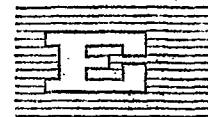


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 7 February 1983, at 3 p.m.

Chairman:

Mr. OTUNNU

(Uganda)

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

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The meeting was called to order at 3.10 p.m.

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; E/CN.4/1983/13; ST/HR/SER.A/14)

1. Mr. TAN KOON SAN (Observer for Malaysia) said that he shared the view expressed by the observer for Indonesia that the question of East Timor did not arise. Recent events had shown that a laudable process of decolonization and national reintegration was taking place. The international community should not question processes of decolonization, but should support them. In the case in question, the reintegration of East Timor, where the people were culturally and ethnically kith and kin of the Indonesian nation, was a natural part of the just struggle waged by Indonesia for national reunification and independence. Hundreds of years previously, with wanton and total disregard for human rights and national and ethnic aspirations, and with no attempt being made to provide the peoples of South-East Asia with any assemblance of self-determination, the colonial Powers entered the region, which they divided amongst themselves indiscriminately. Population groups with similar cultural and ethnic origins were divided by colonial administrative frontiers. Such was the situation in East Timor. By condemning the national reintegration of East Timor with the Indonesian nation, the international community would be condemning all anti-colonial struggles, in particular those of the former Portuguese colonies.

2. Consequently, the Commission would be wrong to debate the issue, as the people of East Timor had, over the past six years, consistently demonstrated their satisfaction with living in independence through reintegration. Any efforts from the outside to impose any other procedure of self-determination on the people of East Timor would constitute flagrant interference in the internal affairs of Indonesia, would infringe the fundamental right of the Indonesian people to determine their own national course and would be detrimental to the interests of the people of East Timor who for some years had enjoyed agreeable political and socio-economic development in the context of Indonesian national development. Accordingly, the Commission should reject entirely draft resolution 1982/20 submitted by the Sub-Commission.

3. Mr. RAJKUMAR (Pax Romana) drew attention to the situation in East Timor, a small island at the eastern extremity of the Sunda chain, with a mixed population of Malays and Melansians. The people of East Timor were heirs to a history of their own and, since the events of 1974, had aspired to the exercise of their right to self-determination. In spite of United Nations resolutions stating what should be done to enable the people to achieve that goal, the situation had been deteriorating. The Commission was answerable for the people of East Timor, as it was for all suffering peoples of the world.

4. While information on East Timor was limited, it had been learned late in 1979 that conditions there were worse than in Biafra and potentially as serious as in Cambodia, with children being the first to suffer from food shortages. The occupation forces, whose offensive of July - September 1981 had been particularly devastating, had carried out movements of population. Suspects were not permitted to move about freely or cultivate the land. The forcible "regroupments" of population had caused food problems, and a part of the population had become dependent on external aid. The population of East Timor had been systematically denied freedom of expression, association, assembly and movement. The cycle of violence must stop so that the people of East Timor could exercise their rights.

5. He endorsed draft resolution 1982/20, as well as the resolutions adopted by the General Assembly at its most recent session (37/42 and 37/43).
6. Mr. SOFFER (Observer for Israel) said that the unrestrained hostility of the statements made by Arab delegations reflected the recalcitrance which characterized the attitude of the Arab camp in denying Israel's right to exist. Despite the fact that they had exercised their right to self-determination in 21 independent States, the Arabs continued to launch wars of aggression against Israel, the only national home of the Jewish people, which was equivalent in area to only four fifths of one per cent of all the Arab countries.
7. The Arab States had spent more than 60 billion dollars on military equipment during the past seven years, but had failed to provide for the welfare of the Palestinian Arab refugees, whom they exploited in their political struggle against Israel, whereas Israel had integrated one million Arabs.
8. It was not by the denial of the right of the Jewish people to self-determination that peace would be achieved in the Middle-East. Just as 50 years earlier, when a notorious politician, whose hate-filled speeches had been considered pure rhetoric, had risen to power in Germany and had eventually plunged the world into war and devastation by implementing his policy of systematic annihilation of the Jewish people, thus Yasser Arafat was currently advocating the liquidation of Zionism and the Jewish State. That goal was attested to in the National Covenant of the PLO, which itself must not be dismissed as pure rhetoric.
9. Ninety per cent of Palestinian Arabs were currently living within the confines of what, until 1922, had been known as Palestine, which currently comprised the States of Israel and Jordan. There was absolutely no room for two States in the narrow strip of land between the River Jordan and the Mediterranean Sea. An artificial State set up in that area would not be viable. Moreover, such a State would serve as a base of operations aimed at the destruction of Israel. Israel would not tolerate the installation of sophisticated weaponry only a few kilometres from its main urban centres.
10. The Camp David accords offered the Palestinians of Judea, Samaria and Gaza real and effective autonomy for the first time in their history. Peace could be achieved in a climate of confidence and co-existence. That was the key to a comprehensive and just solution to the Arab-Israeli conflict. Since its inception, the State of Israel had had one goal - to live in peace with its neighbours. The abandonment of Sinai was proof of the enormous concessions made by Israel in its quest for peace. Yet only Egypt had taken the outstretched hand. Was it not time for the rest of the Arab countries to follow suit?
11. In the light of the statement by the representative of Senegal at an earlier meeting, he wished to issue a personal invitation to the **representative of Senegal** to visit the territories administered by Israel, which regularly received missions sent by international organizations. The representative of Senegal would then discover that he had been incorrect in stating that 60 per cent of the administered territories had been expropriated for Jewish settlement. In fact, less than 5 per cent of that land had been allocated for existing and planned settlements.
12. The mandate, activities and reports of the Special Committee all served to demonstrate its profoundly anti-Israeli bias. The Special Committee was totally lacking in objectivity, and its contentions were entirely groundless. The living

standards and the human rights situation of the inhabitants of the administered territories had improved significantly since 1967. The population enjoyed rights and could avail themselves of judicial remedies as in no other neighbouring country. In its administration, Israel scrupulously adhered to international humanitarian norms.

13. The Fourth Geneva Convention was not applicable to the situation in the administered territories, because Jordan had never been the legitimate sovereign according to international law. However, the requirements of that Convention were strictly observed, as if Israel was bound by them. Proper interpretation of article 49 of that Convention led to the conclusion that, in view of the context in which the Convention had been drafted, Israeli settlements were in compliance with its requirements. There had been neither forcible transfers or displacements of the indigenous population. On the contrary, since 1967, the Palestinian Arab population had increased significantly and under Israel's family reunification programme, almost 50,000 Arabs had been able to return home.

14. The overwhelming majority of Jewish settlements had been established on public and State land. In addition, since 1977, only 0.01 per cent of the land had been expropriated for Jewish settlements. In the exceptional cases where expropriation had been unavoidable, the landlords had been properly compensated. Although Jewish inhabitants in those areas constituted only 3 per cent of the total population, they were condemned for living among Arabs because they were Jews. That overtly racist attitude was no different from that of the Nazis who had attempted to create an area that was free of all Jews.

15. Why should Arabs and Jews not live together? Strong social and economic bonds existed between the 650,000 Israeli Arabs and their Jewish compatriots. Co-existence was an essential ingredient of genuine peace and co-operation.

16. Mr. ZOLLER (Pax Christi International) said that his statement would deal mainly with the effects of the invasion of East Timor by Indonesian forces on 7 December 1975, on the human rights situation in that territory. That invasion had been particularly brutal, and the ensuing war had exacted a high death toll. According to a census carried out by the diocese of Dili in 1974, the population at that time had stood at almost 690,000, spread over an area of 18,990 square kilometres. In October 1978, however, a census carried out by a senior Indonesian official had arrived at a figure of only 329,000. While more than 100,000 persons were known to have left the mountains where they had taken refuge since the census of 1978, some 250,000 Timorese were still unaccounted for.

17. The Indonesian armed forces had perhaps encountered unexpected resistance by FRETILIN, a liberation movement which had proclaimed the independence of the territory on 28 November 1975 and enjoyed very widespread popular support. That would explain the succession of Indonesian offensives which had ended in massacres, summary executions and the destruction of villages. A report by the Australian parliamentary group concerned with foreign affairs dated 1978, had concluded that the forced integration of East Timor in Indonesia was assuming genocidal proportions.

18. The large number of victims could be explained by the strategy employed by the Indonesian military authorities which had attempted to separate the population from the FRETILIN forces through forced displacements, with tens of thousands of people then being placed in strategic villages, which were like vast concentration camps where famine and epidemics were rife.

19. A cry of alarm had been raised at the end of 1978. 1979 had been catastrophic and, at the end of 1982, the situation had been just as disturbing.

20. More than 200,000 Timorese, almost a third of the population, had already paid for the invasion of their country by Indonesian forces with their lives. It was high time, therefore, to take further measures to bring the genocide to an end. From a strictly humanitarian point of view, the only way to achieve that goal would be for the Indonesians to leave, since the ravages were caused mainly by the policy of forced integration which had destroyed all local structures. In the short-term, however, the Commission on Human Rights could help to alleviate the suffering, firstly, by requesting the Indonesian Government to agree to allow experts of humanitarian and aid organizations to enter East Timor, secondly by appointing a special rapporteur or entrusting the secretariat with the task of carrying out a study of the human rights situation in East Timor and, thirdly by including the question in the agenda of the fortieth session of the Commission.

21. Mr. SUTRESNA (Observer for Indonesia) said it was unfortunate that Indonesia, which was directly concerned with the so-called question of East Timor, had not been informed that the Sub-Commission on the Prevention of Discrimination and Protection of Minorities had been interested in discussing the question in September 1982. If it had been so informed, the Indonesian Government would have provided the data necessary to enable the Sub-Commission to take a balanced view. In fact, he wondered how such a partial draft resolution (E/CN.4/1983/4, chapter I, section A, VII, page 6) could have been adopted by the Sub-Commission whose members were known for their impartial judgement. The Sub-Commission should not have pronounced itself without hearing the views of all sides, particularly Indonesia.

22. The text of the draft resolution had many flaws. Because of the limited time available, he would simply refer members of the Commission to the note verbale from the Permanent Mission of the Republic of Indonesia (E/CN.4/1983/42) and go very quickly over the draft resolution paragraph by paragraph.

23. The provision contained in paragraph 1, which had been taken from General Assembly resolution 36/50, no longer appeared in the resolution on the question of East Timor adopted by the General Assembly at its last session, for the simple reason that more and more countries recognized the fact that, in 1976, the people of East Timor had already exercised their right to self-determination and independence by requesting integration with Indonesia. The issue of self-determination had been relevant when the people of East Timor had been under the yoke of Portuguese colonialism for some 400 years. At the time of decolonization in 1975, Portugal had favoured a small party against the majority of the population. When the situation had got out of hand, Portugal had chosen to run away from its responsibilities, leaving the territory in chaos, but not before leaving weapons for FRETILIN, thus enabling it to foment civil war. After the defeat of FRETILIN, the people of East Timor had chosen, in exercise of their right to self-determination, to request integration with Indonesia, the country with which they were united by historical and cultural ties, but from which they had been separated during the colonial era. According to General Assembly resolution 1541 (XV), a Non Self-Governing Territory could achieve independence by becoming a separate independent State, by entering into an association with another State, or by integrating with an independent State. However, the text under consideration contained no reference to that resolution, thus prejudicing the right of the people to choose their own form of independence, as recognized by international law and the practice of States. That was certainly an unacceptable diktat to the people of East Timor, and thus sufficient reason to reject the draft resolution.

24. The text of paragraph 2 of the draft resolution was also based on a part of the 1981 General Assembly resolution which no longer appeared in the 1982 version. The people of East Timor, abandoned by the Portuguese colonial Power, had chosen integration with Indonesia, in accordance with the relevant resolutions of the General Assembly, in particular resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). In May 1982, the people of East Timor had participated in the general elections held in Indonesia to choose their own representatives to the national and provincial Houses of Representatives. It was an illusion to think that the people of East Timor would agree to relinquish what they had won, namely independence through integration.

25. With regard to paragraph 3 of the draft resolution, which, again, no longer appeared in the 1982 General Assembly resolution, it should be noted that the process of integration of East Timor into Indonesia had taken place in complete accordance with the relevant United Nations resolutions. Various meetings had been held between the five political parties existing in East Timor, the Portuguese Government and Indonesia. FRETILIN, which had just been established and wanted complete independence for East Timor, had been the only party to boycott those meetings. After the civil war, the four other parties had asked for integration with Indonesia. Still in connection with paragraph 3, which dealt with co-operation with the United Nations, Principle IX (b) of General Assembly resolution 1541 (XV) stated clearly that, regarding the process of decolonization through integration with an independent State, the United Nations could, when it deemed necessary, supervise the process. However, in 1976, the Provisional Government of East Timor and the Indonesian Government had actually invited the United Nations to participate in the process, but in vain. Consequently, once self-determination had culminated in integration, the problem no longer existed. Otherwise, it would mean that the exercise of the right to self-determination by the people of East Timor was considered invalid, which would be unacceptable. Moreover, the people of East Timor had suffered enough violations of human rights and fundamental freedoms in 400 years of Portuguese colonial administration. The return of Portugal as the administering Power was not only legally inappropriate, but also unrealistic and unacceptable, and could only result in new upheavals for the people of East Timor.

26. In paragraph 24 of the draft resolution, the Sub-Commission failed to reveal what was meant by "suffering" and by "situation now prevailing". In reality, the reverse was true, as clearly shown by the reports and conclusions of international agencies and organizations such as UNHCR, UNICEF and ICRC, as well as by members of the diplomatic corps and press correspondents who had visited East Timor. Contrary to what was said by the Sub-Commission, most of them had noted the serious efforts of the Indonesian Government and the East Timor Provincial Government to develop the territory, particularly in the areas of education, public health, public works, housing, agriculture, irrigation and communications. He cited a number of eye-witness accounts which bore out his assertions.

27. With regard to paragraph 5 of the draft resolution, it was difficult to believe that the drafters of the text were unaware that, for years, a number of international agencies and organizations such as UNHCR, UNICEF, ICRC and the Catholic Relief Services had been visiting East Timor and had been doing excellent work there. That indicated insufficient knowledge of the situation, possibly because the Sub-Commission may have omitted to verify the information which it had received,

28. It was obvious that the draft resolution prepared by the Sub-Commission was the result of work which duplicated the function entrusted to the Fourth Committee of the General Assembly. More importantly, the draft had been formulated in haste, without sufficient information on the situation in East Timor, and had probably been drafted without any serious study or discussion, and probably with malicious intent on the part of some people outside the Sub-Commission.

29. The people of East Timor formed part of the people of Indonesia and were engaged on the task of developing their territory within the context of the development programme of Indonesia as a whole. Since integration in 1976, the Indonesian Government had channelled some \$US 225 million into the development of East Timor and, for the fiscal year 1982-1983 the budget for the development of the territory was approximately \$US 83 million.

30. In conclusion, for the reasons which he had explained, his delegation rejected the Sub-Commission's draft resolution and urged the members of the Commission to do the same.

31. Mrs. GRAF (International League for the Rights and Liberation of Peoples), referring to the question of the persistent violation of the right of the Eritrean people to self-determination said that, according to the opinion of the Permanent Peoples' Tribunal at its meeting in Milan in May 1980, the Eritrean question fell within the competence of the United Nations in respect both of the maintenance of international peace and security and of the obligation to ensure observance of the right of peoples to self-determination.

32. In the area of peace-keeping, for more than 20 years Ethiopian military repression had borne down upon the Eritrean national liberation struggle and the prolonged war was ravaging the country, compelling thousands of persons to seek refuge abroad. In 1982, a powerful military offensive had been launched by the Ethiopian Government with the declared aim of eliminating Eritrean resistance. The failure of that offensive confirmed once again the need to find a political solution, which could be valid only if the right of the Eritrean people to self-determination was respected. That right was still being denied them, following the unilateral decision taken by Ethiopia on 14 November 1962 to make Eritrea the fourteenth province of Ethiopia.

33. That violation of the international legal order had created a situation which could only be described as "foreign domination" in the sense of the law applied by the United Nations and of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as had been pointed out by the Permanent Peoples' Tribunal. The Eritrean question could not be reduced to the dimensions of a national minority problem, since the population of Eritrea itself was made up of a wide variety of nationalities who had acquired a common national conscience and had become one people as a result of their resistance against Italian colonization, British administration and Ethiopian occupation. Nor was the struggle of the Eritrean people a secessionist enterprise which would be prejudicial to the territorial integrity and political unity of an existing State, namely Ethiopia. On the contrary, it was the current situation which constituted a violation of the principle of the inviolability of the frontiers inherited from colonization, a fundamental criterion for the stability of the African continent.

34. The conflict in Eritrea could not be considered, therefore, as a civil war or as an internal affair of Ethiopia. It really was a question of international law and should therefore be taken up by the international authorities. It had been for that purpose that, at the thirty-fifth session of the General Assembly in September 1980, the Eritrean liberation movement had submitted a memorandum pointing out the responsibility of the United Nations and calling for action by the international community. If peoples were to exercise their inalienable right to self-determination, concrete solutions must be found. Accordingly, considerable value should be accorded to the proposals contained in the statement by the Eritrean People's Liberation Front (EPLF) of 22 November 1980, to the effect that a referendum should be held in Eritrea under the supervision of an international committee recognized by both parties to the conflict and of the competent international organizations. That presented real possibilities for ensuring the implementation of an inalienable right and paving the way to peace in the region, the stability of frontiers and the recognition of the sovereignty of the Eritrean people.

35. Mr. REINO (Observer for Portugal) said that, as far as his delegation knew, it was the first time that the Commission had been called on to pronounce on the situation of East Timor because it had been presented with a draft resolution adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-fifth session (E/CN.4/1983/4, page 6). That resolution represented an initiative by independent experts who had deemed it necessary and important to draw the attention of the Commission in particular to the situation prevailing in East Timor, with a view to alleviating the suffering of the Timorese people. Portugal was convinced that it was because the people of East Timor had been, and still were being, prevented from exercising their legitimate right to self-determination that the territory currently found itself in such a serious situation.

36. Summarizing his country's position, he said that, firstly, Portugal had no territorial claim over East Timor, its only goal being to ensure that the process of decolonization took place in accordance with international law. Secondly, Portugal had always been guided, and would continue to be guided, by strict observance of the results of any authentic act of self-determination which might take place in East Timor, provided it was recognized by the United Nations. Thirdly, Portugal's action was based on the full acceptance of all resolutions adopted by the Security Council and General Assembly regarding East Timor since 1975. Fourthly, the solution must be found within the framework of a political and legal formula which took account of the true aspirations of the people and could be accepted by the United Nations. Fifth and lastly, in addition to taking its own initiatives, Portugal had the firm intention of supporting all other initiatives which were designed to solve the problem.

37. The right of the people of East Timor to self-determination had been confirmed by successive resolutions of the United Nations Security Council and General Assembly. In addition, at its autumn session in 1982, the Interparliamentary Union had adopted by an overwhelming majority a resolution reaffirming the right of that people to self-determination and condemning the use of force to prevent them exercising it. Since 1974, Portugal had consistently stated that the process of self-determination of territories under its administration should take place by exclusively peaceful means. Consequently, the solution of the problem of East Timor must be based on a process of negotiation and agreement between the parties concerned. In the last resolution adopted by the General Assembly (37/30), of which Portugal had been a sponsor for the first time, the Secretary-General of the United Nations was requested to intervene, a fact that demonstrated that Portugal was in favour of dialogue. Moreover, the Sub-Commission noted in its resolution the diplomatic efforts recently made by the Portuguese Government.



38. Unfortunately, a large proportion of the international community did not accord sufficient attention to the seriousness of the situation in East Timor. Like the Sub-Commission, Portugal was gravely concerned at the suffering and violations of human rights which the people of East Timor had to endure and approved, in particular, of paragraph 2 of the draft resolution adopted by the Sub-Commission. Portugal could not accept interpretations as restrictive as that of Indonesia which, while recognizing that the Commission was competent to deal with human rights questions, at the same time claimed that it was not competent to consider the question of East Timor.

39. The right to self-determination was a fundamental human right, without which peoples could exercise the other rights and freedoms effectively. The denial to the people of East Timor of the exercise of the right to self-determination was the true cause of the many violations of human rights suffered by that people. Those violations, as well as the situation in East Timor, had in effect been condemned repeatedly by the information media, world public opinion and international and non-governmental organizations, including the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/715), the World Council of Churches and Amnesty International.

40. All of those condemnations demonstrated clearly the gravity of the problem of human rights' violations in East Timor, where Indonesia persisted in exerting political, military, social, cultural and religious pressures. The fact that the Commission pronounced on the question in no way constituted interference in the internal affairs of Indonesia. Indeed, according to a number of General Assembly resolutions, international law and, in particular, Article 73 of the Charter, East Timor was a Non-Self-Governing Territory. The extent of the problem of violations of human rights in East Timor fully justified the matter being taken up by the General Assembly and the Commission, which was concerned specifically with human rights. There was nothing irregular, therefore, in the Commission adopting a resolution already referred to in General Assembly resolution 37/30.

41. His delegation hoped that the Commission would adopt the draft resolution on the question of East Timor submitted to it by the Sub-Commission. In that regard, his delegation was guided by concern for human solidarity in respect of the people of East Timor and remained fully prepared to co-operate actively with all parties concerned with finding a solution which genuinely took account of the interests and cultural identity of the people of East Timor.

42. The CHAIRMAN gave the floor to a number of delegations which had asked to exercise their right of reply in connection with the debate on agenda item 9.

43. Mr. BHAGAT (India) noted that the representative of Pakistan had referred to Jammu and Kashmir in his statement on item 9 of the agenda. As the Commission was aware, Jammu and Kashmir formed an integral part of India, and the principle of self-determination could not apply to part of an independent and sovereign State. It was also well known that the right to self-determination had already been exercised in the State of Jammu and Kashmir where the population, like those of the other States had the right to vote frequently and in total freedom. No resolution of the United Nations could therefore apply to that State. The Simla Agreement of 1972 referred to by the representative of Pakistan provided a framework for strengthening and expanding bilateral co-operation between the two countries and resolving their differences by peaceful bilateral negotiations. The Government of India remained committed to the process laid down in the Simla Agreement.

44. Mr. KHERAD (Observer for Afghanistan) said that he wished to reply to a number of delegations who had attempted to prevent the Commission from continuing its debate on the right of peoples to self-determination by directing slanderous and unfounded allegations against Afghanistan in order to mask their dark designs and to increase tension in Asia, the Middle East and elsewhere. Their malicious insinuations formed part of a vast conspiracy led by the United States and its reactionary and hegemonist accomplices against revolutionary Afghanistan.

45. His delegation firmly rejected those mendacious allegations. The events which had taken place in Afghanistan, including the brotherly assistance extended by the Soviet Union at the request of the Democratic Republic of Afghanistan, under a treaty of friendship signed by the two countries in 1978 and in accordance with the Charter of the United Nations, fell entirely within the sphere of internal and bilateral affairs and by no means represented a threat to international peace and security. Since the first days of the April revolution, the Democratic Republic of Afghanistan had had to contend with aggression from outside and with nothing less than an undeclared war set in motion by the United States and its accomplices. If those circles had not attempted to destabilize the Government of Afghanistan, through Pakistan, the Afghan Revolutionary Council would never have requested a contingent of Soviet troops. The temporary presence of that contingent in Afghanistan at the express request of the Government was intended to assist the Afghan army and people in repelling outside attacks and in defending the independence, territorial integrity and sovereignty of Afghanistan. As soon as Afghanistan could dispense with military assistance, the Soviet contingent would withdraw. The Afghan Government had made constructive and realistic proposals in that regard.

46. It was also evident that Afghanistan's relations with the Soviet Union and other peace-loving countries, including the Muslim countries, continued to develop. The Soviet Union had been the first to recognize Afghanistan's independence and to provide it with assistance in a number of areas. The friendship between the two countries was deep-rooted, and their peoples had every reason to set great store by those close links.

47. Afghanistan's resolute march towards true independence, progress, justice and the building of a society without exploitation, the final dispelling of the cherished illusion of the forces of imperialism and reaction that they could control Afghanistan and maintain their interests there represented a tragedy for the current United States Government and for the forces of reaction.

48. The bombardments referred to by a number of representatives were merely yet another false invention and manoeuvre on the part of those circles. On the other hand, no one could dispute the reality of their own cruel aggression against the legitimate Government and the people of Afghanistan, or their interference in Afghanistan's internal affairs. In addition to enormous financial aid, the United States and its accomplices were generously providing arms to counter-revolutionary groups. They did not shrink from using any means to carry out their attacks and continued to use chemical weapons and weapons of mass destruction prohibited by international treaties against the Afghan people, as evidenced by the equipment captured by the Afghan armed forces. The war unleashed by the United States and its accomplices against Afghanistan was a conclusive example of international terrorism and a flagrant violation of the Charter of the United Nations and of the norms governing international relations.

49. It was not the first time that the Commission had been compelled to listen to the odious refrain of hatred and anger on the part of the American Government, which had lost its interests in Afghanistan. Nor was it possible to list all the acts of

aggression and crimes committed by the United States. If necessary, his delegation would present the true facts concerning direct and indirect, clandestine and overt interference by the United States in the affairs of other States.

50. In the course of the same debate, the representative of a non-governmental organization had also made slanderous and groundless allegations against Afghanistan. His delegation deplored the fact that that organization should have designated as its representative an individual who had been an accomplice of every bloodthirsty regime in Afghanistan.

51. The United Kingdom was in the habit of misleading world opinion in order to conceal its foreign policy of aggression. The representative of that country was well aware that the Afghan people were determined to defend their freedom and would not be diverted from the path that they had freely chosen. He would do better to reflect on his own country's experience with regard to acts of aggression and the violation of the right of peoples to self-determination, particularly in Northern Ireland and against a sovereign State of the South Atlantic.

52. Finally, his delegation also advised the representative of China to reflect on the lesson of his country's experience with regard to violence, aggression and subversion in Asia, notably against Viet Nam.

53. Mr. SHIFTER (United States of America) said that it was unnecessary to reply to most of the accusations made against the United States, which were not new. Nevertheless, some of them called for comment.

54. It was easy to blame others for the difficulties which one brought upon oneself. So it was with Nicaragua. In July 1979, a Government of National Reconstruction, supported by a broad coalition of political forces, had taken power after ousting Somoza. That Government had received support from the United States Government, United States private circles, Western Governments and international financial institutions. However, instead of using that assistance to build a democratic society, the new Government had allowed a totalitarian group to develop, so that the situation had deteriorated. Particularly cruel measures had been taken against the Miskito indians, thousands of whom had fled the country. Nicaragua had embarked on a military build-up, to the detriment of its economy and to the point where it represented a threat to neighbouring countries. As a result, tension had continued to increase. Obviously, it was convenient to blame the United States for that situation. His delegation rejected such unfounded accusations. As early as April 1982, the United States Ambassador to the United Nations had had occasion to point out to the Security Council that the United States had assisted the Sandinista Government in gaining power and had supported the economy of Nicaragua. The Ambassador had also reaffirmed that the United States was not in the habit of interfering in the internal affairs of other States or of using force, and that it respected the principle of sovereignty. That did not mean that the United States was not prepared to defend itself or to assist other countries.

55. The representative of the Soviet Union had stated that the United States had been the cause of the situation in Afghanistan and that the Soviet army had been invited in by the Afghan Government. It would be interesting to know whether, in extending that invitation, Prime Minister Amin had also asked to be assassinated. The observer for Afghanistan had stated that the Afghan resistance was using chemical weapons. In so

stating, he was implicitly admitting that chemical weapons were used in Afghanistan, as the United States had repeatedly pointed out. It would be for the Commission to decide whether such weapons were actually being used by the resistance or by the Soviet army.

56. The representative of Poland had taken exception to the United States delegation's remark that the Polish Government had acted under duress when it had dissolved the trade union Solidarity. At an earlier meeting, he had referred to what had become known as the principle of "limited sovereignty", whereby a country which was within the Soviet orbit must not engage in any activities which the Soviet leadership considered contrary to the laws of social development. In the cases of Hungary, Czechoslovakia and Afghanistan, the Soviet Union had also made it quite clear that, if necessary, its army would enforce the application of the laws of social development.

57. According to articles which had appeared in the Soviet press in 1981, by allowing the Polish people to exercise the rights proclaimed in the Universal Declaration of Human Rights, the Polish authorities were violating the laws of social development. It was safe to assume that that point of view was shared by the Soviet and Polish leadership. In case those allusions were not understood, the Soviet Union had organized military exercises close to the Polish border. General Jaruzelski had understood the message clearly and had stepped up repressive measures.

58. The representative of Poland had also said that the United States told other countries what to do. Personally, he sometimes wished that that was actually the case, but unfortunately it was not.

59. Mr. THUONG (Observer for Viet Nam) rejected entirely the tissue of lies and slander uttered by the representative of China in order to heighten tension and to create a diversion. The representative of China had falsely accused Viet Nam of genocide, while omitting to make any mention of the genocide committed by Pol Pot, which he hoped to reimpose. In the view of the representative of China, the people of Kampuchea were represented by gangs of criminals and not by the five million Kampucheans currently participating in the reconstruction of their country.

60. For years, foreign visitors had noted the progress achieved by the valiant Kampuchean people, together with the policy of Viet Nam and the close relationship existing between Vietnamese forces and cadres and the local population and authorities. Who was speaking the truth, the representative of China or these honest observers? The main thing was to determine whether China was actually threatening the countries of Indochina and South-East Asia.

61. China's interference in the three Indochinese countries was not a new development. The reason why China had openly demonstrated its hostility towards Viet Nam in 1975 was because the liberation of South Viet Nam had disrupted plans for a Sino-American agreement concluded in the celebrated Shanghai communiqué, and because China had not forgiven Viet Nam for having an independent foreign policy. It was for that reason that, in April 1978, China had conjured up the so-called "Hoa" affair which was a repetition of the tactics already used in the 1950s and 1960s against Burma and Indonesia. That had been followed by a pincer war against Viet Nam and the current war of attrition against the three countries of Indochina. China still proclaimed itself ready to give Viet Nam a "second lesson", and more than 400,000 of its soldiers were massed on the borders of Viet Nam.

62. In the past four years alone, China had sent 20,000 military advisers to the Kampuchea of Pol Pot. At the beginning of 1979, it had thrown 600,000 troops against North Viet Nam. Those Chinese forces had had to withdraw from Kampuchea and Viet Nam in circumstances known to be very dishonourable. In 1983, Chinese troops were still occupying the Vietnamese archipelago of Hoang Sa, and more than a dozen points along the Chinese-Vietnamese border. Recently, the Vietnamese Government had returned to the Chinese authorities military scouts and spies captured on its territory.

63. The representative of China protested that his country's intentions with regard to the countries of South-East Asia were honourable. According to the Monde diplomatique of February 1983, China had always been present in South-East Asia, which had been a traditional sphere of influence of the Middle Empire. The Chinese still entertained ideas of sovereignty over South-East Asia. Issue No. 24 of the periodical Hérodote contained a Chinese map, republished in 1971, in which the Chinese territories annexed by the imperialists included Indochina, Thailand, Burma and Malaysia. Current Chinese maps showed almost all the maritime area between the countries of South-East Asia as falling within the territorial waters of China. The Far Eastern Economic Review of 3 February 1983 recalled China's military confrontations with India, Viet Nam and Mongolia and its disputes of varying degrees of gravity with South Korea, Japan, Taiwan, Viet Nam and, potentially, Malaysia and the Philippines.

64. Mention could also be made of the use of immigrants of Chinese origin, the manipulation of ethnic minorities, the creation of small pseudo-revolutionary groups, the organization of armed bands, guerrilla activities and coups d'état such as that which had taken place in Indonesia in 1969. What country in the region had not been subjected to such tactics of subversion and destabilization. Had the Chinese Prime Minister recently been able to assure the ASEAN countries that all assistance to organizations owing allegiance to China had been stopped? Judging from the obstinacy with which the Peking authorities kept alive the political corpse of Pol Pot, none of those countries could feel safe from the appearance on its soil, or in a Chinese province, of a self-styled "government in exile" or "people's liberation army". For that reason, the political leaders and public opinion in the countries of South-East Asia were becoming increasingly aware of the reality of the Chinese threat, particularly since China could now modernize its armed forces with the aid of Washington.

65. It was understandable that Chinese propaganda should stress the so-called "Vietnamese threat" to the countries of ASEAN, which it wished to dissociate from the countries of Indochina. Fortunately, it had not succeeded and the two groups of countries had a better understanding of their mutual interests.

66. If China had had no selfish designs on the countries of Indochina, it would have ceased its opposition to the reconstruction of Kampuchea and would agree to resume negotiations with Viet Nam or to open new ones without any preconditions. On the occasion of the spring festival, China could call a halt to all armed activity along the border or order its troops to observe a truce. Those were two modest proposals which would help to reduce tension and to establish a climate of confidence between the two countries. Viet Nam and Indochina had known periods of peaceful co-existence, the longest lasting three centuries. A return to normal relations was therefore quite feasible. Viet Nam was working towards it and could be happy if China associated itself with those efforts.

67. Mr. ZORIN (Union of Soviet Socialist Republics) said that, in his statement on 4 February, the representative of the United States had slandered the Soviet Union and other countries. It was grotesque to state, as the American delegation had done, that the United States respected the principle of non-interference in the internal affairs of other States, while engaging in provocative attacks which must be condemned. The Soviet Republics, including Latvia, Estonia and Lithuania, had determined their own future freely and had united voluntarily. As for the concept of "limited sovereignty" concocted by the American Government, it did not exist. The United States had become a master at interfering in the internal affairs of other countries and hegemony, as was shown by its attitude towards Iran, the Dominican Republic, El Salvador and Chile. It attempted to slander the Soviet Union which was one of the foremost peace-loving and progress-loving countries.

68. The current American Government had launched a veritable crusade against socialism and fabricated falsehoods with regard to the socialist countries. The Soviet Union was engaged in exposing those falsehoods and pillorying their authors as slanderers.

69. When the American delegation had spoken on the situation in the Israeli occupied Arab territories and on the question of the exercise of the right to self-determination, the Commission might have expected to hear some constructive remarks concerning, for example, Palestine, Namibia and other territories. But the representative of the United States had evaded all questions concerning the exercise of the right to self-determination, thus leading to the conclusion either that he had nothing to say on that subject, or that he was perhaps himself opposed to the machinations of his Government. He had said nothing about Israel's use of fragmentation bombs against the Arab population of the occupied territories, the situation in Puerto Rico, Guantanamo and Micronesia, the fact that his Government was attempting to dominate sovereign States by including them in all sorts of spheres, the 1,500 American military bases situated throughout the world, or the Israeli attacks on Lebanon. In January 1983, the United States Government had set up a new central military command covering an area which included 19 sovereign States, without asking the peoples of those States whether they wished to be included in that sphere of military influence. According to the Brookings Institute, the United States had engaged in military intervention 215 times since the end of the Second World War. The new central command would enable it to continue that policy of intervention.

70. The aim of the Commission was precisely to take account of such actions in order to eliminate centres of human rights violations and the vestiges of colonialism, neo-colonialism, racism and hegemonism.

71. Mrs. SLAMOVA (Observer for Czechoslovakia) noted that the United States was concerned with regard to the future of Czechoslovakia. Her delegation had, on a number of occasions, explained to the United States delegation what the situation was in Czechoslovakia, particularly since 1968. The Czechoslovak people were happy to have been liberated from capitalism and did not wish to return to it. Even though, as was well known, the United States was unhappy with that state of affairs, it must accept it. The United States delegation should stop spreading slanders and interfering in the internal affairs of Czechoslovakia. It would be preferable if the United States Government endeavoured to solve its own problems of unemployment, inflation and racial discrimination.

72. Mr. KAMIKA (Observer for Democratic Kampuchea) said that, in mid-1982, the Vietnamese Government, through its puppet in Phnom Penh, had signed a so-called treaty conceding to Viet Nam large portions of Cambodian territorial waters, just prior to the final phase of the Conference on the Law of the Sea, held in Jamaica. The coalition Government of Democratic Kampuchea had published a statement alerting international opinion to any manoeuvre of that kind by the Vietnamese authorities.

73. It was well known that, without the presence of 250,000 Vietnamese soldiers, the puppet regime installed in Phnom Penh would not last one day and that, without formidable Soviet aid (US \$3 million per day), Viet Nam would have been unable to commit its acts of aggression. Moreover, without that aggression, the tragedy of the peoples of that region would not have taken place and peace and stability in that part of the world would not have been threatened as they currently were. Like the people of Afghanistan, the people of Democratic Kampuchea were struggling courageously to win respect for their right to self-determination, which the international community and the Commission continued to defend.

74. Mr. KIS (Observer for Hungary) deplored the fact that the representative of the United States of America had referred to Hungary in connection with item 9. There was no item on the agenda which concerned Hungary, and accordingly no member of the Commission had the right to refer to the internal affairs of that country in any context whatsoever.

75. Mr. OULD-ROUIS (Observer for Algeria), referring to a statement made by the observer for Morocco, said that Algeria, while concerned with the conflict in Western Sahara, since it involved two sister peoples, was being waged on its own borders and threatened the security and stability of the region, was not a party to the conflict itself. The two parties had been clearly identified by the United Nations (resolutions 36/46 and 37/28) as Morocco and the Polisario Front.

76. The Western Sahara conflict was a matter of decolonization, and any attempt at "bilateralization" in order to resolve the situation would be futile. Algeria, for its part, had consistently stated that it had no territorial claim in the region. Its position was based solely on the principles of support for authentic national liberation movements and the defence of the right of peoples to self-determination. A political solution could be achieved only by negotiation between Morocco and the Polisario Front. Algeria remained ready to assist in any contact between the two parties.

77. Mr. SAKER (Observer for the Syrian Arab Republic) said it was astonishing to hear the observer for Israel accuse the Arab States of aggression, when it was his own country which had been the aggressor since 1948. Quite apart from the previous wars, that was clearly the role that Israel had again played in Lebanon. With regard to Israel's attitude towards the Arabs, the Israeli journalist Uri Avneri had stated that since "its establishment, the State of Israel has employed a policy of persecution and oppression against the Arab minority which remained in the country, making every Arab resident realize, in his daily life, that he is no more than a strange unwanted element in the country who suffers from all sorts of oppression". In addition, Mr. Zvi Sheilouh, a leader of the "Ha Tehia" party, had written in 1976: "instead of training Arabs on the illusion and dream of equality, we must tell them in all frankness and honesty that this State is only a Jewish State". The Israeli newspaper Al Hamishmar had stated: "Racial discrimination against Arabs existed all the time, but in recent years a frank discriminatory phenomenon has appeared".

78. Israel had consistently disregarded the resolutions of the United Nations in its policy towards the occupied territories. It endangered international peace by placing itself above other nations and defying them, with the support of the United States of America. As far as the question of the settlements established in the occupied territories was concerned, Israel's attitude was quite clear. If peace was to return to the area, Israel must change its attitude and implement the resolutions of the United Nations by withdrawing from the occupied territories and allowing Palestinians to return to their homes.

79. Mr. BARAKAT (Jordan) recalled that the Israeli delegation had raised a question which concerned the sovereignty of the Hashemite Kingdom of Jordan. In order to remedy the distortion of the facts and the fanciful presentation of history in which that delegation had indulged, he recalled that, before the First World War, Palestine, Transjordan, Syria and Lebanon had formed part of the Ottoman Empire. For example, Haifa in Palestine had come under the Beirut authorities, and Salt in Transjordan and Nablus in Palestine had formed part of the same administrative unit. However, the Zionists had already been attempting to colonize Palestine. In 1918, the United Kingdom and France had occupied the region and had drawn the frontiers of Palestine, Transjordan, Syria and Lebanon. Consequently, the facts put forward by the Israeli delegation were distorted by the Zionist ideology.

80. Since 1967, the United Nations had adopted a series of resolutions calling for the implementation of the Geneva Conventions in the Israeli-occupied territories. Nevertheless, the occupying Power refused to comply and was populating those territories with settlers. Israel claimed to have carried out no transfers of local populations. In that connection, he described the manner in which agricultural towns such as Hebron and Nablus were being progressively encircled by Jewish settlements, established through a process of expropriation which was gradually turning those towns into ghettos. That was just one example of the reality of Israeli settlement.

81. Mr. SENE (Senegal) said that it was regrettable that the observer for Israel should have questioned the impartiality and objectivity of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The delegation of Senegal had already referred to the international instruments and pertinent resolutions on which the Special Committee had based its analysis of the facts and information which it had received, in order to endow its conclusions with a legal foundation. The Special Committee had made many attempts to visit the occupied territories in order to compare the reports and information which it had received with the actual conditions in which the Arab populations lived. However, the Israeli Government had always refused, while granting authorizations to commissions of inquiry of ILO, WHO and UNESCO. Yet the Special Committee was not a large body, since it consisted solely of three jurists, accompanied by a few members of the secretariat of the Centre for Human Rights. It must be presumed that the Israeli authorities had refused because they had something to hide, such as the violations of human rights revealed in the reports of the Special Committee itself.

82. The observer for Israel had recently extended an invitation which if addressed to all members of the Special Committee indicated a change of attitude, but which, on the other hand, would be inopportune if it was simply an invitation to engage in tourism in the occupied territories. Moreover, the Special Committee thanked the Governments of Jordan and Syria which had extended every facility necessary to



ensure the success of its mission. Referring to the statistics provided by the observer for Israel on the land expropriated for the establishment of settlements and on the Jewish population in the occupied territories, he said that the Special Committee would like to verify those data on the spot. He asked the observer for Israel to transmit that specific request to his Government or to reply clearly and unequivocally.

83. Mr. KHOURI (Palestine Liberation Organization) noted that the observer for Israel had denied that the Palestinians had the right to live freely in Palestine and to exercise the right to self-determination there. The position of his Government was that, since there were 21 Arab countries, there would be sufficient room for the Jewish settlers. Israel did not wish to cast doubt on its sovereignty over the territories which it had occupied since 1967, despite the fact that there were hundreds of thousands of Palestinians in those territories. The Palestinians had lived there for centuries. Justice and the law demanded self-determination for that Palestinian population and, in that connection, the acrobatics of Israel would have no influence on the Commission.

The meeting rose at 5.55 p.m.