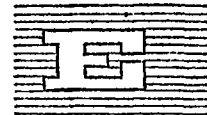


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1983/SR.21.
16 February 1983

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 15 February 1983, at 10 a.m.

Chairman:

Mr. OTUNNU

(Uganda)

CONTENTS

Statement by the Secretary-General of the United Nations

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

The right of peoples to self-determination and its application to peoples under
colonial or alien domination or foreign occupation (continued)

This record is subject to correction.

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

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

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

STATEMENT BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

1. The SECRETARY-GENERAL said that human rights and fundamental freedoms, and the dignity and worth of the human person, were at the core of the philosophy with which the United Nations had been launched and accordingly must always remain at the heart of the policies and strategies pursued within the Organization in its efforts to achieve the ideals of the Charter. Indeed, the peoples in whose name the Charter of the United Nations had been proclaimed had expressed their common determination, at San Francisco, to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. In proclaiming that determination, the peoples and their leaders had been looking to a future in which the human being should be at the centre of a world dedicated to the ideals of freedom and respect for human dignity. The human rights programme of the United Nations was among the Organization's most crucial programmes, for it had to do with the nature of the world society it was hoped to build. In building that society, the human factor must always be the foremost consideration in all areas of endeavour. For that fundamental reason, the Commission was an organ to which he attached very high importance and to which he would always offer his fullest support.
2. It was in that spirit that, shortly after assuming office, he had indicated his intention to redesignate the former Division of Human Rights a Centre for Human Rights and to elevate its head to the rank of Assistant Secretary-General. In making the relevant changes, he had been mindful of requests along similar lines, in the Commission and the General Assembly, which had matched his own view that the human rights sector of the Secretariat should be given the high status and recognition which it deserved. No one could deny the importance of the Division's work over the years. He paid a warm tribute to the staff, whose commitment and devotion he greatly appreciated; he pledged to them his personal support on behalf of the noble cause of human rights.
3. His visit to the Commission came at the conclusion of an extensive tour of several countries in Africa. The tour had reinforced his view that without development there could be no full realization of human rights, whilst development without human rights would be hollow. It was of the utmost importance that the Commission, which had begun to consider the question of the right to development with a view to elaborating a declaration thereon, should pursue its efforts with full vigour.
4. His recent visit to Africa had also strengthened his belief that the international community must intensify its efforts to bring about full respect for the right of each people to self-determination and freedom from any threat of foreign domination, alien control or exploitation, and that the abhorrent practices of racism and racial discrimination such as apartheid must be rooted out. Otherwise, human rights and fundamental freedoms would never flourish.
5. In the efforts of the international community to establish a world of freedom, dignity and rights for the human being, the United Nations had undoubtedly made a historic contribution. Its standard-setting activities, best exemplified perhaps by instruments such as the Universal Declaration of Human Rights and the two International Covenants on Human Rights, were among the landmarks of international co-operation in the post-war period. The continuing activities of the Organization, and of the Commission in particular, to elaborate further standards had consistently

been endorsed by the General Assembly and had received universal recognition, not least from the mass media and public opinion. It was therefore a cause for satisfaction that the Commission was continuing its consideration of standards in such important areas as the rights of the child, the rights of minorities and the abolition of torture. He also believed earnestly that it should be a priority task to secure universal ratification of the International Covenants on Human Rights as early as possible; to encourage their full application nationally and locally; and to pursue the measures of international co-operation provided for under the Covenants with a view to bringing about their universal application in practice. There was also an important world-wide task to be performed in making the work of the United Nations on behalf of human rights better known to people at large and familiarizing them with the provisions of the International Bill of Human Rights. In short, appropriate educational and information activities in that field assumed increasing importance. Co-operation and promotional activities tended to strengthen the Organization; therefore, the promotional activities of the Organization must continue to receive high priority, and its capacity to respond to situations of human rights violations must be developed.

6. The world was still far from conditions of universal respect for fundamental freedoms and the dignity of the human person. Many of the rights set forth in the Universal Declaration remained only distant objectives for vast numbers of human beings, who were denied the right to life, liberty and security of person, the right to a standard of living adequate for health and well-being, including food, clothing, housing and medical care and necessary social services, the right to education and the right to work, the right to equality before the law, the right to freedom of thought, conscience and religion and the right to be free from torture and cruel, inhuman or degrading treatment. Moreover, the current international situation, characterized by a remorseless arms race, tension among nations and continuing economic inequities, created an environment of insecurity which further undermined human rights.

7. In addition, more and more persons were fleeing their homes and countries on account of persecution - a continuing blot on contemporary civilization. In fact, the international community had had to deal recently with many situations of massive exoduses of people stemming directly from the lack of respect for their basic human rights and fundamental freedoms. It gave cause for serious concern when people were uprooted en masse and forced to seek refuge elsewhere. The problem merited continuing attention by the Commission, within the scope of its mandate, and by the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, established by the General Assembly. It was also of the utmost importance to complete work as early as possible on the declaration on the rights of persons not citizens of the country in which they lived. For his part, he would exercise his good offices to the utmost in order to help solve such problems.

8. It was appropriate that the Commission and its Sub-Commission had been giving attention in recent years to human rights during exceptional situations such as states of emergency or states of siege. The question deserved urgent consideration because often, during states of exception, constitutional guarantees for the protection of human rights and fundamental freedoms were eroded, with tragic consequences for the individual. It should be one of the priority issues on the international human rights agenda to strive to ensure that situations of emergency were resorted to only in cases of absolute need and that, if they had to be proclaimed, they should be administered in a manner fully consistent with internationally recognized norms and standards of governmental behaviour in so far as respect for human rights and fundamental freedoms was concerned.

9. It was encouraging that, in the human rights programme of the United Nations in recent years, attention had been given not only to dealing with violations of human rights as they occurred but to providing assistance to Governments, at their request, in strengthening their laws and institutions with a view to restoring respect for human rights, as well as to providing assistance to victims of human rights violations. In that regard, the United Nations Voluntary Fund for Victims of Torture was an example of how practical assistance could be provided to persons who had experienced serious violations of human rights, or to their relatives. He expressed his personal appreciation to those who had already contributed to the Fund, and hoped that further contributions would be forthcoming.

10. It was likewise a source of satisfaction that, at the request of Governments, the United Nations was beginning to provide advisory and expert services in areas where Governments considered that such assistance might be useful in enhancing the promotion and protection of human rights in their respective countries. The services of experts had been provided to the Government of Equatorial Guinea at its request, and similar requests from other Governments, such as those of Uganda and the Central African Republic, were under consideration. Programmes of that type demonstrated that there were indeed fruitful avenues for co-operation between the United Nations and the Governments of Member States with a view to advancing the cause of human rights in the world.

11. He reiterated the United Nations' undertaking to all those denied the exercise of their rights. He would continue, within his sphere of competence, to devote the highest priority to the promotion and protection of human rights throughout the world. He would also ensure that the Centre for Human Rights responded effectively, courageously and impartially to its challenging mandate.

The meeting was suspended at 10.25 a.m. and resumed at 10.40 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1983/L.11 and L.13)

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/L.12, L.14, L.15, L.16, L.17; E/CN.4/1983/4)

12. Mr. SENE (Senegal) introduced draft resolutions E/CN.4/1983/L.11, L.12 and L.13 on behalf of the sponsors, drawing attention to the main points of the respective preambular and operative parts. The sponsors of draft resolution E/CN.4/1983/L.12 wished to revise paragraph 3 by adding the words "for which the responsibility of the Government of Israel has been established" after the word "camps". In addition, paragraph 4 should be divided into the following two separate operative paragraphs:

"4. Resolves that the massacre was an act of genocide;

5. Requests the General Assembly to declare 17 September a day to commemorate the memory of the victims of Sabra and Shatila;"

The subsequent paragraphs should be renumbered accordingly.

13. The situation in the Middle East had long been, like that in southern Africa, a burden on the world's conscience. The Middle East, the cradle of great civilizations and religions, was beset by problems which affected not only

certain races and religions but all civilized mankind and the cause of world peace. Texts such as the draft resolutions just introduced were not put forward lightly; for many years, however, the United Nations had been obliged to condemn Israel's blatant violations of human rights, when the Jewish people had itself experienced great suffering for many centuries. After five Israeli-Arab wars and after deeds such as Israel's invasion of Lebanon and its bombing of the nuclear reactor in Iraq, it might be hoped that the worst of the situation was over. However, the region was at the crossroads between peace and conflagration, and any further delay in ending the Middle East tragedy increased the threat to peace and security. In particular, the Superpowers must no longer regard the region as an area where they vied for influence but recognize that it would always be unsettled as long as the Palestinian people remained stateless. An independent State for the Palestinian people, under its sole legitimate representative, the PLO, was something which the United Nations and the international community should do their utmost to achieve, in order to vindicate the rule of international law and human rights, pursuant to the Charter, and to do justice to a people which had already endured three decades of exile and warfare.

14. It was important to give due consideration to the various peace proposals, such as those put forward by France and Egypt, the United States, the USSR, Saudi Arabia, Tunisia and the League of Arab States, as well as to the Camp David Accords. Doubtless each set of proposals contained points which might appear unacceptable to one party or the other, but they should all be studied carefully, so as not to let slip any opportunity of breaching the current deadlock. The various proposals all took account, to varying degrees, of the realities of the situation in the region and sought to achieve a comprehensive, lasting peace there. Israel itself had a right to exist in peace and security within secure and recognized boundaries; but such peace and security had to prevail in the Middle East as a whole.

15. The situation was currently marked by two important features: the political developments in Israel, reflecting the growing desire for peace and the concern felt in that country about the report recently published on the Sabra and Shatila massacres; and the meeting in Algiers of the PLO National Council, which would doubtless formulate proposals aimed at securing for Palestinians their inalienable right to self-determination and to an independent State wishing to live in peace with the other States of the region. The international community must do its best to accelerate the peace process.

16. Mr. CHIKETA (Zimbabwe), introducing draft resolution E/CN.4/1983/L.14, announced that Panama and Venezuela should be added to the list of sponsors.

17. The following two preambular paragraphs had inadvertently been omitted from the draft resolution and should be inserted after the fourth preambular paragraph:

"Bearing in mind the profound concern of the United Nations, the Organization of African Unity and the movement of non-aligned countries concerning the decolonization of Western Sahara and the right of the people of that Territory to self-determination and independence;

"Considering the relevant resolutions of the General Assembly on the question of Western Sahara and particularly resolution 37/28 of 23 November 1982 and decision 37/411 of 23 November 1982;"

18. The draft resolution was patterned on resolutions of the United Nations, the non-aligned countries and OAU, and was intended as an appeal to the Government of Morocco and the Frente Polisario to stop the fighting and enter into negotiations. The senseless killing in Western Sahara was spreading hatred between brothers and must stop if a settlement was to be reached.

19. Mr. PACE (Secretary of the Commission) drew attention to the fifth preambular paragraph in draft resolution E/CN.4/1983/L.14, where the words "to organize throughout the territory of Western Sahara a general and free referendum on self-determination" should be transposed to the end of the paragraph.

20. Mrs. OGATA (Japan) requested that a decision on draft resolution E/CN.4/1983/L.14 should be deferred until a corrigendum could be issued.

21. Mr. TWESIGYE (Uganda), introducing draft resolution E/CN.4/1983/L.15, said that Pakistan had asked to be added to the list of sponsors.

22. The draft resolution was straightforward and did not differ substantially from previous draft resolutions on the subject adopted by United Nations bodies. The Government of South Africa, however, continued to flout those resolutions and pursue its condemned policies. He drew attention, in particular, to the twelfth preambular paragraph concerning the policy of bantustanization, which, by depriving black South Africans of their citizenship, was intended to perpetuate apartheid.

23. As to paragraph 3, the people of South Africa and the liberation movements of South Africa and Namibia had chosen the path of armed struggle not because they favoured violence but because it was the only option available to them. In that connection, he recalled the position endorsed by OAU, to the effect that, should the apartheid regime agree to peaceful change, the liberation movements would lay down their arms and immediately embark upon the process of negotiation.

24. Knowing that the independence of Namibia was inevitable, South Africa was taking steps to preserve its influence in the Territory. Accordingly, paragraph 4 was intended as a reaffirmation of the indivisibility of the Territory of Namibia, including Walvis Bay.

25. With the aim of dominating the peoples of southern Africa, South Africa had already acquired nuclear technology and was in a position to unleash nuclear war in the region. Paragraph 7 reflected the desire of the sponsors to avert such a catastrophe.

26. Paragraph 11 was concerned with the apartheid regime's efforts to weaken the determination of the front-line States and prevent them from supporting the just cause of the liberation movements. The Commission would be remiss in its duty if it did not once again condemn the acts of aggression and wanton killings carried out by South Africa in various independent African States.

27. The sponsors were confident that the Commission would once again demonstrate its solidarity with the struggling masses of South Africa, Namibia and the front-line States and its determination that freedom, justice and equality should prevail in southern Africa.

28. Mr. MANALO (Philippines) announced that Belgium had become a sponsor of draft resolution E/CN.4/1983/L.16, which was essentially the same as the resolution on the human rights situation in Kampuchea adopted by the Commission at its thirty-eighth session. The draft resolution contained two new features, which did

not, however, materially alter its basic thrust. The preambular part contained a reference to the Democratic Kampuchea Coalition, the formation of which was noted as a positive development. The operative part of the draft resolution included a reference to the violation of humanitarian principles and of the Charter by the occupation forces in Kampuchea, which had attacked refugee encampments, causing heavy casualties and large-scale destruction. Such violations of human rights were deliberate and unlikely to cease unless the situation was kept under close scrutiny.

29. The primary violation of human rights in Kampuchea, referred to in paragraph 3, was the continuing occupation of that country by foreign forces. Paragraph 5 reaffirmed the basic requirements for a comprehensive political solution to the Kampuchean problem. The draft resolution also contained a request to the Secretary-General to intensify his efforts to secure compliance with United Nations resolutions on the subject, and would have the Commission decide to keep the situation under review as a matter of priority.

30. The need for such a resolution was self-evident. Neither the Council nor the international community at large could condone naked aggression on any ground whatsoever. To remain silent in the face of the situation in Kampuchea would be to accept that the legal and political order had reverted to the anarchy and chaos which permitted the mighty to prevail over the weak. As a small country, the Philippines viewed the situation in Kampuchea with concern, and other small countries dreaded the prospect of a world without law. That was also a matter of concern to the strong, since they, too, would be affected by a return to the law of the jungle. He therefore urged all members to support the draft resolution.

31. Mr. HILALY (Pakistan), introducing draft resolution E/CN.4/1983/L.17, said that the draft resolution formed part of the ongoing efforts to end the political crisis in Afghanistan by means of a peaceful settlement. The delegation of the Gambia had indicated its intention to join the original 22 sponsors of the draft resolution.

32. The draft resolution was similar to those adopted by the Commission by an overwhelming majority in 1981 and 1982, and to resolutions adopted by the General Assembly.

33. The preambular part reiterated the principles of the Charter relevant to the situation in Afghanistan and recalled resolutions of the General Assembly, the Commission and the Sub-Commission on the question, and the efforts of the Organization of the Islamic Conference and the non-aligned movement to promote a political solution.

34. In its operative part, the draft resolution reaffirmed the Commission's concern over the denial of the Afghan people's right of self-determination and called for a withdrawal of foreign troops and a political settlement which would respect the independence, sovereignty, territorial integrity and non-aligned status of Afghanistan, and guarantee strict observance of the principles of non-interference and non-intervention. The draft resolution also acknowledged the constructive role played by the Secretary-General in promoting a political settlement which would allow the refugees to return to their homes in safety and honour. Taking into account the mass exodus of Afghans into Pakistan and Iran, the draft resolution appealed to all relief agencies to extend assistance to them on purely humanitarian grounds.

35. On behalf of his Government, he thanked those Governments, organizations and individuals which had provided assistance to the Afghan refugees, in particular the Office of the United Nations High Commissioner for Refugees.

36. The aim of the draft resolution was to focus attention on the grave situation which still prevailed in Afghanistan, where the principles of the Charter were being violated and international peace and security was permanently threatened. The international community must redouble its efforts to put an end to that intolerable situation and alleviate the plight of the millions of refugees who had been forced to flee Afghanistan following the armed intervention of the Soviet Union.

37. Mr. CHAGULA (United Republic of Tanzania) said that, in view of the various revisions to draft resolution E/CN.4/1983/L.12, his delegation hoped a clear text of the draft resolution would be circulated. When that was done, his delegation wished to have its name deleted from the list of sponsors.

38. The CHAIRMAN said that draft resolution E/CN.4/1983/L.12 would not be reissued since it had merely been revised by its sponsors. However, the Secretariat had taken note of the desire of the delegation of the United Republic of Tanzania to have its name removed from the list of sponsors.

39. He announced that the delegation of the Gambia wished to join the sponsors of draft resolutions E/CN.4/1983/L.11, L.12, L.13, L.16 and L.17. The delegations of the Congo and Czechoslovakia had indicated their desire to co-sponsor draft resolutions E/CN.4/1983/L.11 and L.12. The delegation of the Congo had also become a sponsor of draft resolution E/CN.4/1983/L.13. The delegations of Bangladesh, the Libyan Arab Jamahiriya, Nicaragua, the Syrian Arab Republic and Tunisia should be added to the list of sponsors of draft resolution E/CN.4/1983/L.15, Bangladesh to the list of sponsors of draft resolution E/CN.4/1983/L.16 and Zaire to the list of sponsors of draft resolution E/CN.4/1983/L.17.

40. Mr. SOFFER (Observer for Israel) said that Israel completely rejected draft resolutions E/CN.4/1983/L.11, L.12 and L.13. It was revealing that the majority of States which had sponsored them were themselves implicated in grave human rights violations, as reference to the Amnesty International report 1982 revealed.

41. Draft resolution E/CN.4/1983/L.11 completely disregarded the situation prevailing in the administered territories. The human rights status and standard of living of the inhabitants had improved incomparably since 1967. Israel had introduced practices that went well beyond the requirements of international law and had made available to the population judicial remedies unprecedented in the region's history. Experts in international law had proved that there was no obligation to apply the Fourth Geneva Convention to the administered territories. Nevertheless, since 1967 the Government of Israel had voluntarily applied all the humanitarian provisions of that Convention in those areas as though they were legally binding. Moreover, the territories had always been open to public scrutiny and had been visited by many missions of international organizations, which had reached far different conclusions from those presented in the draft resolutions

before the Commission. Draft resolution E/CN.4/1983/L.11 contended that Israel envisaged a mono-religious Jewish State. Not only was that assertion totally groundless, but it also reflected virulent Nazi ideology. Israel was a multi-ethnic State with two official languages, Hebrew and Arabic, and its law recognized 12 distinct religious denominations.

42. The Commission was not empowered to invoke Chapter VII of the Charter: that was another example of how those hostile to Israel abused the Commission as part of their anti-Semitic warfare. The "Seminar" referred to in the draft had been nothing but a stage for rampant anti-Semitism and its only outcome had been the squandering of valuable United Nations funds. Israel did not execute even the most brutal terrorist murderers, a fact that revealed its respect for humanitarian principles, which was particularly significant when thousands faced summary executions in other countries of the region. Nevertheless, the countries sponsoring the draft resolutions, some of which were guilty of such crimes, described Israel's benevolent practices in the administered territories as "war crimes".

43. Draft resolution E/CN.4/1983/L.12 was based entirely upon historical digressions and falsehoods. The Jewish people had suffered and striven longer than any other to achieve self-determination and to regain sovereignty in the land from which it had been forcibly exiled. The spurious draft attempted to deny it its inalienable right to self-determination and to encourage those who were committed to the violent destruction of the State of Israel. It also condemned the Camp David Accords, which were the only practical framework for the settlement of the Arab-Israeli conflict and provided the Palestinian Arab inhabitants of the administered areas with a unique opportunity to determine their future. Rejection of the Camp David peace process was a blatant contradiction of the fundamental principles of the United Nations. His delegation flatly rejected the amendment to paragraph 3 just read out by the representative of Senegal, which was incompatible with the findings of the Kahane Commission establishing beyond a shadow of a doubt that there had been no Israeli involvement, direct or indirect, in the massacres at Sabra and Shatila. The blindness of the amendment's sponsors to the lesson of democracy which the Israeli system had taught the world was shocking; they were shamefully using a pretext to charge Israel with a responsibility which the Kahane Commission had unequivocally rejected.

44. Draft resolution E/CN.4/1983/L.13 was purely political and bore no relation either to the item under discussion or to the mandate of the Commission on Human Rights. It was intended to serve as a weapon in Syria's continued campaign of belligerency against Israel. No one should forget that when Syria had controlled the Golan Heights, it had incessantly used that territory to launch murderous raids on and artillery bombardments of the civilian population of northern Israel. It was a shameful display of cynicism that Syria purported to champion the cause of human rights for the Golan Druzes, who enjoyed fundamental freedoms far surpassing those of Syria's own citizens. Why did the Commission neglect to focus attention on the horrible human rights violations committed by the Syrian regime?

45. He called on all members of the Commission to desist from lending support to totally warped resolutions which in no way advanced the cause of peace or promoted respect for human rights. The core of the Arab-Israeli conflict continued to be

the stubborn refusal of most Arab States to accept Israel's right to exist. The drafts before the Commission did not come to grips with that central problem or with any of the others inherent in the conflict. Israel had proved its willingness and ability to make peace with its largest Arab neighbour. It was high time for the other Arab countries to forsake the path of war and instead to demonstrate a willingness to negotiate with Israel on the basis of recognition and mutual respect. Only then would a comprehensive and just solution to all aspects of the Arab-Israeli dispute be reached.

46. Draft resolutions E/CN.4/1983/L.11, L.12 and L.13 were not human rights documents but part of an aggressive strategy intended to further the destructive aims of a group of hostile States in the Middle East. They were devoid of any historical, factual or legal basis and served to exacerbate international tension, enmity and conflict rather than to promote peace, understanding and co-operation. The calumnious attacks against Israel contained in them reflected irrational hatred and unmitigated hypocrisy. Their endorsement by members of the Commission would fan the dangerous flames of bellicosity rather than promote moderation, restraint and conciliation. If the Commission was to make a contribution to the relaxation of international tension, it was imperative that it should avoid falling prey to the whims of the anti-human rights contingent, which stopped at nothing to prevent its own heinous crimes from being exposed. Those diversionary tactics should not be allowed to succeed.

47. There was a deplorable discrepancy between the Commission's mandate and the false accusations contained in the draft resolutions. Rather than engage in yet another unwarranted anti-Israeli exercise, the Commission should devote attention to the millions subjected to religious and ethnic persecution, torture and summary mass executions. Selective morality on the part of the Commission in the face of widespread oppression was contemptible. He wondered by what human rights formula the democratic State of Israel was vilified while repressive regimes remained immune from criticism. The draft resolutions were a flagrant violation of the Charter and the Universal Declaration of Human Rights and nothing more than malicious propaganda. He strongly condemned the use of the United Nations to spread such propaganda, as was called for in draft resolution E/CN.4/1983/L.11, and appealed to all fair-minded members of the Commission to refrain from assisting in the Arab political warfare against Israel by rejecting the drafts unequivocally.

48. Mr. KHERAD (Observer for Afghanistan) said that the submission of draft resolution E/CN.4/1983/L.17 constituted a serious violation of the Charter and gross intervention in the internal affairs of a sovereign independent State. His delegation strongly opposed the draft, which took no account of the situation in Afghanistan and indeed falsified it, to the detriment of the legitimate rights and interests of the heroic Afghan people and of peace and stability in the region. Even if the draft resolution was adopted, it would be illegal, void and not binding for the Government of the Democratic Republic of Afghanistan.

49. It was regrettable that the instigators of the draft had grossly distorted the events in and around Afghanistan to camouflage their adventurist plans of aggression in Asia and the Persian Gulf, to increase their military forces in the region and to justify the arms race and their attempts to aggravate tension in the region and in the world. They sought to use the Commission to interfere in Afghanistan's internal affairs, to subject the

heroic Afghan people to new trials and difficulties and to turn it back from the path it had freely chosen. In violation of the Charter, they had arrogated to themselves the right to tell the Afghan people what type of domestic and foreign policy it should follow. That was absurd and inadmissible, and his delegation vigorously rejected it.

50. The country's current democratic political system and Government had emerged from the heroic struggle of the freedom-loving Afghan people against a despotic feudal regime. By wrenching political power away from the medieval despots, exploiters and oppressors who connived with imperialism and reaction, the Afghan people had already made its historic choice. It had chosen, free from any interference or coercion, its own form of government and political and social system. It had chosen a path of fundamental social and economic transformation of the country to benefit the working masses, and no one could contest its sovereign right to do so. No force in the world could require the people to abandon the path that it had chosen freely, and nothing would stop it from following that path. Thus, despite all the difficulties caused by foreign armed incursions, the Government, firmly supported by the majority of the population, was resolved to continue implementing a global programme of economic and social reforms for the proud people of Afghanistan.

51. The draft resolution also referred to "refugees". Many contradictory and hypocritical statements had been made on that subject, and the number of refugees cited by some delegations had been grossly exaggerated. Most people who were categorized as refugees were actually nomads who had always made seasonal transboundary migrations. There were also seasonal workers who had left the country in search of work in neighbouring States long before the April revolution. Furthermore, in recent years many Afghans had returned to their homes, but their names were still on the list of those receiving international assistance. Thus, there were actually far fewer refugees, and they were not a problem: they could return freely to their homes whenever they wished. The Government had announced a general amnesty for all Afghans who were temporarily situated outside the country, and special legislative measures had been adopted to accommodate them. Afghans returning to their country were assured of security, freedom to choose their place of residence and all the necessary conditions for participating in the country's economic and political life. Tens of thousands of refugees had returned to their homes. Still more would have returned if certain artificial obstacles had not been set up by certain neighbouring countries.

52. The temporary presence of limited contingents of Soviet soldiers was designed to assist the Afghan army and people in repelling armed foreign aggression and to protect Afghanistan's sovereignty and territorial integrity from the undeclared war launched against the country under the leadership of the United States. If attempts had not been made to destabilize it through Pakistan, Afghanistan would never have asked for the assistance of Soviet soldiers. As soon as the foreign aggression and other forms of interference came to an end and it was made clear that they would not be renewed, there would be no further need for military assistance and the Soviet contingent would withdraw. Real openings for such a development could be found in the constructive, flexible and realistic proposals made by the Afghan Government, which were a solid basis for a global settlement of the situation and for the normalization of relations with neighbouring countries. Only goodwill and understanding were necessary to resolve the remaining differences. His country was prepared to go half way and to co-operate fully with the Secretary-General's personal representative.

53. Efforts to impose upon the Commission a draft resolution which was lacking in all political realism and anti-Afghan could only complicate the efforts being made to reach an over-all political settlement. Those who were behind such initiatives would bear full responsibility for the growing tension and blood-letting which would result. No realistic or acceptable solution could be produced by the adoption of such a biased draft resolution.

54. Mr. KHOURI (Observer, Palestine Liberation Organization) said that the draft resolutions dealing with the situation in the occupied territories contained some new elements which had been added because of the aggravation of the human rights situation there. The Commission had to take a clear position on Israel's violations of human rights, of which the most serious was its denial of the right of the Palestinian people to self-determination. Such a stance was well within the Commission's mandate and would reinforce the struggle of the Palestinian people and its attempts to establish peace in the Middle East based on the realization of its inalienable rights. Israel was a State based on a fait accompli. It had been created and expanded through military aggression, and the Commission must take steps to end its constant defiance of human rights provisions.

55. Mrs. SIAMOVA (Observer for Czechoslovakia) said that her delegation wished the Commission to adopt resolutions aimed at settling the problems of massive human rights violations, and therefore welcomed draft resolutions E/CN.4/1983/L.11 and L.12, which it had sponsored, as well as draft resolution E/CN.4/1983/L.15, all of which contained just demands for the realization of the right of peoples to self-determination in Palestine, South Africa and Namibia. They reflected the discussion which had taken place on the subjects in the Commission and the views of the vast majority of States and were extremely well-balanced. On the other hand, her delegation was surprised by draft resolutions E/CN.4/1983/L.16 and L.17.

56. No "question of Afghanistan" should figure on the agenda: it had been invented by certain countries, primarily of the West. The solution of problems affecting Afghanistan, which was a peace-loving country that had freed itself from difficult living conditions and was gradually normalizing the situation in its territory, was not the Commission's affair. Negotiations had been initiated between Afghanistan and Pakistan through the Secretary-General's personal representative, and her country, like other socialist countries, welcomed them and was convinced that the draft resolution before the Commission could only hinder the solution of the problems being discussed.

57. Draft resolution E/CN.4/1983/L.16 on the "question of Kampuchea" was unwarranted, since there was no such question. In January 1983, the Kampuchean people had celebrated the fourth anniversary of the creation of the People's Republic of Kampuchea. It was developing in all fields and eliminating the unfortunate legacy of the Pol Pot regime. The draft resolution before the Commission could in no way improve the Kampuchean situation and could only make it worse.

58. In truth, draft resolutions E/CN.4/1983/L.16 and L.17 were merely an attempt to induce the Commission to interfere in the internal affairs of Afghanistan and Kampuchea.

59. Mr. CHOWDHURY (Bangladesh) said that his delegation had co-sponsored draft resolutions E/CN.4/1983/L.11, L.12 and L.13, resolutions which some delegations claimed were not concerned with human rights. He wondered how delegations could make such a claim. The draft resolutions referred at some length to United Nations resolutions, the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and violations of the human rights of the population of the Golan Heights. Thus, they were clearly human rights documents. They reflected neither irrational hatred nor any kind of hypocrisy, and he took great exception to the allegation that they were indicative of a selective morality. To show contempt for draft resolutions which merely cited earlier United Nations resolutions was to show contempt for the United Nations itself.

60. With regard to draft resolutions E/CN.4/1983/L.16 and L.17, his delegation was most disheartened that the crises in Kampuchea and Afghanistan remained unresolved. Everything possible should be done to bring about the withdrawal of all foreign troops from those countries so that their peoples might decide their own destiny without outside interference or intervention. His delegation upheld the principles of self-determination and government by consent for the two countries.

61. Mr. THUONG (Observer for Viet Nam) said that his delegation had co-sponsored draft resolutions E/CN.4/1983/L.11-L.14 and also wished to co-sponsor draft resolution E/CN.4/1983/L.15.

62. Draft resolution E/CN.4/1983/L.16 persisted in the vein of the inappropriate and inoperative resolutions adopted previously by the Commission and the General Assembly with regard to the so-called "situation in Kampuchea" and was based on a false assessment of the present situation in Kampuchea. Thus, the preamble made no reference to the fact that the Kampuchean people had already exercised their right to self-determination in January 1979, nor to the genocide inflicted on that people between 1975 and 1978 by the infamous Pol Pot regime. Nor did it refer to the threat currently posed to the sovereignty and security of the People's Republic of Kampuchea by the subversion and armed intervention launched by the Pol Pot and Beijing cliques with Washington's backing. Fallacious references to so-called foreign intervention and the alleged urgent need for a solution which would provide for the withdrawal of all foreign forces and the right of the Kampuchean people to self-determination abounded in the preamble, which also referred to the so-called International Conference on Kampuchea - an ill-masked attempt by one side to impose its wishes on the other. The preamble also described as a "positive development" the formation of the "Democratic Kampuchea Coalition", which was only a front for intervention by the genocidal Pol Pot clique.

63. There was absolutely nothing useful about the operative paragraphs of the draft resolution. On the contrary, they posed a serious threat to the right of the Kampuchean people to self-determination. They also contained absolutely groundless allegations which could be refuted by any honest observer and by progressive public opinion and could in no way affect peoples proud of their traditions of freedom and humanism and determined to defend their independence and sovereignty.

64. Operative paragraph 5 contained quite absurd demands. He wished to point out that Vietnamese troops were present in Kampuchea by virtue of the Treaty of Friendship between two independent States and for the sole purpose of helping Kampuchea to face up to a genuine outside threat. To demand their withdrawal without first ending that

threat would not be to promote the right of self-determination but rather to encourage attacks against the sovereignty of States and to deprive peoples of their right to self-defence. Similarly, to call for a political solution would not be to help the Kampuchean people to exercise their right of self-determination but rather to impose outside wishes on an independent State, and its people, in violation of all the rules of international law and morality. No State or international body had the right to tell a people how to run its internal affairs. Nor was there any basis for the attempts to use the humanitarian problem of the Kampuchean refugees as a cover for the activities of the Pol Pot-Son Sann and other armed bands in their subversion and sabotage against an independent State.

65. The operative paragraphs of the draft resolution could not be implemented, any more than the documents of the so-called "International Conference on Kampuchea" had been. The People's Republic of Kampuchea had strongly condemned and rejected the resolutions of that Conference, as well as the Ad Hoc Committee set up by it.

66. With regard to operative paragraph 5 (b), if the United Nations had failed to accomplish its mission in Indo-China it was because it continued to side with the enemies of that sub-continent. The peoples of Indo-China could not accept the services of the United Nations in the field of human rights and fundamental freedoms as long as the organization maintained its partial attitude, particularly by allowing those guilty of genocide against the Kampuchean people to usurp Kampuchea's seat in the General Assembly and the Commission.

67. His delegation could find no positive elements in the draft resolution but believed that, even if it was adopted, it would be unable to hinder the rebirth of the Kampuchean people in an independent, sovereign and truly democratic People's Republic of Kampuchea. All it could do was undermine further the prestige of the United Nations and the Commission.

68. His delegation categorically rejected the slanderous allegations made against his country in the draft resolution. As for the position of the People's Republic of Kampuchea, Viet Nam endorsed fully the message of 25 January 1983 addressed by the Minister for Foreign Affairs of Kampuchea to the Chairman of the Commission.

69. The Commission would be making a serious mistake if it adopted operative paragraph 9 of the draft resolution, for the question of Kampuchea should rightly be dealt with by the bodies responsible for maintaining international peace and security. To consider the matter under the item on self-determination at the Commission's fortieth session would be to play into the hands of those who were trying to divert the Commission's attention from its real business, namely such burning issues as Palestine, Namibia, El Salvador and others. His delegation hoped that such diversionary tactics would cease as soon as possible.

70. For all the above reasons, his delegation firmly opposed draft resolution E/CN.4/1983/L.16 and called on those members of the Commission who were truly concerned for the right to self-determination of the Kampuchean people and preferred rebirth to genocide to vote against the draft resolution. Those who still had any doubts should at least abstain.

71. His delegation considered draft resolution E/CN.4/1983/L.17 to be contrary to the right to self-determination and sovereignty of the Democratic Republic of Afghanistan and therefore endorsed fully the statement made by the Afghan delegation on that subject.

72. Mr. SKALLI (Observer for Morocco), referring to draft resolution E/CN.4/1983/L.14, said that his delegation challenged the very principle of a resolution on Western Sahara. The Commission's part in promoting and protecting the right of peoples to self-determination was at an end in the case of Western Sahara, now that Morocco had agreed to the holding of a referendum in the territory. The draft resolution moreover, interfered in a question which had already been the subject of a detailed settlement drawn up by OAU at the highest level. That settlement, to which his country subscribed fully, had been approved unanimously by the General Assembly in its decision 37/411.

73. The draft resolution was also full of contradictions. On the one hand it referred to the decision of the Eighteenth OAU Summit and the decisions of the OAU Implementation Committee, while on the other it sought to modify those decisions by introducing elements which OAU had deliberately omitted. The resolution also directed appeals at Morocco when the latter had agreed to a cease-fire and the referendum. To be credible, such appeals should be addressed to those who were in fact opposing implementation of the OAU decisions.

74. The call for negotiations with the so-called "Frente Polisario" was a new element that did not appear anywhere in the settlement proposed by OAU.

75. Finally, some provisions of the draft resolution, in particular operative paragraph 3, were so inappropriate to the situation that they seemed excessive and totally unrealistic.

76. While reiterating its support for the purposes of the Commission with regard to self-determination, his delegation deeply regretted the inclusion in the draft resolution of elements which were totally foreign to those purposes and clearly politically motivated. Those who, in good faith, had expressed support for the draft resolution should not lend themselves to attempts to postpone the implementation of the OAU settlement, which alone could restore peace and tranquillity to the region.

77. His delegation had no choice but to reject the draft resolution, which it deemed pointless, unrealistic and unjust.

78. Mr. DAOUDY (Observer for the Syrian Arab Republic) said that, in response to the Chairman's appeal that participants confine their comments to the draft resolutions, he would try not to digress or to re-open the general debate on the items in question. The observer for Israel however, had not confined his comments to the draft resolutions and had made a number of comments regarding Syria and certain other participants which could not go unanswered.

79. Draft resolutions E/CN.4/1983/L.11-13 represented the absolute minimum in the light of the situation in the occupied territories and the plight of the Palestinian people. In introducing the draft resolutions, the representative of Senegal had appealed to Israel on humanitarian grounds to end its killings and human rights violations in the occupied territories. The observer for Israel had responded with unprecedented insults, although his country flouted the Charter and the Universal Declaration of Human Rights and interfered in the internal affairs of other countries. The observer for Israel had boasted that the standard of living of the Arab populations of the occupied territories had improved under Israeli occupation.

That was not a new claim but it did not amount to decolonization or independence for the peoples concerned. The observer for Israel had also claimed, in connection with draft resolution E/CN.4/1983/L.11, that both Israel and the occupied territories were open to visits by any commission of inquiry. It was regrettable that the spirit of the Commission should have been violated by such a contention, for it was well known that the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories had never been allowed to visit those territories.

80. The observer for Israel had accused Syria of introducing political elements by referring to the question of the Golan Heights, yet Israel was guilty of unprecedented acts of barbarism against the Arab residents of the Golan Heights.

81. The Israeli authorities resorted to barbarous torture against their opponents in the occupied territories. With regard to the claim that Israel did not kill its opponents, he wished to ask the observer for Israel where were those detainees who had entered Israeli prisons and never left them. The International Commission of Jurists had found that many detainees never left Israeli prisons alive or only did so maimed and handicapped as a result of torture.

82. The observer for Israel had vaunted Israel's "civilization". Did civilization mean aggression against neighbouring countries, the bombing of refugee camps causing untold loss of life, and other atrocities detailed in a book recently published by Jacobo Timmerman? The observer for Israel had talked of Israeli democracy when referring to the massacres at Sabra and Shatila. Fortunately, some Israelis had condemned those massacres, but the observer for Israel was not one of them. He represented the very Government that had perpetrated them and had even kept the main culprit, Ariel Sharon, within its ranks. If the observer for Israel really believed in democracy, he should oppose his own Government's policies.

The meeting rose at 12.55 p.m.