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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 8th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 3 February 1989, at 3 p.m.

Chairman:

Mrs. ILIĆ

(Yugoslavia)

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

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1989/2 - E/CN.4/Sub.2/1988/38, E/CN.4/1989/4-6; E/CN.4/1989/NGO/26 and 27; A/43/694, A/43/806)

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.4/1989/13, 14, 49, 52 and 53; A/43/735)

1. Mr. AL-TIKRITI (Iraq) said that since 1967, Israel had been occupying, three territories belonging to Arab States. It had also attacked Iraq in 1981, Lebanon in 1982 and Tunisia in 1985, and was still occupying part of southern Lebanon. When Israel had bombed the Iraqi nuclear reactor - which had been intended for peaceful purposes - the Israeli Minister of Defence, Mr. Ariel Sharon, had declared that Israel's lebensraum extended from southern Africa to Pakistan. That statement reflected Israel's defiance of the international community and its expansionist and aggressive intentions. Israel had annexed Jerusalem and the Golan Heights and had persisted in establishing settlements in the occupied Arab territories, thus changing their demographic character. In spite of condemnation by the United Nations and the international community, Israel committed acts of aggression against holy places.

2. The people and Government of Iraq fully supported the Palestinian people in its just struggle to exercise its right to self-determination in its homeland, Palestine, and called upon the international community to assume its historic responsibility to force Israel to withdraw from all the occupied Arab territories, including Jerusalem, and to abide by all the United Nations resolutions on the subject, failing which the provisions of Chapter VII of the Charter of the United Nations should be applied. His Government supported and would continue to support the intifadah, the heroic uprising that had demonstrated the Palestinian people's attachment to its land and constituted the legitimate exercise by a people of the right to resistance and struggle for self-determination and national liberation.

3. The situation in southern Africa, an area with which Iraq had fraternal ties, was also a matter of concern. The ordeal of the peoples of South Africa and Namibia was similar to that of the Palestinian people, since the two colonialist, racist and expansionist régimes in Palestine and South Africa were historically allied in their defiance of the international community. The policy of apartheid had become institutionalized, and the Pretoria régime was jeopardizing the security of the front-line States, which were still being subjected to repeated acts of aggression by South Africa.

4. His Government believed that the problem of Namibia would be solved through the implementation of Security Council resolution 435 (1978), which called for the independence of Namibia under the leadership of the South West Africa People's Organization. The international community should exert pressure on the South African régime to abandon its abominable policy of apartheid. Iraq supported the struggle of the peoples of Namibia and South Africa under the leadership of the African National Congress and Azania.

5. Mr. RICHTER (German Democratic Republic) said that, although many peoples had gained their independence since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, phenomena such as colonial subjugation and annexationist designs had not entirely disappeared. Many people were still deprived of the right to self-determination and other fundamental human rights. The elimination of oppression in South Africa, Namibian independence, and the right to self-determination of the Palestinian people and of those living in some 20 colonial territories in the Pacific, Indian and Atlantic Oceans, were issues that remained on the agenda.

6. While the prospect of Namibian independence was a cause for optimism, South Africa's racist policy and Israel's occupation of Arab territories continued to provide a potential source of dangerous conflict.

7. With regard to the question of Kampuchea, his delegation had outlined its position before the forty-third session of the General Assembly, indicating that it was more than ever imperative for all the parties concerned to display a readiness for dialogue and to adopt a constructive and realistic attitude. Since then a number of important developments had taken place, such as the consultations between the Vietnamese Foreign Minister and those of the Philippines, Thailand and China, respectively. All of those meetings had been highly significant with regard to the seeking of solutions in the best interests of the Kampuchean people and their neighbours, and as far as the normalization of the situation in South-East Asia in general was concerned.

8. Enjoyment of the right to self-determination implied freedom of choice with regard to political, economic and social development, following the gaining of independence. Attempts by foreign powers to obstruct that choice and to dictate policy, attitude or life-style, were likely to create only tension and conflict, posing a threat to peace and international security.

9. Particularly significant in that connection was the use of mercenaries to violate human rights and to impede the exercise of the right to self-determination. The Commission should denounce that practice as other bodies had done, taking account of the report of the Special Rapporteur on the question of mercenaries and of General Assembly resolution 43/107. The movement towards international détente favoured the achievement of political solutions to armed conflicts and should, therefore, put a permanent end to the use of mercenaries. The draft convention should be concluded as soon as possible, and the use of mercenaries be considered an international crime in the context of the draft code of offences against the peace and security of mankind. Mercenary activities and the support of mercenaries were punishable offences in the German Democratic Republic, for example, and citizens of the Republic were prohibited from enlisting as mercenaries.

10. In international law, the right to self-determination, the principle of non-interference and the guaranteeing of human rights were fundamentally interrelated. States forced by external interference to declare martial law or states of emergency would probably be unable to implement the collective or individual enjoyment of human rights. Any forms of oppression were likely to result in armed conflict, and the economic interdependence of States, involving the incurring of huge debts and enslavement to the international money-lending institutions, would inevitably affect the enjoyment of economic, social and cultural rights. The Commission on Human Rights should, therefore, pay greater attention to those issues and to the interrelationships involved

under the heading of the right to self-determination. Comprehensive solutions and approaches were required, if an unbalanced focusing on individual issues was to be avoided.

11. The German Democratic Republic was open to dialogue and co-operation in the search for just and reasonable solutions in connection with the preserving of international peace and security through disarmament, development and dialogue. It would vigorously support, politically, materially and morally, struggles for national and social liberation, continue to reject any violation of the right to self-determination, and resist colonial oppression and racial discrimination, with a view to the universal enjoyment of human rights.

12. As for the observations made by a representative on the previous day, such remarks were at variance with the realities of contemporary Europe, one of which was the existence of two independent and sovereign German States. The German Democratic Republic's 40 years of existence demonstrated indisputably that its people had indeed freely exercised their right to self-determination and chosen to build a socialist society, a socialist State. He drew attention to the communiqué issued on the occasion of the visit by the Chairman of the Council of State to the Federal Republic of Germany in September 1987, which stated that the two sides had agreed to act on the principle that each State respected the independence and autonomy of the other with regard to its internal and external affairs, and that desire for understanding and realism should be the guideline for constructive co-operation between the two.

13. Mr. PETRONE (United States of America) said that the most blatant denials of the right to self-determination involved areas occupied by foreign troops. In Namibia, the South African occupation was coming to an end, and Cuban troops were finally being withdrawn from Angola. Unfortunately, freedom was distant for the people of neighbouring South Africa; apartheid remained in force, reform was being stalled, and basic human rights were consistently repressed, violated and denied. The international community must continue to demand equal rights for all South Africans, regardless of race, and must speak out in favour of a democratic electoral system, universal franchise, constitutional guarantees of basic individual rights for all and the rule of law. South Africans could and should make those changes promptly and peacefully.

14. Elsewhere in the world, occupying armies were in retreat. If all went well, the complete withdrawal of Soviet forces from Afghanistan would occur within a few days. Only after the end of foreign occupation and the establishment of a truly representative Government would the Afghan people have achieved their right to self-determination. However, the continuing presence of millions of land mines throughout Afghanistan constituted a grave threat to the livelihood and human rights of the Afghan people, and his Government urged the Soviet Union and the Kabul authorities to co-operate with the United Nations in removing them.

15. In Kampuchea, the Vietnamese invasion and long-standing military occupation had led to a mass exodus of refugees and displaced persons. That was a violation of human rights and threatened the survival of the Kampuchean people and its culture. The United States joined the world community in condemning the persistent occurrence of gross and flagrant violations by the Phnom Penh authorities and the occupying Vietnamese forces. Nevertheless, his

delegation's condemnation of current human-rights abuses in Kampuchea in no way lessened its abhorrence of the barbaric excesses of the former Pol Pot régime. It unequivocally condemned the genocidal policies and other human-rights abuses of Pol Pot and his Khmer Rouge followers.

16. In the Baltic, the right to self-determination of the peoples of Estonia, Latvia and Lithuania had been ignored for almost half a century. His Government had noted many positive changes in the Soviet Union, and hoped that that trend would eventually lead to true self-determination for the peoples of the Baltic States. Elsewhere, wherever the right of self-determination had been violated, there was also suffering and death. Peace among nations - and within nations - required that all peoples should be allowed to choose their own form of government, free from coercion or outside interference.

17. Mr. KAMINAGA (Japan) said that the right to self-determination was still being violated in many parts of the world and particularly in southern Africa, Afghanistan and Kampuchea. The Namibian issue continued to be one of the most urgent problems from the point of view of human rights and the right to self-determination. Japan therefore welcomed the fact that the agreement reached among the States concerned on the issue of Angola and Namibia had paved the way for the implementation of Security Council resolution 435 (1978), the termination of South Africa's illegal occupation of Namibia and, ultimately, Namibia's independence. His Government was prepared to participate in the United Nations Transition Assistance Group (UNTAG) based on the Security Council resolution and was ready to make a financial contribution thereto, subject to the approval of the Diet.

18. Apartheid was without doubt the most serious issue confronting the Second Decade to Combat Racism and Racial Discrimination. Long-range educational programmes and public information campaigns aimed at achieving international respect for fundamental freedoms and human rights should be much more emphasized in the implementation of the Programme of Action for the Second Decade. His Government firmly believed that such measures might be greatly conducive to the common goal of eradicating apartheid. It had long contributed to humanitarian and educational assistance to the victims of apartheid in South Africa both through bilateral programmes and through the organizations of the United Nations system and had also been extending assistance for human-resources development in southern Africa.

19. The signing of the Geneva Accords in April 1988 was an historical event in view of the achievement of the long-awaited withdrawal of foreign troops from Afghanistan. Nevertheless, belligerent acts were still continuing, and allegations of torture and ill-treatment of prisoners were still being received. The economic, social and cultural situation of Afghanistan had deteriorated during the years of conflict and had become critical.

20. Violations of human rights had resulted in a mass exodus of almost one quarter of the total population of that country, and it was imperative that steps should be taken as soon as possible to enable those refugees to return to their homeland in safety. In September 1988, Japan had pledged an initial contribution for assistance to Afghan refugees, equivalent to \$60 million, through the Office of the United Nations High Commissioner for Refugees, the World Food Programme and other agencies.

21. Gross and flagrant violations of the human rights of the Kampuchean people had been taking place for nearly a decade. Many Kampucheans, including innocent women and children, had lost their lives, and thousands of others had been forced to flee their homes and seek asylum in Thailand. At the core of the Kampuchean problem lay the fact that the Kampuchean people had been denied their right to self-determination. That problem was not only a destabilizing element in international relations but also a matter of grave humanitarian concern.

22. His Government supported the peace efforts of States and the parties concerned in seeking a comprehensive political settlement for the restoration of peace and democracy in Kampuchea. In that connection, his delegation reiterated its full support for Commission on Human Rights resolution 1988/6, which requested the Secretary-General to monitor developments in Kampuchea and to intensify efforts to bring about the restoration of the fundamental human rights of the Kampuchean people.

23. Mr. VASSILENKO (Ukrainian Soviet Socialist Republic) said that the refusal of certain States to respect the right of peoples to self-determination inevitably gave rise to dangerous hotbeds of tension in the world and resulted in gross violations of human rights and fundamental freedoms.

24. For decades, one of those hotbeds had been southern Africa, and his delegation welcomed with satisfaction the conclusion of an agreement between Angola and Cuba, on the one hand, and the Republic of South Africa, on the other, through the mediation of the United States, regarding a political solution in southern Africa, which would ensure the security of all the States of the region and the implementation of the Namibian people's right to self-determination. Nevertheless, the peoples of southern Africa would be able to exercise their right to self-determination only when the shameful system of apartheid was eliminated, the indigenous population of South Africa regained its rights and all southern Africans were guaranteed democratic rights in accordance with the Universal Declaration of Human Rights and the International Covenants on Human Rights.

25. His delegation was particularly concerned at Israel's gross violations of human rights and fundamental freedoms in the occupied Arab territories, which was undoubtedly a direct consequence of the flagrant violation of the right of peoples to self-determination. As one of the members of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Ukrainian SSR made a useful contribution to the United Nations' efforts to achieve a political solution to the Middle-East conflict and to restore the rights of the Arab people of Palestine. The Palestinian people should not be impeded from exercising their right to self-determination, including the right to choose freely their own form of government and ensure respect for human rights and freedoms in the long-suffering land of Palestine.

26. The right of peoples to self-determination presupposed the responsibility of States to respect that right. One example of the violation of that responsibility was the interference by external Powers in the internal affairs of the Nicaraguan people. Such actions had been censured by the International Court of Justice. His delegation hoped that the peoples of Central America would be able to arrive at a negotiated political settlement of the problems besetting their region.

27. While recognizing the paramount importance of settling regional conflicts in order to ensure a non-violent world and to implement the right to self-determination, the international community should remember the Non-Self-Governing Territories, whose peoples were still deprived of the freedom of choice. His delegation believed that the right of those peoples to self-determination and independence should be ensured in full accordance with the Charter of the United Nations and the Declaration on decolonization.

28. The use of mercenaries had been deemed so dangerous that the General Assembly had declared it a crime against the peace and security of mankind. As a member of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, the Ukrainian SSR made a constructive contribution to the process of creating an international instrument which would bar the use of mercenaries. The events of the not-so-distant past showed that, wherever mercenaries were used as an instrument of aggression and interference, the right to self-determination was flagrantly violated. His delegation wished to thank the Special Rapporteur on the question of the use of mercenaries, Mr. Enrique Bernales Ballesteros of Peru, for the preparation of two reports on that subject (A/43/735 and E/CN.4/1989/14). Such work should be continued.

29. The problem of national self-determination affected all States in one way or another. The problem had an internal and external dimension and affected both the rights of peoples and the rights of each individual. Respect for the right of peoples to self-determination meant respect for freedom of choice and recognition of the reality of diverse forms of social development. At the same time, the exercise of that right presupposed constant progress in perfecting the internal organization of society in a way which would improve the effective observance of human rights. History had shown that genuine progress in preserving civilization and creating conditions for normal life was impossible when the rights and freedoms of the individual and of peoples were infringed.

30. Mr. RIAD (Observer for Egypt) emphasized the importance of 1988 with regard to the Palestinian question. He praised the Palestine Liberation Organization (PLO) for its successful political and diplomatic moves, including the declaration of an independent Palestinian State, which had gained widespread recognition. Furthermore, a number of States had agreed to hold discussions with the PLO, and that organization had accepted the notion of co-existence between the two States and rejected terrorism in all its forms, including State terrorism. A firm basis had thus been created for a just and comprehensive settlement of the Palestinian question.

31. Israel, on the other hand, had persistently pursued its inhumane policies, ignoring both the principles of international law and the provisions of the various United Nations resolutions. Its acts of violent repression had escalated to the extent that the Israeli Minister of Defence had recently instructed soldiers to open fire on Palestinians at any time, using live ammunition or plastic bullets, and without awaiting orders. He had subsequently authorized them to shoot, with intent to kill, at children, and hospitals had been ordered not to treat Palestinians wounded by such bullet fire.

32. Further acts of repression practised on a daily basis included the collective punishment of towns, villages and camps, the demolition of houses and the expulsion of Palestinians from their homeland. Such actions were well documented by various international reports, in particular, that of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/43/694). A recent statement by the International Committee of the Red Cross (ICRC) had attested to the deportation of Palestinians and to the continued violation of article 49 of the Fourth Geneva Convention.

33. No matter how hard it tried, Israel would be unable to put down an uprising which had already claimed 560 lives, including those of 100 children, and resulted in the wounding of 40,000. Its actions were condemned by peace-lovers in Israel itself, particularly the Peace Now movement. There had been protests against the Government's decision to introduce more repressive measures and a poll had shown that a majority of Israelis favoured negotiations with the PLO.

34. PLO had recently rejected proposals by the Israeli Defence Minister to end the uprising in return for general elections in the occupied Arab territories to establish Palestinian self-government. Subsequently, at its forty-third session, the General Assembly had adopted a resolution, referring to the desire to place the occupied Arab territories, including Jerusalem, under the auspices of the United Nations as part of the peace process and to the endeavours that had been made to that end since 1967. General elections should take place, therefore, under the supervision of the United Nations and not that of the occupying authorities.

35. His Government condemned Israel's acts of repression in the occupied Arab territories and called for a halt to its contravention of the rules of international law, especially the International Covenants on Human Rights. It called on Israel to respond to Palestinian initiatives and to recognize the legitimate right of the Palestinian people to self-determination and to the establishment of a Palestinian State. As a Member State, Israel should honour its commitment to the obligations laid down in the Charter of the United Nations, particularly at a time of international détente, when peace prevailed in many parts of the world.

36. The international community should bring pressure to bear on Israel to renounce its policy of organized State terrorism and especially in the case of States friendly to Israel, which had come to adopt a more favourable attitude to the Palestinian question, should urge Israel to implement Security Council resolution 242 (1967), recognizing the right of the Palestinian people to self-determination and to the establishment of an independent State. Furthermore, Israel should agree to the convening of an international peace conference, the only practical means of achieving a just and comprehensive solution.

37. The Commission on Human Rights and all other United Nations bodies should live up to their responsibilities in the face of Israel's continued violation not only of the rules of international law, but of the provisions of all international instruments, bearing in mind that the committing of such acts by a Member State brought the Organization as a whole into disrepute.

38. Mr. HERNDL (Observer for Austria) said that many delegations, including his own, had repeatedly expressed their concern about Israeli practices in the occupied territories and the consequences thereof, urging Israel to put an end to them. Since the beginning of the uprising, however, the situation had deteriorated dramatically. The restrictions imposed since 1985 as part of the "iron-fist" policy, together with the increasing determination of young Palestinians to oppose the arbitrary rules of the occupying authorities, had resulted in the uprising the effects of which had been terrible. Several hundred civilians had been killed and thousands injured. Measures such as collective punishment and administrative detention without charge or trial had been introduced, and economic sanctions imposed. Expulsions had taken place and fundamental freedoms been curtailed.

39. A report prepared by the Secretary-General pursuant to Security Council resolution 605 (1987) contained observations similar to those set out in the the Special Committee's report, which referred to concrete violations of the Fourth Geneva Convention, such as the extension of Israel's legislation, jurisdiction and civil administration to the Golan Heights, the annexation of East Jerusalem and the establishment of colonies of settlers in the occupied territories. The Secretary-General's report also underlined the need for Israel to accept the de jure applicability of the Fourth Geneva Convention and to correct its practices to comply fully with the provisions thereof.

40. His Government had repeatedly made its position clear, expressing great concern with regard to the growing violence in the occupied Arab territories. It had appealed to all sides, but especially Israel, to bring an end to the confrontation, calling upon Israel to liberalize its occupation régime and to refrain from illegal acts such as deportation, the demolition of houses and arrest without warrant. The deportations constituted an infringement of article 49 of the Fourth Geneva Convention, while the breaking of demonstrators' bones and the destruction of property were contrary to the provisions of articles 32 and 53, respectively. Israel alone denied the applicability of that Convention to the occupied Arab territories.

41. Israel would be unable to quell the uprising, which represented a powerful demonstration of Palestinian political will. It could only provoke more violence. Since the underlying problem was a political one, it could be solved only through a political settlement, responding both to the refusal of the Palestinian population to accept a future under Israeli occupation and to Israel's determination to guarantee its security. His Government believed that such a settlement could best be negotiated at an international conference held under the auspices of the United Nations, with the participation of all those concerned. It was optimistic that such a solution would eventually be reached, with due regard for the Palestinians' right to self-determination and of Israel's legitimate security interests.

42. His Government had consistently acknowledged the Palestinians' right to self-determination, including the right to an independent State, and had recognized the PLO as the sole representative of the Palestinian people. Accordingly, it welcomed the decision of the Palestine National Council to proclaim the creation of a Palestinian State. The momentum generated by the Council's meeting at Algiers must not be lost, and the parties concerned, including the PLO, should demonstrate their readiness to talk to each other in

accordance with Security Council resolution 338 (1973). That resolution and resolution 242 (1967) must be observed, together with the rules of international law, if violence and repression were to end in the occupied Arab territories.

43. Mr. ELAMIN (Observer for Sudan) said that the General Assembly, at its forty-third session, had adopted resolutions by which it condemned Israel's continued occupation of Palestine and other Arab territories, called on Israel to withdraw from them and reaffirmed the applicability of the Fourth Geneva Convention to the population of those territories. Israel, however, in ignoring decisions adopted by the Assembly, the Security Council and the Commission as well as appeals by the International Committee of the Red Cross (ICRC), was clearly bent on stepping up its violation of human rights and instituting a systematic policy of occupation, thus contravening the provisions of the Universal Declaration of Human Rights, the International Covenants on Human Rights and all the standards of international law.

44. That grim situation was depicted in the Special Committee's report (A/43/694), particularly in paragraphs 333-580 and 600-606 which recorded oral evidence, and since the Special Committee, though a neutral body, had been prevented from making on-the-spot observations, the actual situation could well have been even worse. As it was, it clearly violated article 1 of the Charter, and the deeds reported constituted war crimes and crimes against humanity. In view of Israel's arrogant persistence in defying international standards and the world community's appeals, it had become imperative to devise a more practical response to the situation in order to restore and uphold the fundamental human rights of people who, unaided and in desperation, were driven to confronting a war machine armed only with stones.

45. With regard to statements made by certain previous speakers on behalf of non-governmental organizations, it was realized that they had been requested to avoid arousing certain horrible memories. After Nürnberg, everyone had thought that the world had seen the last of Nazi-type atrocities and that the post-war world would be governed by the principles adopted by the United Nations. It was astounding, therefore, that those who should have the keenest memories of Nazi methods should themselves be applying them in the occupied territories; the matter was deeply regrettable but could not be condoned or overlooked. The NGOs referred to would be doing the world a greater service if they helped to mobilize international public opinion with a view to alleviating the sufferings in the occupied territories.

46. Mr. AL DAHIRI (Observer for the United Arab Emirates) said that item 9 of the Commission's agenda was of special importance in that it stressed the link between independence and the exercise of all other human rights, including the rights to a homeland and to sovereignty over natural resources as well as the civil, political, economic, social and cultural rights, enshrined in the International Covenants.

47. Israel's policy in the occupied territories, with all the recorded attendant misdeeds, continued to violate the most basic human rights as well as all internationally recognized norms of behaviour. The intifadah of the Palestinian people presented a resounding protest against that denial of fundamental rights. The Special Committee's report (A/43/694) drew attention to the core of Israel's policy in the West Bank, Gaza and Golan Heights. The Special Committee had concluded that the occupation was in itself a violation

of the Palestinians' human rights as well as of the Fourth Geneva Convention. However, the deeds committed by the Israeli occupying forces also constituted war crimes and crimes against humanity.

48. His Government reiterated its support for the intifadah; it welcomed the recent declaration, by the Palestine National Council, of an independent Palestinian State, and again endorsed the call for an international peace conference on the Middle East, with the participation of all the parties concerned, including the PLO.

49. The situation in southern Lebanon, where the Israeli occupying forces continued to deprive people of their human rights, remained of grave concern to the world community and a source of continual crisis. His Government called for international action to remove the threat posed by fragmentation of that country.

50. In South Africa and Namibia, the right of peoples to self-determination was being stifled by institutionalized aggression. His country welcomed the recent tripartite agreement between South Africa, Angola and Cuba as a positive step towards Namibian independence, and reiterated its support for the Namibian and South African peoples and their national liberation movements. It utterly rejected the policy of apartheid; it condemned the collaboration of the racist régimes of Tel Aviv and Pretoria, as a threat to international peace and security, and called on all countries to sever their dealings with them.

51. The Commission's current session was being held at a time when the climate in many parts of the world was more auspicious, in view of the progress made in methods of settling disputes. The United Nations and its Secretary-General had played an effective role in settling a number of complex regional problems, such as the conflict between Iran and Iraq, which had been resolved on the basis of a Security Council resolution. Welcome progress had also been made in Afghanistan, Cyprus, Western Sahara and Kampuchea. The improved climate should be taken advantage of to enhance international co-operation with a view to ushering in a new era of respect for human rights.

52. Mr. MOUKHTAR (Observer, Organization of African Unity) said he welcomed the presence in the Commission of representatives of the freedom fighters of SWAPO, ANC and PAC as well as those of Palestine. The intifadah which had given a new impetus to the freedom struggle of the Palestinian people, was in the process of putting an end to the Israeli occupation of the Arab territories. Yasser Arafat, the PLO leader, had stated in the Palais des Nations that he was prepared to enter into a peace process within the framework of a comprehensive settlement of the Middle East question. Consequently, it was for the Israeli authorities to seize that unique opportunity for a definitive settlement of a human tragedy which had lasted all too long.

53. The OAU had included in its Charter the elimination of racism and colonialism in all its forms as a priority objective and has thus welcomed, through its Secretary-General, the quadripartite agreement as a happy conclusion of the lengthy and heroic struggle of liberation waged by the Namibian people under the leadership of SWAPO and of the resistance by the valiant Angolan people to racist South Africa.

54. Everyone was aware of the inhumane nature of the South African régime, which administered the Namibian territory by defying all elementary standards of law: curfews, state of emergency, arbitrary arrests, torture, murder and terrorism were some of the characteristics of the occupying Power's administrative policy in Namibia. The Pretoria régime had in the territory which it was illegally occupying a military and paramilitary administrative structure which continued to promote discord and civil war amidst the Namibian population.

55. As the OAU Secretary-General had stated, it was most regrettable that the Security Council was currently placing emphasis on the financial aspect of the Namibian independence process, to the detriment of the political objectives assigned to the electoral operations.

56. The United Nations had a direct responsibility to implement the process of the independence of Namibia on the basis of Security Council resolution 435 (1978), which established the politico-administrative machinery for Namibia's accession to independence, and he wished to emphasize the need for the Organization to exercise more caution in connection with the implementation of that resolution. The OAU had expressed its serious concern about the recent recommendations made by the United Nations Secretary-General with a view to reducing the number of military personnel of the United Nations Transition Assistance Group (UNTAG) entrusted with the supervision of the Namibian independence process. In 1978, in fact at the time of the adoption of the resolution, political considerations of the regularity, freedom and credibility of the proposed elections in Namibia had produced the figure of 7,500 persons to supervise those operations, the cost thereof being the logical consequence of the political decision.

57. The OAU thus urged the Secretary-General of the United Nations to pursue his efforts with a view to ensuring that the objectives of the resolution were respected. Otherwise, it was highly likely that Namibia would accede to independence in conditions which were neither free, regular nor democratic.

58. The Secretary-General of his Organization had also warned the permanent members of the Security Council of the need to ensure that the decolonization of Namibia, which had been under the legal responsibility of the United Nations for the last 22 years, did not plunge the young nation into a new period of difficulties, the financial implications of which - for the United Nations and for the international community at large - would be totally incommensurate with the financial effort currently required for the implementation of Security Council resolution 435 (1978).

59. The South African leaders were deeply concerned at the accession of Namibia to independence under the leadership of its sole legitimate representative, SWAPO, because they knew that that event would help to intensify the struggle for liberation of the ANC, PAC and other democratic forces within the territory of South Africa.

60. The OAU did not believe that the diplomatic actions of Pretoria to break out of its isolation and to give apartheid a human image had had any effect on international public opinion. Apartheid could not be reformed. It was an evil that must be eradicated.

61. Mr. EL-HAJJE (Observer for Lebanon), speaking in exercise of the right of reply, said that recent events in the Middle East belied the contention by the Observer for Israel, at the Commission's previous meeting, that Israel respected the Fourth Geneva Convention of 1949; indeed, the actions of Israeli forces in South Lebanon, not to mention those elsewhere, flagrantly violated article 49 of that instrument, to which Israel was a signatory. In the space of one year, the Israeli authorities had expelled some 50 Palestinians from their homeland to Lebanon, and Israel's occupation forces in southern Lebanon continued to expel Lebanese citizens or imprison them in detention camps. Only the previous day four teachers and a headmaster had been expelled, thus depriving children of the right to education enshrined in the UNESCO conventions.

62. The Israeli authorities were also depriving those imprisoned in the detention camps of their rights under the Third and Fourth Geneva Conventions; according to the report by the International Committee of the Red Cross, its representatives had been prevented from visiting the detainees.

63. Mr. GLAIEL (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that the Commission had heard unanimous condemnation of the Zionists' contravention of international law in the occupied territories, and all speakers had confirmed the applicability of the Geneva Conventions to the situation there. However, in his reply, the representative of the Zionist entity had referred, *inter alia*, to the words of the terrorist Shamir, who had questioned the usefulness of an international conference on peace in the Middle East, and indeed the value of the Commission itself. Doubtless such a conference would not serve the Zionists' expansionist policies; and their intransigence came as no surprise to their neighbours, who remembered the killings at Sabra and Chatila and many other deeds committed pursuant to a policy of genocide.

64. That representative was hardly entitled to speak about terrorism when Mossad, his own entity's agency, was implicated in acts of terrorism, including the recent air disaster at Lockerbie. Despite the Zionists' campaign of misinformation, a number of events, including a recent statement by the Jewish Defence League claiming responsibility, the presence of Zionists at the crash site trying to collect debris, a statement by intelligence sources in the Federal Republic of Germany that they possessed a list of names of persons known to have associations with Mossad, and the crisis within Mossad itself after the disaster following a report in The Times the previous week, showed that the Zionists were implicated in that terrorist act. The Syrian Minister of Information had challenged anyone to produce evidence of Syrian involvement. In addition, the Italian authorities had reopened their files relating to an air crash in 1973 in which Mossad involvement was suspected; people in glass houses should not throw stones.

65. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that at the previous meeting, the Observer for Israel had accused the Palestine Liberation Organization of terrorism and had cited a number of incidents, but had failed to produce the slightest evidence of any PLO involvement whatsoever. Ever since its inception, the PLO had denounced terrorism.

66. The Observer for Israel had also spoken of events in the occupied territories, but had not once mentioned the crimes the occupying forces were committing daily against the Palestinian population. The world community had learned enough from reports from many sources and from scenes actually screened on television, to know that the crimes being committed were not directed simply at one section of the populace. The participation of children in the uprising was not, as the Observer for Israel had contended, because they were forced into demonstrations but because the entire population was wholeheartedly opposed to foreign occupation and would resist it unto death.

67. The Israelis were throwing tear-gas bombs into mosques and homes, thereby causing women to have miscarriages. They were afraid that the women would give birth to children who would grow up and throw stones at them. With regard to the denial by the Observer for Israel that the occupation forces were throwing gas bombs into enclosed places, he would like to know his reaction to the report by Amnesty International which confirmed the allegations. Incidentally, the United Nations had adopted resolutions condemning the use of tear-gas bombs in enclosed places. He would also like to know what the Israeli representative could say in reply to the confirmation of those incidents in the Special Committee's report (A/43/694).

68. As for the claim, by the Observer for Israel that his Government was complying with the Geneva Conventions, attention should be drawn to the statement made by the International Committee of the Red Cross, in January 1989, condemning Israel's continued violation of the Geneva Conventions, and especially of the Fourth Geneva Convention.

69. The PLO had embarked on a clear peace initiative. Israel's reaction to that initiative had been to escalate the killings and other criminal acts committed against the Palestinian people and to increase its opposition to the idea of an international peace conference. He wondered if the Observer for Israel could tell him why Israel was afraid of the convening of an international peace conference on the Middle East.

70. In referring to the events taking place in the occupied territories, the United States representative had said that both parties were engaging in violence. That was not true. The killer could not be equated with the victim. An unarmed child was not the equivalent of an armed soldier who fired at the child because he was throwing stones. The United States delegation advocated a balanced and just resolution, but the statement made by its representative at the current meeting had not been balanced. In speaking of the right of peoples to self-determination, that representative had referred, inter alia, to Kampuchea and South Africa, but had made no mention at all of the Palestinian people who were dying in the cause of self-determination.

71. Mr. OMAR (Observer for the Libyan Arab Jamahiriya), speaking in exercise of the right of reply, said that the representative of the racist Zionist entity reminded him of Musaylima, a person renowned for telling lies. The Zionist representative had claimed that the Palestinian people had to be compelled to resist invasion and occupation, that shopkeepers had been forced to close their shops, factory managers ordered to close their factories and students encouraged to abandon their studies. The representative of the Zionist entity had provided a great deal of misleading information concerning the measures taken by the entity. No one would believe the obvious lies of the racist entity.

72. The representative of the Zionist entity also claimed that Libya and Syria were involved in destruction of an aircraft over Scotland. However, there were suspicions concerning Mossad's involvement in that incident, since the destruction of the aircraft had been in the Zionist interest.

73. There was hardly any need for his delegation to refute the lies of the Zionist entity: lies, deception and terrorism were mentioned in the First Protocol of the Elders of Zion, which combined statements such as "our rights lie in force, which must be our guiding principle. ... All means of violence and deception ... Militarist violence alone is a principal factor in the force of the State and we must adhere to a policy of violence and deception not only because it is in our interest but also because it is our duty with a view to victory".

74. Mr. KASRAWI (Observer for Jordan), speaking in exercise of the right of reply, said that the representative of Israel had once again claimed, in his statement at the previous meeting, that the Emergency Defense Regulations of 1945 had still been in force in the West Bank when Israel had occupied the area by force in its war of aggression of 1967. The Jordanian delegation had previously demonstrated that those regulations were not part of Jordanian law and had never been, having been repealed by the appropriate Jordanian legislation.

75. He drew attention to the statement in a study undertaken by the International Commission of Jurists entitled The West Bank and the Rule of Law that, after the merger of the West Bank with the East Bank in 1950, the defence regulations were considered repealed and were never used in the West Bank. The study went on to say that both in theory and in practice, therefore, the regulations were regarded as repealed in Jordan.

76. Israel had reactivated those regulations in order to demolish Palestinian houses, place persons under administrative detention and expel them from their homeland. When the Mandatory Authority had introduced the regulations, they had been met with protests by the Palestine Jews, who had described them as cruel, repressive and inhumane. However, Israel found it currently quite acceptable to apply against the Palestinians the same regulations that had been deemed unfit for application by others against its own people. That revealed a double standard of justice. The Israeli occupation authorities viewed the Palestinians as a people who could be vilified and dehumanized at will.

The meeting rose at 5.25 p.m.