing of the material received by the secretariat, together with an indication of its contents."

2. Mr. KOUIJMANS (Netherlands) said that his delegation fully supported the draft decision proposed by the Bureau but wished to know why the Secretary-General would be requested to provide only a list of the material received by the secretariat.

3. The CHAIRMAN said it was his understanding that a huge volume of material had been received by the secretariat and that it would be impossible in the time available to have it translated and circulated to members. The material would, however, be available for perusal by members on request.

4. If there was no objection, he would take it that the Commission wished to adopt the draft decision recommended by the Bureau.

5. It was so decided.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1983/2 and Add.1, E/CN.4/1983/12 and 13; ST/HR/SER.A/14)

6. Mr. KONSTANTINOV (Bulgaria) said it was disturbing that certain representatives who had kept resolutely silent about the notorious deeds of a brutal occupation regime in the Middle East and the genocide of the Palestinian people were making unfounded accusations against two sovereign States, the Democratic Republic of Afghanistan and the People's Republic of Kampuchea.

7. The representative of the Democratic Republic of Afghanistan had on many occasions described in detail the real situation in that country and the immense efforts of the Government to promote progress, prosperity and social justice in the face of enormous difficulties. The insinuations which had been made could be viewed only as a cover for the undeclared but real war being waged against Afghanistan and its people by imperialist and other reactionary forces, which would prefer to see the feudal status quo preserved in that country and would do everything possible to prevent the Afghan people from exercising their right of self-determination.
8. In the opinion of his delegation, discussion of the so-called Afghan question constituted inadmissible interference in the internal affairs of Afghanistan and was contrary to the fundamental principles of contemporary international law. Acts of terrorism and sabotage by reactionary forces based in countries bordering Afghanistan and instigated by many Western States were destabilizing the life of the country. The assistance rendered by the Soviet Union at the request of the Afghan Government was in accordance with the Soviet-Afghan treaty of friendship and in conformity with the Charter of the United Nations. In that connection, his delegation considered that the proposals made by the Government of Afghanistan provided a sound and realistic basis for a political solution to the problems of the region.
9. Turning to the so-called "question of Kampuchea", his delegation categorically rejected attempts to use the Commission for the purpose of interfering in the internal affairs of Kampuchea, whose people had overthrown the bloody regime of Pol Pot in 1979. The tendentious nature of the debate was best illustrated by the absence from the Commission of the legitimate representatives of the Kampuchean people, a fact which rendered null and void any decision of the Commission on Kampuchea. Having failed to achieve their aggressive purposes in South-East Asia by arms, the imperialist, hegemonist and other reactionary forces were attempting to set up other obstacles to peaceful and democratic development and to the full restoration of human rights and fundamental freedoms in Kampuchea. The introduction into the Commission of distorted and false information about the real situation in Kampuchea would not contribute towards finding a solution, and the objective of those who disseminated such information was to sow confusion in the Commission and mislead public opinion.
10. Mr. ZORIN (Union of Soviet Socialist Republics) said that the bloody crimes being committed by Israel and South Africa with the assistance, support and encouragement of aggressive imperialist forces, primarily the United States, had been strongly condemned at the Commission's current session, and the desire to promote in every possible way the speedy restoration of the rights of oppressed peoples, including the right to self-determination and independence, had been expressed. The voices of those who had attempted to misuse the Commission for the discussion of non-existent problems and for making insinuations against other States and peoples had sounded very discordant against that background. The initiators of those manoeuvres were attempting to distract the Commission from the true problems raised by colonialism and racism, acts of aggression and imperial diktats. Attempts to drag in "Afghan" and "Kampuchean" problems, which had been invented by the imperialists and their accomplices, were nothing more than gross intervention in the internal affairs of the Democratic Republic of Afghanistan and the People's Republic of Kampuchea and constituted a violation of the elementary norms of international law and the Charter.

11. Those who had initiated that reprehensible intrigue and those who had followed their example were distorting what was happening in Afghanistan and Kampuchea. They had simply not been pleased that, having liberated itself through a revolution in April 1978, the Afghan people had decided to end once and for all its age-old backwardness and oppression, to reaffirm democratic truth and freedoms, and to guarantee social and national equality for all. Initially, the Afghan revolution had been able to defend itself against hostile forces. But when imperialism and reactionism had launched a large-scale intervention in the Democratic Republic of Afghanistan, when armed bands had been set loose throughout its territory and the revolutionary gains of the people directly threatened, the Government had appealed to the Soviet Union for assistance and the Soviet Union had fulfilled its duty and its obligations.

12. It was not the Soviet Union but the imperialist Powers, primarily the United States, that were directly responsible for the conflict in that region: it was they who were recruiting groups of bandits, instructing them, providing them with modern weapons, and sending diversionary and terrorist groups into Afghan territory. By all international norms, such actions could only be termed aggression. The United States had already allocated around \$290 million, not including expenditure on "secret operations", for the equipment and training of terrorists sent into Afghanistan from Pakistan. At United States insistence, its NATO allies had followed suit; thus, the United Kingdom's contribution to the financing of operations by the bandits amounted to £17.5 million.

13. The United States did not conceal the fact that one of the main purposes of its undeclared war against Afghanistan was the conversion of that country, which bordered the Soviet Union, into a strategic base. Aggression against Afghanistan was merely one aspect of the over-all plan to destabilize the region, from southern Asia to the Persian Gulf. A special role was given to Pakistan, to which the United States contributed hundreds of millions of dollars in cash and weapons. It would be easier for the imperialist circles of the United States to achieve their expansionist goals if they could turn Afghanistan away from the path of progressive development and make it a State, similar to Iran under the Shah, where the power of a despotic regime was based on the United States military machine. It was precisely for that reason that Washington was relying on terrorist organizations operating out of Pakistan, as demonstrated by the welcome recently extended by the United States President to the chiefs of the anti-Afghan terrorist bands.

14. The United States and certain other countries which professed to be concerned about a political settlement of the situation in Afghanistan had an opportunity to demonstrate their interest through deeds, as well as words. The Government of the Democratic Republic of Afghanistan had frequently expressed its readiness to reach a political settlement which would ensure the complete cessation of the continuing armed intervention against Afghanistan. It had participated in one round of negotiations and was prepared to embark on a second. Thus, those who persisted in attempts to interfere in the internal affairs of Afghanistan, through the Commission or by other means, were only making it more difficult to reach a political settlement.

15. The representatives of the United States, China and several other countries had referred to the "Kampuchean problem" for the purpose of distracting world attention from the awful harm which their own actions had inflicted on the people of Kampuchea and creating yet another hotbed of tension in South-East Asia. The massive bombings of neutral Cambodia by the United States and its establishment of the puppet regime of Lon Nol would never be forgotten. Those bombings and the massive repression of the pro-American regime had lasted for five years and caused the death of some 800,000 Kampucheans. The Pol Pot clique, which had been nurtured and imposed by Beijing and had established a genocidal regime, had caused the deaths of an additional 3 million people, nearly half the country's population.
16. As a result of the anti-Kampuchean actions of the United States and China, the country had been devastated and its development set back many decades. In his ramblings about some sort of threat from Viet Nam, the Chinese representative had apparently forgotten that in 1979 it was China that had carried out a massive armed invasion of Viet Nam, and not vice versa. He had forgotten, but the peoples of the world remembered, that act of aggression by China, which had ended in failure thanks to the courage and heroism of the Vietnamese people. Having ousted the Pol Pot butchers, the Kampuchean people could at last breathe freely. With the fraternal assistance of Viet Nam and other socialist countries, they had made great strides in rebuilding their war-torn country. The People's Republic of Kampuchea was firmly on the road to independent development, and no one could turn it back. Attempts to re-impose the Pol Pot clique, even in the guise of a "coalition government", were doomed to failure.
17. In the interests of relaxation of tension in South-East Asia, it was essential to desist from fabrications about a "Kampuchean problem", to allow the people of Kampuchea to decide its own fate and to banish from United Nations bodies the agents of the deposed clique; the seat belonging to Kampuchea must by rights be occupied only by a representative of the Government of the People's Republic of Kampuchea.
18. Mr. GREKOV (Observer for the Byelorussian Soviet Socialist Republic) said that the Commission should concentrate its efforts on adopting new and effective measures to promote the independence of colonial peoples, as called for in the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples and in the plan of action for the implementation of the Declaration adopted by the General Assembly in resolution 35/118. The 1960 Declaration was a historic document which took note of the crisis in the imperialist system and recognized that the liberation process was irreversible. Within the span of a single generation, the colonial empires had collapsed, and two out of every three Members of the United Nations were now former colonies or dependent territories.
19. Independence had not been conceded willingly by the colonial Powers; rather, the colonial peoples had had to smash the chains of colonial slavery. The triumph of their just cause had been assisted by the unswerving solidarity and support of the States of the socialist community. Despite the advances of national liberation movements everywhere, the right of self-determination was still not enjoyed in southern Africa, Palestine and various island territories in the Pacific, Atlantic and Indian Oceans and in the Caribbean. Although each situation had its own specific features, they were all characterized by the fact that peoples were denied the right to determine their own destinies. The colonial slave-masters did

everything in their power to perpetuate the subservient position of colonial peoples through a strategy of "divide and rule". A prime example of that was the misanthropic concept of separate development or apartheid in South Africa. Black Africans were being forcibly resettled in bantustans, internal colonies of the racist regime, and efforts were even being made to turn Namibia into a bantustan. The heroic struggle of the Namibian people would have succeeded long ago had it not been for the support and military assistance given to the racists by the United States and international monopolies. The international community was rightly concerned about the broad military assistance which the illegal minority regime in Pretoria received from the NATO countries. South Africa was also endeavouring to crush opposition to apartheid by carrying out acts of aggression against neighbouring States. The Zionist regime of Israel operated in a similar manner in seeking to prevent assistance to the Palestinian people.

20. The Commission should focus its attention on the fact that the United States administration had failed to apply the 1960 Declaration to many small island territories under its control. The Trust Territory of Micronesia, for example, which had, for all practical purposes, been annexed by the United States in 1980, had been arbitrarily divided into four semi-colonial administrative units, which the United States Government claimed had chosen free association with that country. Washington, however, maintained total control over the territory and trampled underfoot the rights of the people to self-determination and independence. The United States maintained Puerto Rico in a similar position and used it, as it did other island territories, as a naval and air base and as a testing-ground for nuclear weapons.

21. The survival of colonial enclaves in the world was not an accident but rather the result of a premediated alliance of reactionary forces, which were carrying on a rearguard action against liberation movements and seeking to hamper the progress of peoples. Pretoria's actions against freedom fighters would be impossible without assistance from the United States. At a time when South Africa was perpetrating attacks on neighbouring Angola, the United States Senate was considering the repeal of the 1976 ban on assistance to Angolan separatists. The colonialists were seeking to divert attention from their own indefensible actions by casting aspersions on the sovereign non-aligned States of Afghanistan and Kampuchea. His delegation hoped that the Commission would at its current session make a positive contribution towards eliminating the remaining vestiges of colonialism and promoting the liberation of all peoples from enslavement, racism and apartheid.

22. Mr. NGUYEN THUONG (Observer for Viet Nam) said that the process of national liberation and the achievement by peoples of their right of self-determination were above all the result of the heroic struggle waged by those peoples with the support of all peace-loving forces, particularly the socialist and non-aligned countries. Confronted with peoples' growing awareness of their rights and strength and unable to resign itself to the loss of its strategic and economic advantages, imperialism now claimed the right to declare certain regions to be in its vital interest, sent in rapid deployment forces, increased its military build-up, and even engaged in military manoeuvres as a means of intimidation. Imperialism advocated such irresponsible and dangerous theories as those of "limited nuclear war" and "creeping nuclear war", preparing itself and its client States for the use of tactical nuclear weapons in so-called local wars. It was no accident that its strategic allies, Israel and South Africa, had acquired nuclear weapons with its assistance.

23. It was United States imperialism that supported Israel in its denial of the right of self-determination of the Palestinian people and, in southern Africa, the same imperialism supported the Pretoria regime in its violations of the Namibian people's right of self-determination and the sovereignty of the front-line States. In Central America, that imperialism continued to threaten the independence and security of Cuba, Nicaragua and Grenada and to prevent the people of El Salvador from determining their own destiny. It refused self-determination to the peoples of Puerto Rico, Diego Garcia, Micronesia and other Pacific territories and had supported colonialism in its struggle against Argentina in the Malvinas (Falklands). In Asia, it continued to oppose the right of self-determination and peaceful reunification of the population of the Democratic People's Republic of Korea.

24. Faced with such a situation, all those who advocated the right of peoples to self-determination must strongly oppose the policies of imperialism and its allies. The international community must take more effective steps to support the struggles of the peoples concerned to enjoy that fundamental right. Viet Nam for its part had always given unflinching support to the struggle of those peoples to decide their own future. It also supported the right to self-determination of the Sahrawi people and the people of East Timor. At the same time, it strongly opposed any attempt by international reactionary forces to interfere in the internal affairs of independent sovereign States on the pretext of protecting their right of self-determination.

25. The Democratic Republic of Afghanistan was an independent sovereign State, and yet the undeclared war being waged from bases in Pakistan by bandits armed by Washington and Beijing was being presented as a national liberation struggle against Soviet invasion and occupation. Viet Nam supported Afghanistan in its response to that undeclared war and in its efforts to find a comprehensive political solution to the problem.

26. With regard to the situation of human rights in Kampuchea, in particular, the right of self-determination, he wished to reiterate that even outside observers had confirmed that the Kampuchean people now enjoyed all their citizens' rights. In contrast to the appalling human rights violations committed between 1975 and 1978 under the genocidal Pol Pot regime, Kampuchea's citizens now enjoyed all democratic freedoms. Following the general elections held in May 1981, a Constitution had been adopted which guaranteed all human rights and democratic institutions had been set up at all levels. The Phnom Penh Government had recently announced a policy of union and national reconciliation based on respect for the Constitution and in the past year over 300,000 Kampuchean refugees had returned to Kampuchea from Thailand. A further 1,500 had left the ranks of Pol Pot and rejoined the national community with full rights.

27. Kampuchea's right of self-determination remained the target of constant threats, however. Along the whole length of the border with Thailand, armed bands of Pol Pot and other reactionaries equipped and sent by Beijing were seeking to overthrow Kampuchea's legal regime. The Beijing Government, with the complicity of Washington and reactionary circles in the region, was waging a war on the three countries of Indo-China which comprised an economic blockade, political pressure and psychological warfare; China's clear aim was to restore the genocidal regime in Kampuchea so that it might resume its expansion towards the south. Much had been made recently of the so-called coalition of the three Kampuchean resistance factions. That coalition was in fact merely a smokescreen for the return of the Pol Pot regime and was governed solely by China's foreign policy interests. As long

as the Chinese threat continued, Vietnamese troops could not be expected to withdraw completely from Kampuchea. Indeed, according to Le Monde Diplomatique of 10 November 1982, the Kampuchean population viewed the presence of the Vietnamese army as a safeguard against the return of the Khmer Rouge and hoped that they would not leave until there was no longer any threat of such a return. Solidarity among peoples in the struggle against foreign coercion was in conformity with the spirit of the Charter and a right recognized by the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States.

28. Viet Nam and Kampuchea had frequently stated that Vietnamese troops would be withdrawn completely once the Chinese threat had disappeared, and the two countries had made many proposals for a return to peace and security along Kampuchea's borders. China had rejected all those proposals, however, and demanded total Vietnamese withdrawal as a precondition for any talks. Informed circles were right to believe that the Beijing authorities were in fact trying to prevent any possibility of Vietnamese withdrawal in order to perpetuate the tension between the ASEAN countries and Indo-China to China's advantage. Despite the hostile policies of the Chinese Government, however, the Vietnamese people retained their traditional friendship for the Chinese people and continued to hope for a peaceful settlement of their differences. Indeed, while China continued to occupy parts of Vietnamese territory, Viet Nam had declared its unconditional readiness to enter into negotiations with China with a view to normalizing relations between the two countries.

29. With regard to the ASEAN countries, the countries of Indo-China had proposed the establishment of buffer zones, free of Vietnamese troops, Pol Pot bands and reactionary Khmers, along the Kampuchean-Thai border. The Vietnamese Minister for Foreign Affairs had recently visited all five ASEAN countries and reiterated Viet Nam's readiness to withdraw some of its troops from Kampuchea should the Thai Government respond favourably to those proposals.

30. Those who sincerely cared for the right of the Kampuchean people to self-determination should assist the dialogue that had already begun or at least do nothing to impede it or aggravate the tension. The rebirth of the Kampuchean people was a fact and any attempt to reimpose the genocidal Pol Pot regime was doomed to failure.

31. Mr. Hayes (Ireland) took the Chair.

32. Mr. BIRIDO (Observer for the Sudan) said that, while the item before the Commission was not a new one, what was new was Israel's latest crimes against human rights in the occupied Arab territories, including Palestine, and the massive human rights violations perpetrated by the racist regime in South Africa. Just as, not long ago, South Africa had been guilty of aggression against the peoples of the front-line States, now Israel had committed aggression against the occupied Arab territories and Lebanon. The situation in the occupied territories, including Palestine, was deteriorating rapidly, making the Middle East one of the most explosive areas in the world. Israeli violations of the human rights of the Arab populations of the occupied territories had increased and through military occupation the Israeli authorities were going ahead with their plans to annex neighbouring Arab territories by force and deny the Islamic and Christian heritage of those territories, in particular Jerusalem, by establishing new settlements and destroying Islamic and Christian holy places. Israel was seeking to destroy the cultural identity and civilization of the real owners of the Arab territories and to subject the Arab inhabitants to Israeli law. To that end it was closing Arab educational establishments, taking disciplinary measures against teaching staff and firing at Arab student demonstrators.

33. To further its expansionist ends, Israel had annexed Jerusalem and proclaimed it the capital of Israel in the face of universal condemnation. It had occupied the West Bank and established settlements there, arming Jewish settlers to the teeth so that they might wage a war of extermination and terrorism against the Arab population. It had annexed the Golan Heights and used the territory of two independent Arab States in order to bomb Iraq's nuclear power plant. It now occupied Lebanon after an invasion that had cost the lives of thousands of civilians in West Beirut alone, which it had blockaded for two months. In its war against Lebanon, Israel had used all manner of weapons prohibited by international law in its desire to annihilate the Palestinian people. It had also seized Arab lands, expelled Palestinian refugees from their camps in southern Lebanon and massacred thousands of Palestinians in the camps at Sabra and Chatila, to the horror of international public opinion and many of its own citizens. When no one had been able to curb Israel's expansionism, it had continued its acts of terrorism and pursued its settlements policy in the occupied territories, despite condemnation by international public opinion, international organizations and even its own allies.

34. The Commission had before it ample documentary evidence of Israeli violations of the rights of the peoples of the occupied territories, including Palestine. His delegation especially appreciated the efforts made by the Centre for Human Rights in organizing the Seminar on violations of human rights in the Palestinian and other Arab territories occupied by Israel, held at Geneva from 29 November to 3 December 1982, and fully endorsed the conclusions and recommendations of the Seminar as contained in chapter IV of document ST/HR/SER.A/14. It also supported the proposal by a member of the Commission that a study should be made of Zionist aggression, especially against the Palestinians. Such a study would confirm the racist and colonial nature of the Zionist movement.

35. The recent Arab Summit Conference held at Fez had shown that the Arab countries genuinely desired a just peace in the Middle East that would guarantee the security of all countries in the region and also the inalienable rights of the Palestinian people, in particular their right to self-determination and to establish their own State under the leadership of their sole legitimate representative, the PLO. Those countries which supported Israel must call on it to withdraw from all the occupied Arab territories and to dismantle its settlements in order to pave the way for stability and security in the region and for the enjoyment by the population of the occupied territories of all their human rights.

36. Mr. KHERAD (Observer for Afghanistan) said that the right of peoples to self-determination was without doubt one of the fundamental principles of contemporary international law and had been recognized by many as a principle of jus cogens. It was enshrined in the Charter, the International Covenants on Human Rights and, in particular, the Declaration on the Granting of Independence to Colonial Countries and Peoples which had provided the basis for numerous United Nations resolutions and an incentive for countless national liberation struggles. Since the Declaration's adoption, dramatic changes had taken place in the world. The accession of colonial countries and peoples to independence as a result of national liberation struggles had completely altered the international scene. The disintegration of the colonial system of imperialism was, however, being met with dogged resistance on the part of imperialist and other reactionary forces which would not relinquish control without a struggle and were using all possible means to impede the process of national liberation.

Thus it was that vestiges of colonialism remained. Protected by imperialism, the Zionist entity continued to deny the Palestinian people their inalienable rights, and to occupy Arab territories illegally; it was also guilty of aggression against other peoples of the region. In South Africa, the Pretoria regime, with the support of the NATO countries, in particular the United States, continued to deny the South African and Namibian peoples their rights. Other vestiges of colonialism remained in the Caribbean, and in the Pacific, Atlantic and Indian oceans. United States intervention in Central America and its intrigues against the People's Republic of Kampuchea also violated the right of peoples to self-determination. It was therefore abundantly clear that the enemies of national liberation could not resign themselves to the collapse of their empires and were seeking to perpetuate their domination and their direct or indirect exploitation of politically, strategically and economically important regions.

37. In his own country, the April revolution had brought about profound changes which had, of course, attracted hostility from imperialist and reactionary forces. Since the very first days of the revolution, the United States and its accomplices, concerned for their interests in Afghanistan and defying all rules of law and morality, had launched an undeclared war against his country aimed at undermining the revolution and preventing the population from reaping its benefits. Thus, the aggression against Afghanistan had not been spontaneous or a matter of chance but had been planned and launched shortly after the revolution. Between 1978 and June 1979, 10 military training centres for counter-revolutionary and mercenary troops had begun to operate in frontier areas of Pakistan. Thanks to the tremendous financial and military assistance provided by the United States, China and other reactionary circles, the aggression against Afghanistan had reached such a level that its Government had been forced to call on the Soviet Union to help defend its territorial integrity, independence and sovereignty. After the victorious uprising of 6 December, imperialists and reactionaries had lost all hope of restoring the former reactionary and oppressive regime, and counter-revolutionary training centres had sprung up all over Pakistan. Counter-revolutionaries and mercenaries continued to make incursions from Pakistan in order to create a climate of terror in Afghanistan, brutally murdering the population in an attempt to undermine the revolution and carry out their masters' sinister designs.

38. It was the official policy of the United States and its accomplices to interfere in the internal affairs of Afghanistan. In addition to the covert and overt action taken by the previous Administration, the Reagan Administration had recently decided to supply arms to the counter-revolutionaries, in flagrant violation of the Charter and the rules of contemporary international law. He wished, however, to inform all those who still cherished the illusion of reversing the tide of history in Afghanistan that his country was firm in its resolve to set up an independent, democratic and just system. The economic and social changes already introduced in Afghanistan responded to the aspirations of the Afghan people for a better life and the strengthening of the national patriotic front showed that that people was determined to achieve the objectives of the April revolution. Every day an increasing number of Afghans came to realize the true nature of their enemies and joined the ranks of the active defenders of the revolution.

39. The counter-revolutionary terrorism against Afghanistan would of course have ceased long before were it not financed and supported from outside. Such interference was the main cause of the instability and conflict in the region, conflict which could and must be resolved by peaceful means and negotiation. The peace initiatives and constructive proposals by Afghanistan were flexible and sufficiently realistic to provide a basis for a comprehensive settlement of the situation and for normalization of Afghanistan's relations with neighbouring countries. The Geneva talks undertaken to that end through the good offices of the personal representative of the Secretary-General showed that goodwill and understanding alone were needed in order to resolve outstanding differences. His country was prepared to go halfway towards resolving those differences and assured the Secretary-General and his personal representative of its full co-operation.

40. Afghanistan sought to maintain friendly relations with all countries, in particular its neighbours. It condemned all attempts to preserve the system of colonial and neo-colonial oppression and supported the struggle of peoples for self-determination the world over. It was convinced that the elimination of colonialism and the tide of liberation were irreversible. In order to speed up the process, however, effective measures must be taken to safeguard the exercise of the right of peoples to self-determination and national and social liberation, and to put an end to colonial and neo-colonial oppression, racism and apartheid.

41. Mr. TE SUN HOA (Observer for Democratic Kampuchea) said that his delegation was grateful to the Commission for having adopted by a large majority, at three consecutive sessions, resolutions aimed at an equitable solution to the problems of Kampuchea based on the complete and immediate withdrawal of all foreign forces from his country, recognition of the Kampuchean people's right to sovereignty and self-determination, and the holding of elections under United Nations supervision. Democratic Kampuchea, as its President had noted when addressing the General Assembly at the thirty-seventh session, could have rejected the reference to United Nations supervision, but its willingness to accept the proposal showed its respect for the international community's views and eliminated any pretext for Viet Nam's continued presence in the country. The President had also stated that, if Viet Nam withdrew in conformity with the relevant United Nations resolutions, the Government of Democratic Kampuchea would be prepared to sign a treaty of peace and non-aggression with the Vietnamese Government.

42. Unfortunately, Viet Nam seemed to recognize only the rule of force, as its continued acts of violence showed. In its most recent outrages, camps in Thailand had been bombarded during the past week. The entire range of Soviet-supplied weapons was being employed against Kampucheans, including chemical weapons which in 1980 and 1981 alone had caused the deaths of some 100,000 people, mostly children and old persons. The Kampuchean authorities lacked the means to provide adequate assistance to the victims, and hoped that the Commission would play its part in putting an end to the use of such weapons in Kampuchea and elsewhere in the world. Viet Nam was also controlling the administration of Kampuchea. Evidence of that fact included testimony by defectors, one of whom, in a recent interview with the Bangkok newspaper The Nation, described the way in which Vietnamese so-called advisers provided Kampuchean officials with policy papers. In addition, the Vietnamese language had become a compulsory subject in Kampuchean schools. The irony was that, while the Vietnamese authorities sought to impose their political system on another nation by force, their own population's fate was one of the world's worst. There was still a continuous flow of refugees by boat from Viet Nam. There was also evidence that many thousands of Vietnamese had been sent abroad for forced labour in exchange for arms and equipment - a shocking event to record in the late twentieth century.

43. A historic step towards the self-determination of the Kampuchean people had been taken on 20 June 1982 when the Government of Democratic Kampuchea had been formed. And on 20 January 1983 its second Council of Ministers, presided over by Prince Sihanouk, had been held on Kampuchean territory. Among other things, it had called for the restoration to Democratic Kampuchea of its rightful place as a non-aligned country - a place which had arbitrarily been wrested from it despite the fact that Prince Sihanouk was one of the founders of the non-aligned movement.

44. Mr. OULD-ROUIS (Observer for Algeria) said that the human rights situation in territories under colonial domination had two aspects: the massive extent of flagrant violations of human rights, which threatened international peace and security, and the helplessness of the international community in the face of the colonial Powers. Thus it was in the Middle East, where the Zionist entity pursued with impunity, for its expansionist purposes, a policy aimed at exterminating the Palestinian people. Likewise, in southern Africa, an explosive situation threatening the region's peace and security stemmed from the actions of the racist regime in Pretoria. The apartheid regime and the Israeli entity had several striking similarities. Both were illegally occupying territories and violating a population's basic human rights, including the rights to self-determination and independence; and both sought to impose their will on neighbouring States and defy the international community. Moreover, both benefited from the same political support from certain Western Powers and were able to avoid sanctions as provided for under Chapter VII of the Charter because of the right of veto in the Security Council.

45. During the Commission's consideration of agenda item 4, his delegation had strongly denounced Israeli practices in the occupied Arab territories and drawn attention to the link between the human rights violations in those territories and Israel's colonialist occupation. Only Israel's unconditional withdrawal from all the occupied Arab territories, including Jerusalem, and the restoration of the Palestinian people's national rights, including the right to create its own State in its homeland, could lead to a solution of the Middle East crisis and enable the individual and collective rights of those territories' peoples to be restored.

46. In southern Africa, the situation was disquieting for three main reasons: the odious policy of apartheid practised by the white minority against the people of South Africa; the South African regime's continued aggression against neighbouring African States - an act which Algeria had roundly condemned in other international forums; and the occupation of Namibia by that regime, including the exploitation of Namibia's human and material resources, in defiance of the international community.

47. Despite the efforts made by the United Nations for two decades, including many decisions and resolutions among them Security Council resolution 435 (1978), the question of Namibia remained more deadlocked than ever. The Pretoria regime, encouraged and assisted by certain colonial Powers persisted in seeking a so-called internal solution aimed at a perverted independence based on the "homelands" policy. The Western Powers of the "contract group" refrained from exerting due pressure on South Africa to submit to international opinion concerning the Namibian people's right to self-determination and independence. Some of those Powers, even though they had subscribed to resolution 435 (1978), had sought to distort it by linking the Namibian question to other questions relating to the front-line States' sovereignty, security and political options, and to set forth in advance constitutional

principles for a future Namibian State which would maintain the interests of multinationals and the privileged white minority. Such manoeuvres were at variance with the intention of resolution 435 (1978) and negated the right of any people to choose its own form of government and economic and social system. Algeria, an African country, fully supported the front-line States, which, despite pressures of all kinds, continued to make a valuable contribution to the decolonization process on the African continent by supporting SWAPO and ANC in their struggle against the Pretoria regime.

48. In Western Sahara, the situation constituted another obstacle to OAU's aim of the decolonization of Africa. At OAU's eighteenth summit conference, the elements of a just and final settlement of the question of Western Sahara had been identified: they included the holding of a referendum on self-determination, following a cease-fire negotiated between the two parties to the conflict under the auspices of an OAU implementation committee. The occupying Power had formally accepted the principle of a referendum on self-determination. Unfortunately, the decolonization of Western Sahara was still being hindered and the fighting was continuing because the occupying Power, despite its avowed acceptance of OAU decisions, continued to wage war against the Sahrawi people and refused to negotiate directly with the Polisario Front. It was to be hoped that Morocco would agree to such negotiations in order to enable the referendum to be conducted. The Commission had appealed to Morocco and the Polisario Front to that effect in a resolution adopted at its thirty-eighth session. And the General Assembly had reaffirmed, in resolution 37/28, the right of the people of Western Sahara to self-determination and independence. Algeria remained ready, as always, to contribute in any way to establishing contact between the two parties to the conflict and to assist in any initiative. Continuation of the conflict would not only prolong the sufferings of the Moroccan and Sahrawi peoples, but would increase the threat to the region's peace and security.

49. Mr. MANALO (Philippines) said that his country, as one of the earliest signatories of the Charter and nearly all United Nations human rights instruments, subscribed fully to the principle of self-determination of peoples. General Romulo, the Philippine Minister for Foreign Affairs and the only surviving participant in the signing ceremony, had successfully insisted, when the Charter had been drafted, that self-determination must lead to full independence. The goal of independence for dependent territories and those under colonial rule was now enshrined in international law.

50. The Philippines, whose Constitution embodied all the principles generally accepted by the international community, shared the view that the right of self-determination and the independence of States were fundamental to full enjoyment of human rights. As a former colony, the Philippines likewise supported the appeal for concerted international action to liberate peoples under foreign rule and ensure their legitimate right to determine their own political destiny.

51. His delegation had already drawn attention to the right of the Kampuchean people to self-determination. A similar situation existed in Afghanistan, where the continued military intervention of a foreign Power openly violated the norms of international law relating to sovereignty and non-intervention in internal affairs, and was preventing the Afghan people from enjoying their basic human rights, including

the right to build their nation as they saw fit. For over three years, United Nations appeals for the full and unconditional withdrawal of foreign troops from that country had been completely ignored. The situation was one which touched the world's conscience. His delegation hoped that the failure of public pressure to compel the intervening Powers to observe international law might be offset by the realization by such Powers that to comply with the principles of the Charter was in their own interests too, since all States had important interests inextricably linked with international peace and security. The continued presence of some 100,000 foreign troops in Afghanistan threatened that nation's sovereignty and the world at large.

52. In South Africa, the racist regime and its apartheid policy must come to an end, and Namibia must be made independent. In the Middle East, the rights of the Palestinians, including the right to self-determination and the right to establish their own State, should be restored. Negotiations aimed at an early settlement of those issues should be speeded up in the interest of world stability and as a prerequisite for progress and development.

53. With regard to East Timor, his Government's position had been stated repeatedly in the General Assembly: it rejected any action which placed Indonesia's sovereignty over East Timor in question, and it held that a pragmatic approach would be the adoption of a programme of assistance and co-operation in the context of Indonesia's sovereignty. Any measure which undermined that sovereignty would amount to unacceptable interference in a State's domestic affairs.

54. As President Marcos had stated recently to foreign correspondents, the Philippines would try, within the limited scope of its national endeavours, to match the efforts of the larger nations in securing for human dignity the highest place in the hierarchy of values among its people, by making justice live fully in the lives of all.

55. Mr. SKALLI (Observer for Morocco), referring to the situation in Western Sahara, said that it was Morocco which, through its Sovereign and prompted by its traditional concern for the principles of international law, had taken the initiative of proposing a referendum relating to that territory. The international community had warmly welcomed Morocco's initiative and political courage in seeking to meet the wishes of African and other countries for progress towards peace. In particular, the decision had been unanimously welcomed at OAU's eighteenth summit conference as a step towards a peaceful settlement in the conflict and a return to harmony and understanding in the Maghreb. A resolution had been unanimously adopted at that conference proposing a cease-fire and the organization of a referendum; and an Implementation Committee on Western Sahara, consisting of seven African Heads of State, had been established and had agreed on detailed procedures for the proposed cease-fire and referendum. The Committee had also proposed the establishment of an interim Administration with the necessary powers for the conduct of the referendum. On the advice of its chairman and following consultation with all the parties concerned, the Committee was to establish a date for the entry into force of the cease-fire, which would be supervised by a peace-keeping force.

56. Morocco reiterated that it accepted all the decisions of the Implementation Committee and that it would comply with the undertakings which it had given at the OAU summit conference. King Hassan II had solemnly declared that Morocco would respect the cease-fire and was prepared to abide by its undertakings and to organize the referendum. It might well be asked, therefore, why the matter was still being brought up in the Commission, and why appeals should still be made to Morocco relating to the cease-fire and referendum. Such appeals ought properly to be addressed to those who continued to place obstacles in the path of peace. Morocco could not agree to negotiate with anyone claiming to speak on behalf of the territory's peoples. OAU had made no such recommendation; only the will of the people concerned, freely, individually and directly expressed, and not the wishes of those who sought to interpret their desires and intentions, were paramount. Such a view was consonant with the concept of self-determination as viewed by the Commission. No one had the right to pose as a spokesman for the territory's peoples.

57. The Commission, in any case, should not be deliberating the question of Western Sahara, which had already been discussed in the competent organs of OAU, the regional body best suited to deal with the matter. The United Nations and regional organizations had hitherto observed two sacrosanct principles: a regional organization had priority in solving problems when they were before it; and settlements devised by regional organizations were not subject to amendment by the United Nations, whose task was only to assist in their implementation. Those principles were based on common sense, respect for the States of a region and a desire for efficiency. They were also reflected in the relevant decision taken by the General Assembly at its most recent session; in that decision, the Secretary-General had been requested to provide, in consultation with OAU, assistance to the Implementation Committee in carrying out its mandate regarding the question of Western Sahara. A second draft decision had not been adopted by the General Assembly because it had sought to add elements other than those agreed on by OAU and thus contradicted the principles referred to with regard to regional organizations. Any approach which failed to observe those principles would further complicate the Implementation Committee's work and would make no constructive contribution towards solving the problem.

58. The countries desirous of peace and harmony in that region of Africa should not exacerbate the situation, but should help to bring about a rapprochement among the countries and peoples there in order to promote the aims and objectives of Africa, the Arab world and the non-aligned movement. In that connection, Algeria itself had on several occasions in United Nations forums, stated that it was one of the parties to the negotiations. For example, the Algerian Government had reaffirmed, in a letter dated November 1975 contained in Security Council document S/11881, that, in addition to Spain, the interested countries were Algeria, Mauritania and Morocco; and at that time, it should be noted, the so-called Polisario Front had not existed. It was significant, too, that OAU and its Implementation Committee had avoided any mention of the Polisario Front and that OAU had unanimously decided, in references to the subject, to delete the expression "the two parties" and substitute the words "the parties involved". As the Algerian Head of State had recently noted, the blood being shed in Western Sahara was that of Algerian, Moroccan and Sahrawri brothers; Algeria should take heed of its leader's words and act accordingly.

59. Mr. FRAMBACH (Observer for the German Democratic Republic) said that the right of peoples to self-determination was one of the compelling fundamental principles of contemporary international law, which encompassed not only the right of peoples to liberation but also their right freely to choose their own path of socio-economic development. The implementation of the right to national, political and economic

self-determination was directly connected with the struggle to overcome colonial and racist exploitation and oppression and to promote democratic international economic relations. The exercise of the right of self-determination through the establishment of an independent State was a basic prerequisite for the granting of human rights. It was not possible to ensure peace, equitable international economic co-operation, and the effective enjoyment of human rights and fundamental freedoms as long as peoples suffered from the outrage of colonialism, racism, facism, foreign rule, aggression or foreign intervention.

60. A crucial part of the struggle for the national and social liberation of peoples was the fight against the colonial racist regime in South Africa and for lasting and stable peace in the Middle East, based on the exercise by the Arab people of Palestine of their right of self-determination. The ruling powers in southern Africa were seeking to perpetuate their rule through the brutal application of the racist machinery of oppression and criminal aggression against African States, and were scheming to prevent the Namibian people from exercising their right of self-determination. The racist minority regime must be isolated and the peoples of southern Africa supported in their struggle for self-determination and independence in order to avert the threat to peace in South Africa. His delegation supported United Nations decisions and resolutions calling for mandatory measures against the racist regime, and favoured economic sanctions, a comprehensive arms embargo and the prohibition of all economic, financial and military support for South Africa.

61. His Government was sympathetic to the efforts made by the people of Afghanistan to consolidate the achievements of its 1978 revolution, which had introduced fundamental changes in the country's economic and social systems. The trumped-up campaign against Afghanistan constituted an attempt to prevent the Afghan people from pursuing its chosen path of development. The open intervention in the internal affairs of Afghanistan by the forces of confrontation, super-armament, colonialism and racism served to divert attention from the crucial issues of the prevention of nuclear war, the crimes of genocide against the Palestinian people, the crimes of apartheid and the continuing illegal occupation of Namibia.

62. Turning to the so-called "question of Kampuchea", he said that the time had come to take into account the wishes of the people of Kampuchea by granting that country's seat in the United Nations to the legitimate Government of the People's Republic of Kampuchea. In the interests of peace and stability in South-East Asia, unfounded hostility towards the People's Republic of Kampuchea and other countries of Indo-China must be abandoned, and steps taken to normalize the situation there through constructive dialogue and negotiations between the States of the region. The proposals made by the Conference of Foreign Ministers of Indo-Chinese States in July 1982 provided a realistic basis for that course of action and reflected the continuing efforts of those countries to develop normal relations on the basis of peaceful co-existence. The United Nations would live up to its responsibility if it helped to foster such dialogue and negotiation.

63. The representative of the Federal Republic of Germany had referred at the 7th meeting to what he had termed the right of the German people to free self-determination. As far as the people of the German Democratic Republic were concerned, they had freely decided 33 years earlier to establish a State of their own and were realizing their right of self-determination by building socialism. The persistent repetition of hackneyed claims could not alter that fact. The Minister for Foreign Affairs of the German Democratic Republic, in his statement at the thirty-seventh session of the General Assembly, had stressed the importance of peace and security in Europe and of normal relations between the two German States based on equality of rights and strict respect for each other's sovereignty. The stubborn defence of illusory concepts designed to negate the principle of sovereign equality and the right to self-determination of States Members of the United Nations in no way benefited the harmonious co-existence of the European States.

64. Mr. MASUKU (Observer, Pan-Africanist Congress of Azania) said that the right of self-determination was the most natural and elementary right of any people and included the right to determine political status freely and to pursue economic and cultural development. That principle had not been applied in Azania, whose people was oppressed and dispossessed and repudiated the right of foreigners to rule in its land. The Pan-Africanist Congress of Azania interpreted freedom for Africa to mean the freedom of all peoples, without distinction as to tribe, race, religion or culture. In southern Africa today, all human rights and fundamental freedoms were being infringed by a foreign minority which had created many doctrines and methods in order to deny Africans their birthright. Africans had been stigmatized by the racists as natives and bantus. His people refused to be defined by anyone but themselves, however.

65. The current oppressors in Azania had merely inherited the colonial mantle of the British and were exercising their authority in a most barbaric manner. His people was therefore grateful to the Commission for establishing the Ad Hoc Working Group of Experts on South Africa to study objectively the conditions and nature of oppression in South Africa.

66. Apartheid was a special brand of colonialism: it allowed the white minority to subject the Africans, who constituted 70 per cent of the population in South Africa to political oppression, economic exploitation and social degradation. It was a ferocious brand of colonialism which spared no efforts to rationalize and institutionalize racism. It had facilitated rampant acts of discrimination, the slaughter of school-children, the suppression of workers' movement, harrassment by the police, mass arrests, long prison sentences, death penalties, torture, banishment and the forcible removal of citizens to bantustans.

67. The methods used by the Zionists were similar. Both regimes were racist, but Israel had taught South Africa many fine arts of torture, detention and "hot pursuit" across the borders of neighbouring States. The leaders of the two countries had frequently visited each other, and their arms trade and co-operation in nuclear technology were flourishing. That was why his people felt it could unite with the Palestinian people in order to break the unholy alliance between Israel and South Africa. The victory of armed struggle in Mozambique, Guinea-Bissau and other countries had inspired his people still further: the South African racists were sitting on a volcano. All liberation movements in Africa were resolved to take up arms to overcome the racists, and the international community had a responsibility to give those liberation movements moral and material support.

68. Mr. MAHALLATI (Observer for the Islamic Republic of Iran) said the international community had reached the consensus that there was an urgent need to enhance and preserve the rule of law in international relations. His Government believed that the principle of self-determination was an undeniable right of every nation which must be applied in international relations, irrespective of political or strategic considerations. It had supported and continued to support every nation struggling for independence, and favoured self-determination for Palestine, Namibia, the Western Sahara, Puerto Rico, Afghanistan and all countries which were labouring under the yoke of colonialism.

69. The people and Government of the Islamic Republic of Iran were deeply concerned about the situation in Afghanistan, where 100,000 foreign troops had intervened. That was a serious violation of the principles of sovereignty and non-interference in the internal affairs of a peace-loving State, threatened peace and security in the region by providing a pretext for the United States imperialists to establish military bases, and transformed the Indian Ocean and the Persian Gulf into a zone of tension and conflict. The Iranian people shared with the Afghans a devotion to the cause of freedom and independence, which, together with a long history of fraternity and a common language, religion and cultural heritage, explained the spirit of bilateral assistance between them. An enormous number of Afghan refugees, fleeing the violence and insecurity of their homeland, had sought asylum in Iran. That influx was constantly increasing and had already exceeded 1.5 million. Under the influence of Islamic guidelines, his country's sense of duty and humanitarian concern had led it to welcome those refugees, despite the fact that its resources were already severely strained as a result of an imposed war. It was ironic that the grave situation in Afghanistan was the result of external military intervention executed on the pretext of protecting Afghanistan from outside interference.

70. His country, together with many others, firmly opposed external military intervention and believed that, in international law, an illegality could never be justified. As a Superpower, the Soviet Union was in a position materially and politically to reverse the actions it had committed. His country had established good-neighbourly relations with the Soviet Union and would continue its bilateral co-operation, but it could not conceal its disapproval of the situation in Afghanistan.

71. His delegation vigorously condemned the denial of the right of self-determination to the Namibian people, which reflected United States co-operation with South Africa, the Zionist policy being pursued by Pretoria, and the establishment of a Pretoria-Tel Aviv-Washington axis. All Middle Eastern countries suffered from the same cancer and hoped that some day surgery would restore normalcy to Africa and the Middle East.

72. Referring to the statement by the representative of the Zionist entity, who had called some of his opponents religious fanatics, he said that the Zionist regime had spared no effort to justify its crimes against humanity and had gone so far as to justify the invasion of Lebanon as a duty or commandment set forth in scripture and in scripture commentaries. The sufferings of the Palestinian people placed the Zionists at the top of the list of regimes against whose aggression all freedom-loving people should be fighting.

73. Mr. ALMAGHABY (Yemen) said that the Commission's agenda contained many items that had been discussed in the past, but a new sense of urgency had been lent to the Commission's deliberations of the sad developments in some parts of the world where human rights had been seriously violated. Although the Commission's activities gave cause for hope, the majority of its decisions remained a dead letter. The new and dramatic events of the past year had placed the international community at a crossroads, and it must decide if it would remain an observer or fulfil its responsibilities as defined by the Charter and the Universal Declaration of Human Rights. It must establish rules for the maintenance and furtherance of human rights through the Security Council, the General Assembly and the Commission itself.

74. The Commission's activities covered a wide range of crucial questions. In addition to specific human rights violations, it was discussing the human rights violations committed by the Israeli racists in the Arab territories occupied since 1967. The Israeli regime was using against the Arab people the same methods as the Nazis had used, in violation of all humanitarian values and the principles of international law. Peoples were fighting heroically to free themselves from dependence, occupation and foreign domination, and the international community should renew its call for binding rules so that the world could come closer to the realization of the noble purposes of the Universal Declaration. The International Covenants on Human Rights must be implemented and a struggle waged against fascism, racism and any expansionist ideology which entailed discrimination. Racist ideas based on religious events which had occurred thousands of years were now being used to justify repression in the occupied Arab territories.

75. The South African Administration forced a majority of the population to submit to racial discrimination on the basis of colour, deprived peoples of their rights and authorized the occupation of neighbouring Namibia. The Zionist system was similarly built on the principle of supremacy, which it used to justify the expulsion of the Palestinian people from its homeland, daily and severe violations of human rights, and the tragic invasion of Lebanon. The massive killings during that invasion and the brutal massacres committed at Sabra and Chatila with the encouragement and protection of Israel were reminiscent of the massacres committed by the Nazis during the Second World War, massacres which had been condemned by all peoples of the world.

76. It was not enough to denounce such crimes, however: the provisions of Chapter VII of the Charter must be implemented as a response to the threat to international peace and security represented by those criminal regimes. The peoples of the world had placed high hopes in the Commission's activities and were expecting that the principle of respect for human rights would become part of the world's daily life and of the binding legislation of every country, so that those who infringed that principle could be punished.

77. The CHAIRMAN announced that he had received a message from the President of the Economic and Social Council stating that by its decision 1983/102, adopted by 41 votes to 7, with 3 abstentions, the Council had decided to authorize the Commission to hold 15 extra serviced meetings, without summary records, at the thirty-ninth session.

The meeting rose at 1 p.m.