

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1985/SR.23
28 February 1985

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 20 February 1985, at 10 a.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

CONTENTS

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 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.

GE.85-15361

The meeting was called to order at 10.40 a.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.4/1985/12, 13, 37, 39, 40, 46, 49, 51; E/CN.4/1985/NGO/2, 6, 8, 12, 16, 18;
E/CN.4/1985/L.14, L.15; A/40/116)

1. Mr. ALATAS (Observer for Indonesia) said that the representatives of Pax Romana, Pax Christi International and the International League for the Rights and Liberation of Peoples had again indulged in innuendo and gross distortion of facts concerning East Timor. The familiar litany of wild accusations about torture, detention, wholesale destruction, famine, massacre and genocide had been repeated, and allegations had been made concerning large-scale troop build-ups and military operations, the existence of a so-called manual on torture and the denial of access to East Timor for international humanitarian organizations. The charges were "substantiated" by vague references to reports and testimony, often from completely fictitious or at best questionable sources. Those frantic efforts to paint a horrifying picture of conditions in East Timor were part of a systematic campaign to malign Indonesia and keep alive a non-issue.

2. Pax Christi International had again raised the bogus issue of a discrepancy, by more than 250,000, in the population figures before and after 1975, implying that about one third of the population had either perished or disappeared and insinuating that Indonesia should be held responsible; however, the Indonesian national census of 1980, which had been internationally recognized for its high technical standards and accuracy, indicated that the population decrease had never even been near 100,000, let alone 250,000. It was true that the tragedy which had begun in 1974 had taken a high toll in human lives, especially during the reign of terror unleashed by the Frente Revolucionária de Timor Leste Independente (Fretilin) as it attempted to impose its will on the population by force of arms, but other factors must also be taken into account: the thousands of refugees who had fled to West Timor, many to remain there permanently, and the large numbers of East Timorese and Portuguese nationals who had emigrated to third countries or returned to Portugal under the repatriation and family reunion programme.

3. The representatives of Pax Christi International, Pax Romana and the International League had tried to depict East Timor as a famine-stricken land convulsed in large-scale fighting and, supposedly, hermetically closed. In fact, however, thanks to the diligent efforts of its people and the concerted budgetary support of both the central and provincial Governments, East Timor today was a region of rapidly accelerating economic, political, social and cultural development. Infrastructure, agriculture, public health, education, public housing and communications remained priorities and, from having been a food-deficit area in colonial times, East Timor was now reaching self-sufficiency in rice production. More asphalt roads, bridges, schools, hospitals, health centres, public markets and places of worship had been built in the past eight years than during the entire 400 years of colonial rule. Through daily scheduled flights, improved connections by sea and a nation-wide communications system using Indonesia's satellite, East Timor had also been able to end its perennial isolation. Giant strides had been made in education and public health and Indonesia was proud of its record on freedom of worship and preservation of the cultural heritage of each of its diverse ethnic groups, including the people of East Timor. If the representative of Pax Christi International was looking for drama, he should examine the transformations taking place in East Timor: the marked improvement in the people's welfare and the restoration of their dignity and basic human rights within the Republic of Indonesia. To insinuate, as the representative of Pax Romana had, that Indonesia's efforts were aimed solely at achieving dominance revealed only ignorance and cynicism.

4. The progress he had described could only have been achieved through political stability and greatly improved security. Ex-Fretilin members no longer posed a threat, as they had been reduced to small bands of stragglers engaging in robbery and terrorism. His Government hoped that those last hold-outs would realize the futility of opposing the desire of the overwhelming majority of the East Timorese people for peace and that they would avail themselves of the general amnesty proclaimed in 1977.

5. Due process of law was granted to those apprehended during security operations who were tried for criminal offences in public and civil courts and given legal counsel and interpretation services. As to Pax Romana's fantastic allegations about an enormous military build-up, they were the product of an over-zealous imagination.

6. With regard to the allegations that international humanitarian organizations were being denied access to East Timor, he said that UNICEF, UNHCR, ICRC and the Catholic Relief Services had been operating in East Timor for many years. UNICEF was involved in a special project of basic services for families comprising an integrated nutrition, primary health care and community development programme. Since 1980, the Catholic Relief Services had been running an agricultural development project designed to increase crop production. ICRC was executing various programmes in East Timor, including those on protection, relief, repatriation and family reunion. In 1983 it had suspended part of its protection and relief activities due to a temporary deterioration of security conditions after elements of the Fretilin had perpetrated a massacre against an army engineering unit working on a development project in a remote village, but an understanding had been reached on the resumption of the protection activities and ICRC's programmes for the temporary resettlement centre on Atauro Island had never been interrupted. As to relief assistance on the main island, an agreement had been reached whereby it would be provided by the Indonesian Red Cross and the Provincial Government of East Timor, with ICRC standing by in case of emergency: that arrangement had been made possible by the increased capacity of the Indonesian Government and the Indonesian Red Cross to provide the services and funds required and by the significant progress achieved in the province's development. The agreement had been made by both parties concerned and it was not a unilateral decision: reports about it had often been misleading, and Indonesia's critics wasted no time in capitalizing on that confusion.

7. With regard to allegations that visitors were denied access to East Timor, he said that over the years scores of foreign dignitaries, diplomats, journalists and parliamentary missions had visited the island and their findings had always been widely publicized. The most recent visitors had been officials of the United States Government, the Ambassadors of Canada and New Zealand and the Chargé d'affaires of the United Kingdom stationed in Jakarta, whose comments on what they had seen completely belied the horrifying picture which Indonesia's detractors usually painted. His Government had always been co-operative with other Governments and international organizations which were genuinely concerned for the well-being of the people. Any sovereign Government had the right to decide whom it wished to invite within its borders, however, and individuals or organizations which hurled abuse and unfounded accusations for the sole purpose of obtaining publicity and pursuing their own political objectives would obviously be less than desirable visitors.

8. It was high time for those who clung to myths to accept the fact that decolonization had taken place in East Timor and that its people had opted for independence through integration with Indonesia. Referring to a comment made by the representative of Mozambique, he said that Indonesia's role in East Timor had been to contribute to the process of decolonization by helping to ensure that the democratically expressed will of the majority would not be overruled by the armed terror unilaterally imposed by the ruthless minority forming the Fretilin, who posed as revolutionaries but were in fact collaborating with the colonial Power. The representative of Nicaragua should make a serious attempt to be better informed before using words like "genocide". Those who espoused the lofty principles of democracy based on majority rule must realize that they could not support the obsessions of a small, unrepresentative group of exiled political adventurers and allow a malicious campaign to be waged by elements obviously intent on political rather than humanitarian objectives without doing grave injustice to the real interests of the East Timorese people. The attention that was now being squandered on the non-issue should be redirected to support genuine liberation struggles throughout the world. His Government and people remained unswervingly committed to the real goals of independence and self-determination, the eradication of the last bastions of colonialism and racism and liberation from foreign occupation and domination.

9. Mr FAVILA VIEIRA (Observer for Portugal) said that it was essential to enable the Secretary-General to carry out the mandate conferred upon him in General Assembly resolution 37/30. Portugal was convinced that a solution to the problem of East Timor could be found through consultations, negotiations and dialogue. Nevertheless, documents before the Commission and recent press reports recounted violations of human rights in East Timor, including the use of torture, disappearances, removals and other means of intimidation, to which neither Portugal nor the international community could remain indifferent. His Government shared the concern frequently expressed by government officials, inter alia, of the United States Administration and by Catholic Church figures, notably Pope John Paul II, concerning human rights violations in East Timor and the need to preserve the ethnic, religious and cultural identity of the people. It was also necessary, in his country's view, to ensure freedom of movement within and access to the territory and to end the forced removals of population. The beliefs and values of the East Timorese people must be respected, which implied freedom of worship and of education.

10. Portugal regretted the partial suspension of the activities of humanitarian organizations in East Timor, including ICRC, for lack of the freedom of action needed to provide the necessary assistance. Ever since the suspension, ICRC had been expressing its readiness to provide food and health assistance to the population of the main island, but had yet to receive a positive response. A programme had been carried out on the small island of Atauro, where a large number of East Timorese were being detained or had been resettled: their number had been considerably reduced in recent months, but their fate was still unknown.

11. Although some progress in respect of family reunion and repatriation programmes and protection activities could be observed, it was regrettable that the final stage of the programme of visits to prisoners, which was to involve visits to all places of detention, had been delayed. It was clear that real progress was, unfortunately, far from having been made. The recommendation made by the Sub-commission on Prevention of Discrimination and Protection of Minorities in its

resolution 24 (XXXVII) that the Commission should continue to study carefully the evolution of the human rights situation in East Timor must not be ignored. Although his delegation had taken due note of the statement made by the observer for Indonesia, it felt that the current situation in the territory fully justified the attention which the Commission was devoting to the question.

12. Mr. TABIBI (World Muslim Congress) said that what was happening in Palestine and Afghanistan was contrary to all the basic provisions of the Charter of the United Nations and the accepted principles of international law. The entire world recognized that as long as the provisions of the resolution adopted by the United Nations in 1947, which recommended not only the establishment of Israel but also the creation of an Arab State of Palestine and an international city of Jerusalem, were not implemented there would be no peace in the area. Israel must understand that it would have no future if it continued to live in an ocean of Arab and Muslim hostility. The Israelis should change their policy of hate and adopt one of kindness towards their fellow men. It was known that when Muslims had ruled over the Holy Land, the rights of every citizen, whether Muslim, Jew or Christian, had been protected and their places of worship respected.

13. The entire world was indignant at the Zionist treatment of the Palestinian Arabs, and his organization strongly supported the just struggle of the Palestinian people for self-determination and the emancipation of Arab lands from foreign occupation in accordance with the numerous resolutions of the United Nations.

14. The other great tragedy of Islam was the violation of the fundamental rights of the Afghan people by the aggression of the Soviet Union. Under the pretext of a friendship treaty, lacking any legal value, the Soviet Union, pursuing its traditional policy of expansionism, had invaded Afghanistan. That illegal invasion had been deplored and condemned by the world community, the United Nations General Assembly and the non-aligned movement. The Soviet Union's response to international appeals for the unconditional withdrawal of Soviet troops had been to send reinforcements. Since the invasion, 1 million Afghans had been killed or wounded, their cities destroyed and their historical monuments and farmlands burned. Four and a half million Afghans had fled abroad to escape the atrocities and crimes perpetrated by the occupying Soviet soldiers. The violence, which had included torture, mass executions, rape and civilian massacres, had been painstakingly documented and strongly condemned by independent international humanitarian groups, including Amnesty International, the Red Cross and the People's Tribunal on Afghanistan.

15. The Soviet Union, underestimating the faith and resolve of the Afghan people, had never dreamed that it would have to wage a brutal war for five years. In contemporary history, no liberation war had ever been fought with such great sacrifice and determination as the Afghan war. Never before in Islamic history had a Muslim nation fought alone in the defence of Islam and for Islamic principles and liberty against such a formidable military super-Power. The people of other Islamic countries should not stand by while the Soviets destroyed one of their brother countries. However, his organization commended Pakistan and Iran for their support and hospitality during the present difficult times. The West should bear in mind the fact that Afghanistan constituted a historic invasion route to the Indian sub-continent and the Indian Ocean and that at present it was also the gate to the Gulf, Iran and the energy resources of the Middle East. If it was lost, India, Pakistan and the Indian Ocean as well as the entire Gulf area, its ocean routes, South Asia and the Middle East would also be lost.

16. The non-aligned movement should not forget that Afghanistan was one of the founding members of the movement. The Commission should not believe the statement that the Government of Afghanistan had asked the Soviet Union to save it from foreign intruders; it was common knowledge that there had been no intruders in Afghanistan until the Soviet invasion of that country. The invaders should allow representatives of the Red Cross, foreign journalists, human rights observers and the Rapporteur of the Commission to visit Afghanistan to see for themselves the devastation and flagrant violation of human rights.
17. In conclusion, he pledged on behalf of the World Muslim Congress and all Afghans, that if the Soviet Union agreed to respect the principles contained in the relevant United Nations resolutions and helped to ensure the success of the Organization's efforts to achieve peace, Afghanistan would continue to pursue its traditional policy of peace, non-alignment and friendship towards all Member States.
18. Mr. RAMLAWI (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, thanked all those representatives who had voted in favour of draft resolutions E/CN.4/1985/L.13 and L.16. The adoption of those texts showed that the international community condemned Israel's policies and practices in the occupied territories, including Palestine. The action taken by the Commission would encourage the Palestinian people in its struggle to regain its independence and freedom.
19. In his statement at the previous meeting, the observer for Israel had said, inter alia, that Israel was trying to improve the living conditions of the Arabs in the occupied territories. It was odd, therefore, that the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories continued to be denied access to those territories in order to ascertain the actual situation there. Israel had rejected all the relevant United Nations resolutions, including Security Council resolution 242 (1967).
20. It was clear that Israel was not achieving its aims and was trying to divert the attention of the Commission. The observer for Israel had spoken of peace, but Israel was not acting in the interests of peace by continuing its policy of aggression and annexation. He would like to know whether Israel's concept of peace involved attacks on neighbouring countries and violations on human rights in the occupied territories.
21. The United Nations had specified that the framework for a just peace in the Middle East was linked to the exercise by the Palestinian people of its right to self-determination. Israel deceived the world when it said that it wanted peace on the basis of Security Council resolution 242 (1967), since it had rejected that resolution. Israel continued to occupy the Golan Heights and had annexed part of the occupied territories, including Jerusalem, which it had declared to be its "eternal" and "inseparable" capital.
22. Israel was continuing its military occupation of the Gaza Strip and seeking to change its physical and cultural characteristics.
23. The General Assembly had declared that the Camp David Accords were illegal because they failed to take account of the future of the Palestinian people. The Israeli occupation forces had rejected the elected representatives of the Palestinian people on the West Bank. In accusing the Arabs of engaging in terrorism in their struggle for self-determination and for the liberation of their

territories, Israel was trying to cover up its own record of terrorism. It would be recalled that former Prime Minister Begin had at one time been a terrorist. The United Nations, too, had been a victim of Jewish terrorism when Count Bernadotte had been assassinated. United Nations documents clearly showed the terrorist acts committed by the Zionist State.

24. Mr. KHERAD (Observer for Afghanistan), speaking in exercise of the right of reply, said he did not believe that the statement made by the representative of Pakistan expressing concern about the fate of the so-called Afghan refugees could be convincing, coming as it did from a representative of a country which was playing an active role in the intensification of the undeclared war against Afghanistan and which had transformed its territory into a base for aggression against its neighbour and for attacks by counter-revolutionaries against the peaceful towns and villages of Afghanistan.

25. The slanderous accusations made by the representative of Pakistan that Afghan military aircraft had violated Pakistani air space had no basis in fact and had already been refuted by Afghanistan. Such allegations were usually made on the eve of each session of the General Assembly and of that of the Commission on Human Rights with a view to diverting attention from Pakistan's armed attacks against Afghanistan.

26. During recent months, the Pakistan Armed Forces had subjected Afghan territory to heavy artillery bombing on more than 20 occasions. The Afghan Government had drawn the Pakistani Government's attention to those hostile acts and informed the relevant organs of the United Nations. Those facts showed clearly that it was the aggressor who was pretending to be the victim.

27. The Government of Pakistan was constantly trying to aggravate the situation and to impede the progress of the negotiations. In referring to a "danger from Afghanistan" Pakistan was seeking to acquire ultra-modern weapons for its military arsenal, thus converting its territory into a powder keg which would constitute a threat not only to neighbouring countries but also to the entire region. Pakistan actions contradicted its claims to be seeking a political settlement.

28. His Government, which had for years been sincerely seeking a peaceful solution to the situation, in accordance with the principles of its foreign policy based on peace, expressed its gratitude to the Secretary-General and his representative for their efforts and called on Pakistan to cease its armed interference in its affairs and to enter into direct negotiations with a view to reaching a settlement.

29. The basic elements for such a settlement were contained in the proposals of the Government of Afghanistan of 14 May 1980 and 24 August 1981, which were global in nature and covered all aspects of the situation. The proposals were realistic and flexible, since they provided for the protection of national sovereignty while meeting the interests of all States in the region.

30. The representative of Pakistan, like those of China and some NATO countries, had shed abundant crocodile tears over the so-called Afghan refugees. His Government had already clarified its position with regard to those so-called refugees in its statements which were contained in United Nations documents. His delegation had also provided specific information on the nature, composition and number of those alleged refugees as well as on the general amnesty adopted on 18 June 1981. It had also indicated that thousands of Afghans had returned home in complete security and in conditions enabling them to participate in the country's economic, political and social life. The figures mentioned by the representative of Pakistan had been deliberately inflated in order to obtain more international assistance.

31. At the 19th meeting, the representative of China had made untrue allegations about Afghanistan. The Chinese Government and mass media had conducted a hostile propaganda campaign against his country, in order to obscure the real situation and malign the fraternal assistance provided by the USSR to the Afghan people. The Chinese representative's allegations regarding the bombing of Afghan towns and villages were nothing but a ploy of the forces of imperialism, hegemony and reaction. At the same time, the undeclared war being waged by China and the United States against revolutionary Afghanistan and their assistance to bandits and terrorists were incontestable facts. The actions of the Chinese Government contradicted its declared desire to achieve a political solution to the problems of the area. It was surprising that the limited military presence maintained in Afghanistan by the Soviet Union, which was there in accordance with the principles of the Charter of the United Nations and the treaty of friendship signed between Afghanistan and the USSR in December 1978, should so concern the Chinese representative. The USSR had, at one time, afforded considerable assistance to the Chinese People's Liberation Army and the Soviet contribution to the victory of the Chinese people had once been widely acknowledged. The protests of the Chinese representative were clearly designed to distract world opinion from China's aggressive designs in Asia and other parts of the world.

32. It was most surprising that two non-governmental organizations, namely the World Muslim Congress and Christian Democratic International, should designate as their representatives former lackeys of the feudal ruling class which had prospered at the expense of the Afghan people. Such persons rejected by the Afghan Government and cut off from Afghan life, were in no way fit to represent the interests of the Afghan people. It was unacceptable that non-governmental organizations should engage in political manoeuvres and make such untruthful and absurd allegations.

33. The representative of the United Kingdom had spoken about the right of peoples to self-determination, although violation of the same right formed an integral part of the United Kingdom's foreign policy, particularly in Northern Ireland. The accusations made by the delegations of Bangladesh, the Federal Republic of Germany, Japan and Turkey were dictated by their major ally and did not deserve an answer.

34. Ms. POC (Observer for Democratic Kampuchea), speaking in exercise of the right of reply, said that the statement made by the observer for Viet Nam had once again shown the boundless arrogance of those occupying Kampuchea and their contempt for the Commission and for the whole international community. While Vietnamese troops were ravaging Kampuchea, the Hanoi authorities claimed that the Kampuchean patriots fighting against their aggressive policies were nothing but criminals and rebels. If that were so, it would not have been necessary to send 200,000 Vietnamese troops to Kampuchea with sophisticated weapons supplied by their powerful ally and protector, or to refuse the Kampuchean people a general election under the supervision of the United Nations. The Vietnamese presence in Kampuchea was designed to counter the resistance and guerrilla warfare of the Kampuchean people and to realize the Vietnamese authorities' ambition of making Kampuchea a province of Viet Nam as a first step towards taking over the whole of South-East Asia. The memory of the annexation of Kampuchea Krom (south Kampuchea), now part of Viet Nam, was still vivid in the memory of the Khmers. At a press conference held on 31 January 1985, Prince Sihanouk, President of Democratic Kampuchea, had said that the efforts of the Vietnamese to liquidate the Democratic Kampuchea National Army were doomed to failure. Viet Nam should withdraw its troops unconditionally from Kampuchea and allow the Kampuchean people to run their own affairs.

35. The observer for Viet Nam had said that the Kampuchean problem would resolve itself in 5 to 10 years, by which he had meant that Viet Nam hoped to annex and colonize Kampuchea and present the international community with a fait accompli. However, international pressure and the unity of the Kampuchean people would thwart the aggressors' annexationist designs.

36. The constant references by the observer for Viet Nam to "the three peoples of Indo-China" reflected the neo-colonialist aspirations of Viet Nam in that area. The civilization and ancient culture of the Kampuchean people could not be destroyed so easily. On 10 January 1985, the Association of South East Asian Nations (ASEAN) had issued a declaration stating that Viet Nam must abide by the wishes of the international community and the Kampuchean people and restore Kampuchea's rights as a sovereign, independent and non-aligned nation if it was to emerge from isolation and regain its reputation as a champion of independence and freedom.

37. Despite Viet Nam's claims that the situation in Kampuchea was irreversible, its military, political and diplomatic position there was worsening. Guerrilla campaigns conducted by the Kampuchean people had pinned down the Vietnamese expeditionary force throughout the country. The strategic position of Prek Kdam, 30 km from the capital Phnom Penh, had recently been liberated by Kampuchean forces.

38. The allegations made by the delegations of the USSR and its minions had merely displayed their ability to claim that black was white. The occupation of Afghanistan by the USSR and of Kampuchea by its accredited agent in South-East Asia were crimes against humanity and had been condemned by virtually the entire international community. The only action that would restore the credibility of the USSR and Viet Nam would be a full and unconditional withdrawal of their troops from Afghanistan and Kampuchea.

39. She expressed the gratitude of her delegation to the sponsors of the draft resolution on the situation in Kampuchea (E/CN.4/1985/L.18), and appealed to all Member States to vote for the draft resolution and thereby encourage the struggle of the Kampuchean people for survival.

40. Mr. HARAN (Observer for Israel), speaking in exercise of the right of reply, said that he had asked to speak in order to answer questions raised by some delegations on draft resolutions E/CN.4/1985/L.13 and L.16. However, since those draft resolutions had already been adopted, there was no longer any point in making a statement.

41. Mr. CHAT (Observer for Viet Nam), speaking in exercise of the right of reply, said that the allegations made by the representative of China were a distortion of the real situation and abused the concept of self-determination. Despite his criticisms of Viet Nam, the representative of China had adopted a conciliatory tone towards "one of the super-Powers" when speaking of violations of the right to self-determination in southern Africa and the Middle East, and had said nothing about the explosive situation in Central America.

42. China had encouraged and armed the Pol Pot clique in the period 1975-1979, and was still attempting to reinstate it. China and the United States were instigators of and accessories to the genocide of the Kampuchean people and neither had any legal or ethical basis for speaking of the right to self-determination of the Kampuchean people.

43. The five-point proposal for a peaceful solution to the Kampuchean problem, put forward in January 1985 by the Conference of Foreign Ministers of the three countries of Indo-China, had been favourably received by public opinion in the region and elsewhere in the world, and the Secretary-General of the United Nations had found his recent discussions in Hanoi and Vientiane useful. However, the Chinese Foreign Minister had chosen that moment to assemble numerous heavily armed divisions along the northern frontier of Viet Nam, in some places only 150 km from Viet Nam's capital. That action had been designed to follow the visit to China of a certain military leader and to support the genocidal criminal groups of Khmer reactionaries. Such a wrong-headed and unrealistic policy was doomed to failure.

44. Viet Nam was prepared to conduct a dialogue with China on a basis of equality and mutual respect, confident in the growing support for the just cause of the three peoples of Indo China. No lying allegations could blacken the image of Viet Nam, and they would not help to achieve a generally agreeable political solution. Viet Nam regretted the unacceptable proposals made in the recent declaration by the ASEAN countries, and condemned the efforts of China and local reactionaries to block the dialogue between the countries of the region and the efforts of some Western countries to arrange contacts between Kampuchean exiles and the representative of the People's Republic of Kampuchea to discuss national harmony in the country. However, Viet Nam would continue to work towards a dialogue with the ASEAN countries and consider the proposals of both sides for the peace and stability of Asia, including the Kampuchean problem. Viet Nam had welcomed the declaration made by the Foreign Minister of Malaysia, current President of ASEAN, and the continued work of the Indonesian Foreign Minister, Mr. Kusumaatmadja, as the ASEAN representative.

45. Mr. DHAVERNAS (Observer for Canada), speaking in exercise of the right of reply, said that he wished to answer some points raised in connection with the self-determination of the aboriginal population of Canada. Although Canada considered that international law did not cover the right to self-determination, his country had taken significant steps towards greater autonomy and self-government for the aboriginal peoples within the Canadian federation. An unprecedented constitutional initiative was currently being undertaken to define the right of aboriginal peoples to be included in the Constitution of Canada. The Constitution Act of 1982, including the Canadian Charter of Rights and Freedoms, guaranteed the freedoms of expression, association and religion as well as democratic and legal rights to all Canadian citizens, including the aboriginal peoples. It recognized and affirmed existing aboriginal land treaty rights and provided for a Constitutional Conference of First Ministers, with the participation of aboriginal leaders, to define further aboriginal rights to be safeguarded by the Constitution. Additional constitutional amendments, made in 1984, provided for a political process whereby further constitutional conferences on matters affecting aboriginal peoples could be held before 1987. No constitutional changes affecting aboriginal peoples could be made without prior consultation with their leaders at a constitutional conference. The next First Ministers' Conference on aboriginal constitutional matters, scheduled for April 1985, would deal with matters related to aboriginal self-government, which was the main concern of aboriginal peoples and Governments.

46. However, it was also essential to develop a pragmatic approach to the diversity of circumstances among the aboriginal peoples and to respect international treaties and covenants and the existing distribution of power within the Canadian Federation when considering any new institutions for self-government by the aboriginal peoples.

47. Mr. AHMAD (Observer for Pakistan), speaking in exercise of the right of reply, said that the imaginative allegations made by the observer for Afghanistan in his statements at the 19th meeting and at the current meeting were entirely without foundation. Pakistan had not imposed an economic blockade on the Kabul regime. The Afghan trade route through Pakistan was a traditional facet of Pakistani relations with the Afghan people which transcended any consideration of political gain or economic expediency.
48. The observer for Afghanistan had alleged that Pakistan had set up training camps for Afghan mujahidin and had provided a base for foreign intervention in Afghanistan, in contravention of humanitarian and Islamic principles. In fact, the only camps in Pakistan were refugee camps which sheltered 3 million Afghan citizens who had been driven from their homeland and which had been inspected by numerous international observers.
49. The massive and popular resistance of the Afghan people to foreign domination and to the clique installed by a certain Power was wholly indigenous in character, as was evident from the nature of the struggle being waged by that people within the country. If the resistance fighters had really been exported to Afghanistan from Pakistan, the question arose why the Kabul Government and its allies had not been able to prevent their entry. As to charges that Pakistan had violated humanitarian and Islamic principles in its relations with the Afghan people, the task of providing shelter and refuge to nearly 3 million Afghan refugees constituted an immense burden.
50. Regarding the allegations about the refugee figures, the latter had been computed by United Nations bodies, not by his Government, and could be corroborated by reference to UNHCR and WFP. Moreover, it was absurd for the Kabul regime to claim that the refugees had been forced to flee because of terrorism committed by so-called counter-revolutionary bands organized by Pakistan; they would scarcely be seeking refuge in the land of their persecutors. Also untrue were allegations concerning artillery bombardments by Pakistan; Pakistan had never violated Afghanistan's borders in any way, and would never do so.
51. With regard to proposals for talks aimed at resolving the situation in Afghanistan, he repeated that Pakistan's policy towards Afghanistan was based on principles espoused by the United Nations, the Islamic Congress and the non-aligned movement. Those principles included the immediate, complete withdrawal of foreign troops from Afghanistan, restoration of the latter's political integrity, and respect for the rights of Afghan refugees, including their right to return to their homes. Pakistan fully supported United Nations efforts to achieve a political solution based on those principles - efforts which political recrimination would do nothing to help.
52. Pakistan based its policy towards all neighbouring countries on the desire for peace and prosperity, and it posed no threat to anyone.
53. Mr. GONZALEZ (Observer for El Salvador), speaking in exercise of the right of reply, said he wished to point out to the representative of the Ukrainian SSR that the Government of El Salvador held office legitimately, pursuant to a free election held the previous year in two rounds, on 25 March and 6 May, observed by over 1,000 international journalists and more than 350 political representatives of 40 democratic countries. It did so pursuant to the Salvadorian people's

legitimate exercise of the right of self-determination through secret, direct and equal ballot, demonstrating El Salvador's faith in the democratic system and its rejection of armed force. He agreed with the representative of the Ukrainian SSR that mercenaries were interfering in El Salvador's internal affairs; testimony to such interference was the presence in the Commission of a person of Mexican origin, who fostered opposition to El Salvador's legitimate Government and sought to influence resolutions relating to that country. It was regrettable, although understandable, that the delegation of the Ukrainian SSR should hold mistaken notions about legitimate government; its assertions, and those made by the observers for Afghanistan, the Byelorussian SSR and Czechoslovakia, should be rejected.

54. His Government reiterated its support for the Contadora Group. President Duarte of El Salvador, addressing the General Assembly at its previous session, had said that the Contadora process was the most viable option. He had welcomed genuine regional dialogue, saying that it was up to Central Americans themselves to forge their own destiny, not subordinating their own national traits to the interests and ideologies of foreign Powers or betraying their peoples' will and right to live in peace and freedom. He had acknowledged the positive role of the Contadora countries, which the General Assembly had recognized as a suitable means of solving a conflict which caused distress to all Latin America. He had expressed his readiness to sign, on behalf of his Government, an agreement relating to the Contadora Group's efforts, on the understanding that such an agreement was fair, guaranteed strict observance of the 21 points already accepted by all participants, and ensured suitable inspection and control, including immediate assumption by all parties of the undertaking to end or avoid assistance to terrorist insurgency.

55. The representatives of Colombia, Panama and Venezuela, speaking at the Contadora Group meeting held at Madrid at the end of 1984, had said that the observations of the Costa Rican, Honduran and Salvadorian Governments did not modify, but complemented, the basis of the revised Contadora document, but that Nicaragua had declined to accept. That circumstance, and the cancellation of the meeting due to have been held in Panama on 14 and 15 February 1985 as a result of a problem involving Nicaragua, had shown who in fact was hindering the Contadora process. It was important for the Commission to realize the true situation and not be misled by half-truths and evasions.

56. Mr. SOLEY SOLER (Costa Rica), speaking in exercise of the right of reply, said that the representative of Nicaragua, referring to the suspended Contadora talks, had dared to repeat the charge that Costa Rica had flagrantly and systematically violated the right of asylum.

57. Costa Rica had never done so; nor had it transgressed the declaration of neutrality made by its President. In four years' time Costa Rica would be celebrating 100 years of democracy. Free elections were held every four years; human rights were upheld and promoted; thousands of political refugees had found safe asylum there; and its citizens strove constantly to uphold genuine suffrage. Costa Rica was a democratic platform in a region of all types of totalitarianism. No fair observer could deny that the Costa Rican people was peace-loving and had never shown aggression to anyone; the only conflict on Costa Rican soil had been the repelling of a foreign invasion over 100 years previously. Since 1949 there had been no standing army, and in 1983 the country had declared its perpetual, active, unarmed neutrality.

58. Costa Rica had unwaveringly upheld the principle of non-interference in other nations' internal affairs and the self-determination of peoples. Its policy of peace, neutrality and disarmament did not signify insensitivity to the plight of fellow nations, and it was ready for conciliatory and humanitarian action; it supported any steps by the Contadora Group or other bodies which might bring peace to Central America. It viewed armed forces as no solution to the regions' problems, and deemed genuine economic and technological co-operation essential in overcoming social injustice, poverty and economic underdevelopment.

59. As President Monge of Costa Rica had said, Central America's future would be decided not on the battlefield but on the path of peace; the Costa Rican people, devoted to peace, freedom and justice, would be the chief factor in the region's destiny, giving proof that freedom and democracy could flourish and succeed in the struggle against poverty and underdevelopment. Costa Rica would serve as a platform for all peaceful, conciliatory and humanitarian options.

60. His delegation rejected the Nicaraguan Government's claim concerning the events leading to a serious breach of the right of asylum, especially the claim that the CIA had masterminded the incident involving the Nicaraguan citizen, Mr. Urbina, in order to abort the Contadora process. Nor could Nicaragua's claim to support the Contadora Group's efforts be reconciled with the assertion that the latter would succeed only if the United States Government agreed to resume bilateral talks with Nicaragua and observed the ICJ's ruling; to relate the two would be to belittle the Group's good offices.

61. Costa Rica, long before the existence of international instruments on the subject, had been a country of asylum open, in spite of threats, to all those persecuted for their beliefs. Article 31 of its Constitution stated that the territory of Costa Rica would provide asylum for anyone persecuted on political grounds. Many such persons, including eminent figures in Latin American history, had found asylum in Costa Rica, whose tradition in that field was of the best; indeed, one of the region's foremost contributions to international humanitarian law had been in matters of law and practice relating to the right of asylum. He pointed out that Costa Rica had earlier played host to a number of Nicaragua's current rulers, who had formed the Junta for National Reconstruction while in political asylum at San José.

62. Costa Rica's record of scrupulous observance of human rights for over a century refuted the Nicaraguan delegation's assertions about violations of the right of asylum. It was disturbing to note the readiness of some to distort the truth before the Commission, for their own purposes.

63. On the subject of Mr. Urbina, the Nicaraguan authorities had removed him, on 24 December 1984, from the Embassy of Costa Rica in Managua, where he had enjoyed the status of a political refugee in asylum since 20 August 1984. He had been injured in the incident and admitted to a military hospital under another name. On 10 January 1985 the Costa Rican Government, whose demand, pursuant to the relevant international conventions, for the return of Mr. Urbina and for the requisite apologies had been rejected by Nicaragua, had informed the world that it would take no further part in Contadora Group talks until Mr. Urbina's case had been resolved in compliance with international undertakings to which Nicaragua had subscribed. Costa Rica had also brought the case to the attention of the Organization of American States, which had resolved to inform the Contadora Group. The latter's subsequent efforts had failed to overcome the intransigence shown by that section of the Nicaraguan Government seemingly empowered to settle the matter. Indeed, on 28 January 1985 a military court had sentenced Mr. Urbina to five years' imprisonment.

64. Costa Rica would therefore refrain from taking part in Contadora Group meetings until Mr. Urbina's case had been resolved; it hoped that the Nicaraguan authorities, mindful of their duty to the international community, would heed Costa Rica's demands.
65. The record of Central America's history clearly showed that Costa Rica had had no part in the Central American crisis, although the latter was a part of Costa Rica's problems. His country sincerely hoped that the Contadora process could be speedily resumed and that intransigence would yield to the force of argument. Contrary to what the advocates of unlimited power believed, frank admission of error was ennobling; progress in peaceful negotiation and the Contadora Group's efforts would depend on how Nicaragua behaved.
66. Ms. GROOMS (United States of America), speaking in exercise of the right of reply, said that the United States was not seeking a military solution to its relationship with the Nicaraguan Government; the latter fabricated such notions to divert attention at home and abroad from the problems stemming from the Sandinista's failure to keep the promises they had made to the United Nations, the Organization of American States and, most importantly, their own people.
67. The United States Government had provided an unprecedented amount of aid to the Nicaraguan Government during the first years following the 1979 revolution. However, the pledge that the coalition Government would replace the discredited Somoza dictatorship by new social, political and economic systems based on pluralism, free elections, a mixed economy and observance of human rights had not been honoured. Important sectors of the political opposition had declined to participate in the November 1984 elections because of the Government's failure to ensure a fair and free campaign. Many world and regional leaders shared the United States' view that intimidation by Nicaraguan forces of the opposition parties which had campaigned briefly had made those elections a sham.
68. In addition to political repression and persecution of the minority Miskito Indians and the Catholic Church, that Government had continued in 1984 to support terrorists in El Salvador and elsewhere in the region. Honduras and Costa Rica had protested against Nicaraguan Army incursions and shelling of their territory. The Nicaraguan Government, fighting increasingly against guerrillas which it called "contras" and blamed on outside forces, continued its unpopular, arbitrary and at times forced military conscription; Government troops had recently violated Latin America's tradition of political asylum by seizing a young Nicaraguan who had taken refuge in the Costa Rican Embassy to escape forced military conscription.
69. Nicaragua should cease its military build-up, which had already resulted in an armed force far larger than any other in the region and was destabilizing the latter. It should stop exporting its revolution to its neighbours, respect regional and world traditions of political asylum, and provide the free elections and the guarantee of a free press promised in 1979. If it did so, it would achieve harmony with all its neighbours.
70. The record of events in Grenada was clear. The Grenadian people had from the outset welcomed the arrival of forces from the United States and the Organization of Eastern Caribbean States. From 15 December 1983 the Governor-General had handled the country's affairs, under his constitutional mandate, until the arranging of free elections in December 1984, when a prime minister had been elected. On 15 April 1985 the last of the United States and OECS peace-keeping forces would withdraw from the country, having trained a local police force to take over from them.

The meeting rose at 1 p.m.