



SUMMARY RECORD OF THE 53rd MEETING

Chairman: Mr. ABULHASAN (Kuwait)

later: Mr. GALAL (Egypt)

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AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 3.05 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/43/3, A/C.3/43/1 and 7, A/43/170-E/1988/25, A/43/305-E/1988/26, A/43/328, A/43/375 and Corr.1, A/43/478, A/43/534, A/43/535, A/43/536, A/43/592, A/43/593, A/43/594, A/43/595, A/43/624, A/43/630, A/43/705, A/43/706, A/43/736, A/43/739, A/43/742, A/43/743 and Add.1, A/43/770, A/43/122, A/43/165, A/43/214, A/43/235-S/19674, A/43/273-S/19720, A/43/361, A/43/370, A/43/393-S/19930, A/43/435-S/19974, A/43/446, A/43/457-E/1988/102, A/43/460-E/1988/104, A/43/544, A/43/587, A/43/590, A/43/604, A/43/617 and A/43/759)

1. Miss BROSNKOVA (Czechoslovakia) said that 1988, with the commemoration of the fortieth anniversary of the Universal Declaration of Human Rights, was a time for stock-taking but also for looking at what remained to be done to ensure effective implementation of human rights. It was a year in which constructive solutions to acute conflicts were emerging, a trend which should be strengthened through joint efforts. Broad opportunities for international co-operation were afforded by the large number of human rights instruments and United Nations reporting procedures and specialized bodies. It was important that the effective role of that system in ensuring the protection of human rights should not be jeopardized by the action of some States which persisted in pursuing their own narrow political objectives.

2. Serious large-scale human rights violations were being perpetrated by South Africa, through the application of its apartheid policy both in South Africa and in Namibia, and by Israel, through its repressive policy in the occupied Arab territories.

3. Reports from Chile and El Salvador pointed to a further aggravation of human rights violations there. While the plebiscite in Chile had clearly shown the people's rejection of the 15-year-old dictatorship, the undemocratic Constitution remained in force. She recalled the involvement of forces outside Chile in bringing about that situation. Developments in El Salvador confirmed that the serious human rights violations in that country would be halted only when the conflict caused by unsolved social problems and the one-sided political orientation of the present Government was settled. The reports of the Special Rapporteur and the Special Representative on the situation of human rights in Chile and El Salvador were useful sources of information and, if guided by the desire for objectivity, could continue to play a positive role in the restoration of democratic rights.

4. Despite indisputable efforts to show the complexity of the human rights situation in Afghanistan, the report of the Special Rapporteur on that country was of somewhat relative value when it came to the ongoing political solution of the Afghan question and might be misused by those who had never had the true interests of that nation at heart.

5. As in other socialist States, an extensive process of restructuring of society was taking place in Czechoslovakia, aimed at the people's all-round development and

(Miss Brosnakova, Czechoslovakia)

improved living standards. While preserving a secure social base, her country was identifying the causes of shortcomings and encouraging greater personal initiative and interest in public affairs, resolved as it was to develop a socialist democracy which provided the people with social dignity and real opportunities on the basis of equality. Constructive solutions to all the problems hindering further development could be achieved only with the commitment, interest and participation of all citizens. In addition to utilizing existing structures fully, new organisational structures were being set up, such as a proposed Committee of the Czechoslovak Public on Human Rights and Humanitarian Co-operation. It had also been decided that a new Constitution would be drawn up with broad participation by the working people and other citizens.

6. Fifty years after the genocide committed by Nazi Germany and not long after the crimes of the Pol Pot régime, the possibility of new policies of genocide could not be ruled out. Her delegation therefore attached great importance to the proposal made by the German Democratic Republic on the occasion of the twentieth anniversary of the adoption of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and that concerning measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror.

7. The signing of the Soviet-United States Treaty on the Elimination of Intermediate-Range and Shorter-Range Nuclear Missiles had opened up possibilities for meeting the aspirations of nations and of mankind as a whole and had generated unprecedentedly favourable conditions for a strengthening of international co-operation in the sphere of human rights. Full advantage must be taken of that momentum and civilized conduct in international relations must become the normal standard for behaviour by States and individuals.

8. Mrs. DE ALVAREZ (Dominican Republic), quoting the historic words spoken by Mrs. Eleanor Roosevelt, Chairman of the Commission on Human Rights, on the occasion of the proclamation by the General Assembly of the Universal Declaration of Human Rights in 1948, said that the drafters of the Declaration would no doubt have mixed feelings about the present-day situation. On the one hand, they would be gratified at the remarkable body of international human rights law which had grown up over the past 40 years. Moreover, the principles set forth in the Declaration, which had clearly not been meant to be binding, were now considered part of the customary law of nations and therefore binding on all States. Indeed, the United Nations used the Declaration to interpret the Charter. Its impact on world public opinion had been great and it was considered by many to be the Organization's proudest achievement.

9. The drafters would, however, also be disappointed on many counts. They would be dismayed at the inability of the United Nations to respond effectively to the thousands of communications received every year alleging human rights violations, and outraged at the way in which human rights were used as a political weapon, with some States focusing on violations in some countries while ignoring flagrant

(Mrs. de Alvarez, Dominican Republic)

violations in others. They would be outraged at the emphasis given to civil and political rights at the expense of economic and social rights and aghast to learn, for instance, that there was one soldier for every 43 people in the world, but only one physician for every 1,030 people; that it cost \$US 590,000 a day to operate one aircraft carrier, while every day in Africa alone 14,000 children died of hunger or hunger-related causes; and that the world's annual military budget equalled the income of 2.6 billion people in the 44 poorest countries. They would be outraged to discover the social costs of military spending. The cost of "Star Wars" in 1988 could have paid for an elementary school education for 1,400,000 children in Latin America, the cost of one Trident submarine would pay for a five-year programme of universal child immunization against six deadly diseases preventing 1 million deaths a year, and the cost of two JA 37 fighter planes would pay for the installation in the developing world of 500,000 hand pumps to give villages access to safe water.

10. Those figures demonstrated the absurd, indeed inhuman, way in which priorities were set. The commemoration of the fortieth anniversary of the Universal Declaration of Human Rights represented a unique opportunity for the United Nations and all its members to revise their priorities and remember their commitment to promote social progress and better standards of life in larger freedom.

11. Miss PULIDO SANTANA (Venezuela) reaffirmed her country's commitment to the cause of promoting respect for human rights and fundamental freedoms and to its obligations under the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Human Rights. Venezuela's position of principle concerning human rights was reflected in its legislation, which provided that no reason of any kind could be invoked by the State to deprive the individual of those rights. Indeed, all States parties to those instruments should make renewed efforts to fulfil their obligations, since violations of human rights and fundamental freedoms posed a threat to international peace and security. Those considerations assumed particular significance in the year marking the fortieth anniversary of the Universal Declaration of Human Rights, a year in which encouraging progress had been made in the settlement of a number of conflicts.

12. Venezuela had for 30 years been a democratic State in which the rule of law prevailed and the rights of all citizens were respected. The basis for Venezuelan democracy was provided by the 1961 Constitution and the body of laws deriving from it, which ensured the protection of the fundamental rights and freedoms of each and every member of society. Democratic régimes were not, of course, without their shortcomings and violations of human rights did occur but the necessary mechanisms existed to correct imperfections and errors. Moreover, in Venezuela, constant efforts were being made to strengthen the system of human rights protection, as was attested by the entry into force in 1988 of the Fundamental Act of Amparo on Constitutional Rights and Guarantees, which provided for recourse to the courts by any citizen seeking protection of his or her constitutional rights and guarantees. It followed from those principles that Venezuela spared no effort in helping to consolidate régimes based on popular support.

(Miss Pulido Santana, Venezuela)

13. Since human rights were indivisible and interdependent, equal attention should be paid to civil and political rights and to economic, social and cultural rights. Enjoyment of the latter category of rights depended to a large extent on the efforts of countries themselves, but also on international understanding and solidarity, since many developing countries were handicapped in those efforts by the adverse effects of the international economic situation, especially their crippling external debt burden.

14. The United Nations was to be commended for its work in promoting and protecting human rights. Vigilance was required to ensure the smooth functioning of its human rights bodies, whose capacities in that field should be strengthened. Venezuela participated fully in those bodies' efforts to bring about changes for the better in countries with a persistent pattern of violations, and was gratified at the restoration of democracy in certain countries in its own region and elsewhere. Systematic violations committed as a matter of State policy, as in the case of the odious apartheid régime in South Africa, deserved particular condemnation.

15. The laudable work of the Special Rapporteurs and Representatives on the human rights situation in individual countries had contributed to increased awareness among the authorities of the countries concerned and were in some cases producing positive results. Her delegation expressed its appreciation of their reports, commending in particular the approach taken by the Special Representative for El Salvador to President Duarte's undertaking to respect human rights despite the difficulties faced by his country. Although much remained to be done before peace was achieved in that country, the Government's efforts deserved encouragement by the international community. Venezuela's position regarding the report on El Salvador was reflected in the draft resolution which it had co-sponsored on the subject.

16. With regard to the report on the situation of human rights in Chile (A/43/624), her delegation considered that the co-operation extended to the Special Rapporteur by the Chilean authorities deserved due recognition. The recent plebiscite in that country held promise for the future; her delegation hoped that that event, which reflected the political maturity of the Chilean people, heralded the end of what had been simply a tragic hiatus in Chile's history and long democratic tradition, and the birth of a new era of democracy.

17. Mr. HUERTA (Ecuador) said that he was impressed by the tremendous efforts being made to promote and protect human rights, as reflected in the report of the Economic and Social Council (A/43/3), but grieved at the continuing violations and denial of those rights in all parts of the world. The paradox was that the plight of those who suffered could not be alleviated if, in providing them with food, they were denied freedom, if in giving them the right to vote they were not guaranteed the right to health, if in enabling them to demand a more just economic order they were denied their right to development, and if in according them political and civil rights they were frustrated of their economic and social rights; the result was an absurd fragmentation of the human being. Fraternity was man's natural mode of being. Although separated by two hundred years, the French revolutionaries who

(Mr. Huerta, Ecuador)

had taken the Bastille and the drafters of the Universal Declaration of Human Rights had shared a pragmatic awareness that man was born to be free.

18. It was gratifying to observe that there was increasingly widespread acceptance of the fact that the search for economic and social justice was not incompatible with the desire to preserve civil and political rights, that freedom was a powerful force for social progress, and that man was the ultimate goal, as well as the protagonist of, any development project. And yet, a situation in which the plight of three whales generated a greater response than the "silent genocide" of thousands of children in the world could not continue.

19. His country was pleased to have contributed to the development of international law through the adoption, together with Colombia, Costa Rica, Panama, Peru, Venezuela and Spain, of a code of conduct affirming that respect for human, political, economic and social rights was an essential norm of conduct of the Andean Group of States and that the joint action to protect those rights did not violate the principle of non-intervention.

20. Significant progress had been made in ensuring respect for human rights and the mere presence of special rapporteurs had in many instances probably averted more suffering and saved more lives than any other measure. His country firmly supported all resolutions concerning the promotion and protection of human rights and was proud to be host to the Latin American Association for Human Rights. Its new Government had given priority to human rights throughout its electoral campaign and during the first 100 days of its administration and would continue to guarantee such rights to all its citizens without discrimination.

21. Mr. TANIGUCHI (Japan) said that flagrant violations of human rights and fundamental freedoms were continuing in all parts of the world, with inevitable economic and social consequences. The pursuit of peace was more essential than ever if basic human rights were to be enjoyed, and his delegation therefore welcomed the recent significant progress or prospects for progress with respect to the situation in Afghanistan, the Iran-Iraq conflict, Namibia, Palestine, Central America, Western Sahara, Cyprus and Kampuchea.

22. It was important that the standards set in legal instruments relating to human rights should be matched in fact. The Commission on Human Rights played an important role in focusing public attention on specific human rights situations, with a view to convincing Governments of the need to respect human rights and fundamental freedoms. The Commission was not, however, a court to pass sentence on some countries and block action on others.

23. The Commission's practice of appointing special representatives and rapporteurs to investigate specific violations was of crucial importance, as was the need for Member States to co-operate with the United Nations organs concerned. The fact that the Government of Cuba had co-operated with a recent mission from the Commission on Human Rights to observe the human rights situation in that country was encouraging, and his delegation hoped to see similar co-operation from the Governments of Guatemala and Haiti.

(Mr. Taniguchi, Japan)

24. With regard to the situation in Afghanistan, the Special Rapporteur had concluded that human rights violations had been at least as frequent in 1988 as in previous years. It was essential that both the Afghan authorities and opposition movements should comply with the recommendations contained in the Special Rapporteur's report and that, given the lack of significant improvement in the refugee situation, the international community should press for the early adoption of measures to enable the Afghan refugees to return voluntarily to their homeland. The withdrawal of foreign troops in accordance with the Geneva agreements was also an essential pre-condition for the exercise by all Afghans, at the earliest possible stage, of their right to self-determination.

25. The report on the situation in Iran indicated that full co-operation with the Government of that country in respect of numerous, detailed allegations of grave human rights violations had yet to be achieved. His delegation sincerely hoped that the Special Representative would be permitted to visit Iran in the near future in order better to assess the human rights situation in that country.

26. The recent presidential plebiscite in Chile had been an important step towards that country's further democratization. His delegation also welcomed other positive steps taken by the Government of Chile, including its continued co-operation with the Special Rapporteur. Nevertheless, given the continuing violations of human rights in that country, it was to be hoped that the Chilean Government would make further efforts to improve the situation in accordance with the recommendations contained in the report.

27. Although the Government of El Salvador continued to be committed to a policy of respect for human rights, the Special Representative had indicated that the actual human rights situation was very different from that envisaged by the Government's policy, particularly with respect to the crucial right to life. His delegation supported the recommendation that the Government and the FMLN should engage in a generous and open dialogue and reiterated that all the parties concerned in Central America should maintain the momentum for peace generated by the Esquipulas II agreement. It also took note of a recommendation requesting increased assistance from the international community for Salvadorian displaced citizens and refugees.

28. Pursuant to its belief that the strengthening of international co-operation in the field of human rights had become more necessary than ever, his Government would spare no effort in pursuing all possible ways of solving the problems under consideration by the Committee.

29. Mrs. HOANG BICH LIEN (Viet Nam) said that responsibility the most serious human rights violations continued to rest with the racist régime of South Africa. The institutionalized system of apartheid posed the greatest challenge to the civilized world and must be eradicated. It was necessary to exert relentless international pressure on the Pretoria régime and, since any assistance to that régime made the eradication of apartheid more difficult, to impose comprehensive mandatory sanctions against it.

(Mrs. Hoang Bich Lien, Viet Nam)

30. Gross and systematic violations of human rights continued to be committed against the Palestinian population of the occupied territories, and the Israeli occupation forces had intensified their inhuman measures against the uprising there. That worsening situation made it imperative to find a comprehensive solution to the Middle East problem, based on Israel's unconditional withdrawal from the occupied Arab territories and the exercise by the Palestinian people of its inalienable national rights. Her delegation paid tribute to that people's heroic uprising and its recent declaration of an independent Palestinian State.

31. With regard to human rights violations in other parts of the world, Chile's recent plebiscite had been a significant step towards the restoration of democracy in that country but continuing acts of repression and terror should be duly reflected in the resolution before the Committee. In El Salvador, the recent further deterioration of the human rights situation was a source of serious concern.

32. The fortieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide obviously brought to mind the atrocities perpetrated by the Nazis. However, the equally brutal carnage which had taken place in Kampuchea from 1975 to 1978, under the rule of the Khmer Rouge, had eliminated 40 per cent of that country's population. If the people of Kampuchea were to live free from the nightmare of that genocide, the Pol Pot régime must be barred from returning to the country and from playing any part in international political life. Amid indications that the Khmer Rouge were indeed preparing a new war to seize power and impose their genocidal rule again in Kampuchea, it was essential that the international community take resolute and effective measures to ensure that the Kampuchean people were never again subjected to such a nightmare.

33. Mr. KOTEVSKI (Yugoslavia) said that it was well recognized that the United Nations was an irreplaceable forum for dealing with questions of the promotion and protection of human rights at global level. In the era of the United Nations, human rights had ceased to be solely a matter of the domestic jurisdiction of sovereign States. The gradual evolution of the international dimension of human rights had culminated in the proclamation of the Universal Declaration of Human Rights, which interpreted the Charter and developed its provisions in accordance with contemporary international law. Never before had so much been done in such a short period in the promotion of human rights. Over the past 40 years, the validity and authority of the Universal Declaration had grown constantly and the inclusion of some of its provisions in the constitutions and domestic laws of individual States demonstrated that it had become international customary law.

34. Despite the great expectations aroused by the adoption of international instruments, however, human rights continued to be widely disregarded and fundamental freedoms denied. The inalienable rights to self-determination and independence of the majority population in South Africa and in Namibia and of the Palestinian people, as well as of peoples in other parts of the world, were being flouted and massive violations of human rights continued. In that context, the Ministers for Foreign Affairs of the Movement of Non-Aligned Countries had pledged to pursue a policy of respecting the rights of the individual and of peoples.

(Mr. Kotevski, Yugoslavia)

35. His delegation appreciated the comprehensive report of the Special Rapporteur on the situation of human rights in Chile and welcomed the co-operation extended by the Government of Chile to the Special Rapporteur. The report indicated that there had been some positive developments in the past year, including the lifting of the states of emergency, but that much remained to be done to ensure full respect for human rights. The results of the plebiscite had been encouraging and represented an important step towards the restoration of democracy and the holding of direct and free elections.

36. The report of the Special Representative on the situation of human rights in El Salvador showed that the human rights situation in that country had deteriorated in the period under review. His delegation therefore believed that the Special Representative's mandate should be extended. The implementation of the Esquipulas II agreement and its call for national reconciliation and dialogue was more urgent than ever and would contribute to an improvement in the human rights situation, a strengthening of the democratic process and the restoration of peace in the region.

37. The codification of human rights norms by the international community had resulted in the adoption of a number of important international instruments designed to turn the provisions of the Universal Declaration into specific obligations for States parties. All States Members of the United Nations must ratify and adhere to those instruments and fulfil their obligations. The efforts of the Centre for Human Rights to strengthen its programme of external relations and advisory services in order to promote the various instruments deserved full support.

38. The process of codification was far from complete, however. In an ever-changing world, the further elaboration of particular rights and freedoms should be an integral part of that process. Affirmation of the right to development and to participate in decision-making would contribute substantially to enriching the content of human rights. Work was still required to complete the drafting of additional human rights standards, particularly those on the rights of the child, the rights of migrant workers and their families and the rights of national, ethnic, linguistic and other minorities. His delegation was concerned at the slow progress made on the elaboration of the latter two instruments and supported the proposal to hold an intersessional meeting of the Working Group on the drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families to finish the second reading of the convention as soon as possible. It hoped that participants would show flexibility and a spirit of co-operation. The adoption of the declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities would contribute greatly to their full equality and enhance opportunities for the overall development of their national identity. His delegation urged the Commission on Human Rights to intensify its work on that draft.

39. A number of recent international political developments should have a positive impact on the human rights situation in various parts of the world and enable more attention to be devoted to questions relating to the promotion and enjoyment of all human rights and fundamental freedoms.

40. Mr. BUZO (Byelorussian Soviet Socialist Republic) said that the international human rights instruments adopted by the United Nations provided a firm foundation for international humanitarian co-operation. As a result of standard-setting work, the legal basis for that co-operation would soon be supplemented by conventions on the rights of the child and of migrant workers and their families. The Byelorussian SSR had already declared its support for the work of the Working Group of Governmental Experts on the Right to Development.

41. The main element of international co-operation on human rights matters should be the accession of all States to existing United Nations instruments and the pursuit of policies which would contribute to the practical exercise of economic, social, cultural, civil and political rights in their unity and indivisibility. Questions relating to the work of human rights treaty bodies and monitoring procedures were the exclusive concern of meetings of States parties to the instruments in question. His delegation could not agree to the idea of giving monitoring functions to bodies or procedures that were not stipulated in the relevant United Nations human rights instruments. At the same time, studies should be undertaken by the Commission on Human Rights as to the reasons preventing the universal accession of States Members of the United Nations to human rights instruments.

42. The struggle against racism and racial discrimination, and against its most repulsive institutionalized form, apartheid, should continue to be given priority by the United Nations until those practices were completely eliminated. The main reason for the tenacity of apartheid was the continuing co-operation and assistance provided in various spheres by certain countries and their transnational corporations. As a result of the commendable work of the Special Rapporteur, Mr. Khalifa, the world community had at its disposal regularly updated lists of transnational corporations and their countries of origin which were continuing to co-operate actively with the racist régime. The United Nations must take all possible measures to put an end to apartheid in South Africa as soon as possible.

43. His delegation reaffirmed its support for the just struggle of the Palestinian people for national liberation and its active support for United Nations efforts to settle the Middle East crisis.

44. The positive outcome of the Geneva talks, and the signing of the relevant agreements and protocols regarding a political settlement in Afghanistan, marked a new stage in United Nations efforts to promote the peaceful settlement of regional conflicts in the Middle East, Central America and the Far East.

45. The Byelorussian SSR supported the resolutions extending the mandates of the Special Rapporteur on Chile and the Special Representative on El Salvador. It welcomed the results of the plebiscite in Chile and hoped that democracy would soon be restored there.

46. The report on the use of mercenaries revealed the magnitude of the threat which mercenarism posed to the self-determination of peoples and to respect for human rights. His delegation welcomed the serious and responsible approach taken

(Mr. Buso, Byelorussian SSR)

by the Special Rapporteur and called on all States to co-operate with him and to take effective measures to stop the recruitment, training, financing, transit and use of mercenaries.

47. The work of the Commission on Human Rights and the Economic and Social Council demonstrated convincingly that the world community was tired of double standards and the use of human rights issues as political bargaining chips. It was regrettable that even at the current session there were still some in the Committee who set themselves up as teachers and had nothing better to do than to give lessons in "democracy". Such people did not take the trouble, even for the sake of form, to observe previously achieved consensuses or to bring their statements into line with the positions of already adopted resolutions. When considering human rights situations in other countries, it was necessary to first make sure that all the human rights embodied in the International Covenants were being observed at home. Many speakers had welcomed the processes of economic, social and legal change in his country; his delegation made no secret of perestroika and had described it in detail in its statements and reports. However, perestroika had been embarked upon not to gain favour but to more fully realize the possibilities offered by the socialist course of development and to give greater content to human rights.

48. International co-operation in the humanitarian sphere should consist of efforts by all States Members to help realize the lofty humanitarian goals and ideals of the Charter by means of practical measures at the national and international levels.

49. Mr. Abulhasan (Kuwait) resumed the Chair.

50. Mr. DOST (Afghanistan) said that his Government was a party to virtually all the international human rights instruments, the basic provisions of which had been incorporated into the Constitution and other laws, except in the few instances where they were in gross contradiction with the tenets of Islamic Shari'a.

51. The Constitution adopted in December 1987 provided for a multi-party parliamentary system and a multisectoral economic system. It also ensured respect for the national, historical cultural and religious beliefs and customs of the Afghan people. Although Islam was the State religion, freedom of worship was guaranteed for followers of other religions. Article 38 provided for the equality of men and women before the law, article 41 stipulated the right to liberty and inviolability of person and article 42 prohibited punishment incompatible with human dignity. Broad political and personal freedoms were guaranteed, as were the right to work, to equal pay for equal work, and to health insurance and social security.

52. The Law on Political Parties provided for the full freedom of political parties; in addition to the People's Democratic Party of Afghanistan, six other political parties were active. The Press Law provided for full freedom of the press and independent publications had already come into being. The Labour Law safeguarded the rights of working people.

(Mr. Dost, Afghanistan)

53. The Afghan Parliament represented not only all the political parties active in Afghanistan but also all nationalities and ethnic groups and all social classes. A new coalition Government of national reconciliation had been established, headed by a Prime Minister who was not affiliated to any political party and comprising ministers representing three different political parties as well as 18 members with no party affiliations. The Government had announced time and again its readiness for dialogue with the opposition, without pre-conditions, on the establishment of a broader-based Government.

54. It was to be regretted, however that the leadership of the opposition, at the behest of their patrons and the neighbouring countries which had provided them with a safe haven, had so far refused to heed the wish of the Afghan nation for peace and national reconciliation. If an end was put to outside interference, the people of Afghanistan would find a way to settle their differences by peaceful means. His Government had implemented the provisions of the Geneva Agreements faithfully: 50 per cent of Soviet troops had been withdrawn from Afghanistan by 15 August 1988 as stipulated and his Government had extended every co-operation to the United Nations Good Offices Mission for Afghanistan and Pakistan. The interference in Afghanistan's internal affairs had not ended, however; on the contrary, it had increased and the level of armed conflict had risen in recent months.

55. In order to remedy the situation, his Government had come forward with numerous constructive proposals, including proposals for the Foreign Ministers of the four countries parties to the Geneva Accords to review their implementation. Recently, the President of Afghanistan had proposed an international conference to ensure the neutrality and demilitarisation of Afghanistan, as well as the adoption of measures for safeguarding human rights in Afghanistan. No heed had been paid to those proposals.

56. The report of the Special Rapporteur on the situation of human rights in Afghanistan had reflected the fact that the Government was doing everything in its power to ensure the genuine exercise by the people of their human rights. It nevertheless fell short of providing a complete picture of his Government's efforts to ensure human rights in the difficult situation created by interference from abroad, in that it ignored the root cause of the threat to human rights represented by the continuation of interference and organized acts of terrorism from abroad. He hoped that future reports would strive for greater impartiality and give a more authentic picture of his Government's commitment to human rights, and that the Special Rapporteur would limit himself to his humanitarian mission and not pass judgements which amounted to a form of interference in the internal affairs of a sovereign country. The draft resolution before the Committee did not reflect some of the positive developments detailed in the report and failed to mention acts of organized terrorism as a major factor contributing to the continued loss of life in Afghanistan. The success of collective endeavours within the United Nations to improve the human rights situation in the world depended on the extent to which the politicization of the question of human rights was avoided.

57. Mr. GARVALOV (Bulgaria) said that in meeting the challenges of the twenty-first century, civilisation had no reasonable alternative but to face realities and maintain mutually advantageous co-operation among States. An understanding of the interdependence of the world and the realistic assessment of one's own interests and those of others represented the key to building a more productive and sound foundation for international relations. The issue of human rights had hitherto been used to create tensions, to exert pressure, to promote different ideological, political, nationalist and even territorial claims. It was therefore vitally important for that approach to give way to dialogue, to open sincere co-operation between States in the humanitarian field.

58. There could be no right to life and other human rights without peace but, on the other hand, secure peace could not be guaranteed without respect for human rights. All human rights were indivisible, mutually dependent and interrelated. Human rights had tended to be classified as civil, political, economic, social and cultural. They should not, however, be set against each other but an effort should be made to try to combine the interests of society and the State with the rights and fundamental freedoms of the individual. The State was a guarantor of respect for human rights but nevertheless effective guarantees were needed against abuse of State power.

59. There had been a growing awareness on the part of the international community of the importance of promoting human rights through international co-operation and in accordance with the Charter of the United Nations. A system of expert bodies had been set up which had made a positive contribution to the fulfilment of the stipulations of the Charter. On the other hand, respect for human rights was not by any means yet universal. It was necessary to intensify the struggle against flagrant violations of the rights of nations and individuals. The search for effective measures within the framework of the United Nations system for the realisation of human rights must go on. The People's Republic of Bulgaria would continue to contribute to that end.

60. Mr. HUSAIN (Pakistan) said that the Special Rapporteur on the situation of human rights in Afghanistan had had a difficult task. Pakistan was happy to have been able to offer all possible assistance to him. In judging the human rights situation in Afghanistan it was necessary to bear in mind that for nearly nine years the Afghan people had been denied their fundamental human right, the right of self-determination.

61. As long as foreign occupation continued in Afghanistan, no real improvement could be expected in the human rights situation. Under the current circumstances, when foreign forces and troops of the Kabul authorities continued to indulge in indiscriminate acts of reprisal against innocent civilians, when the prisons remained filled with political prisoners and when allegations of torture and ill-treatment of prisoners by the Kabul authorities continued to pour out of Afghanistan, any claims regarding the improvement of the human rights situation in Afghanistan would not bear close scrutiny and were more often than not based on propagandistic and self-serving assertions by the Kabul authorities.

(Mr. Husain, Pakistan)

62. The signing of the Geneva accords was an important step towards achieving a comprehensive political settlement in Afghanistan. His delegation shared the view of the Special Rapporteur that the withdrawal of Soviet troops from Afghanistan was a pre-condition for the establishment of respect for human rights and the return of Afghan refugees. The Geneva accords, however, dealt with the external aspect of the situation in Afghanistan. The internal conflict continued unabated. No real improvement in the human rights situation could take place until, following the withdrawal of foreign troops, a broad-based and representative government was established in Kabul, leading to the restoration of peace and normality in the country.

63. The return of the Afghan refugees to their homeland was intimately linked with the exercise of the right to self-determination by the Afghan people. The fact that those refugees were not willing to return and that Afghans in areas where the fighting continued sought refuge in Pakistan instead of Kabul-controlled areas belied the claim that there had been some improvement in the human rights situation.

64. It was obvious that the people of Afghanistan would not be able to enjoy human rights and fundamental freedoms under an alien régime imposed by foreign troops. The Constitution of the Kabul régime had not been accepted by the Afghan people. The Parliament established under that so-called Constitution could hardly be regarded as representative. Since the Kabul régime had never provided reliable figures of political prisoners in its gaols, the contention that the number of political prisoners had fallen sharply could not be verified. Even the Kabul authorities admitted the failure of the policy of national reconciliation.

65. Massive losses had been inflicted on the Afghan civilian population as a result of indiscriminate bombings and shelling by foreign troops and the Kabul forces. The planting of mines by the Kabul régime constituted a serious threat to the right to life. The facade of so-called "peace zones" and "peace provinces" had been used by Kabul to conceal the fact that numerous provinces and areas were no longer under its control. Those zones suffered continued attacks by aircraft, missiles and long-range artillery of the Kabul régime.

66. The continuing heroic struggle of the Afghan people against foreign military occupation and the alien régime in Kabul was testimony to their indomitable spirit of independence; there was no doubt that ultimately their struggle would be successful and they would be able to exercise freely their right to self-determination. Pakistan fully supported efforts for a comprehensive political settlement.

67. It was to be hoped that the efforts of the Organization of the Islamic Conference and the bilateral arrangements reached between Turkey and Bulgaria would result in a satisfactory solution to the question of Muslims of Turkish origin in Bulgaria.

68. Prince Mansour AL-SAUD (Saudi Arabia) said that violations of the rights of Islamic minorities had been condemned both by the United Nations and by the Organization of the Islamic Conference. He was therefore pleased to note that Turkey and Bulgaria had agreed to discuss the situation of Turkish Muslim minorities in Bulgaria. His delegation respected the Turkish Government's concern that all Bulgarian citizens, including those of Turkish origin, should enjoy protection of their beliefs and practices, as well as the Bulgarian Government's desire for a friendly solution of the problem. Recalling the extent to which the beliefs of non-Muslims had traditionally been respected in Islamic States, he was confident that the Government of Bulgaria would ensure full respect for the rights of its Muslim minorities.

69. Mrs. FLOREZ (Cuba) said that the Universal Declaration continued to be one of the main foundations for the promotion and protection of human rights throughout the world. Over 40 years, it had maintained its validity while a new approach had been developed to human rights taking into account the struggle of peoples for independence, territorial integrity and development and against racial discrimination and apartheid. As the fortieth anniversary of the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide approached, it was disturbing that in various parts of the world genocidal policies were still being carried out; the international community should devote more attention to the implementation of that Convention.

70. The report of the Commission on Human Rights referred, among other things, to the tragic situation of the Palestinian people, a victim for many years of Israeli expansion, barbaric violence and countless violations of its inalienable rights. The persistence of apartheid in South Africa was an insult to humanity, in that millions of people were being denied their rights and human dignity.

71. It was regrettable that, following the signing of the Esquipulas II agreements, the conflict in El Salvador had intensified and the dialogue between the Government and the FMLN had been suspended. The resumption of that dialogue would contribute to a negotiated global political solution which would serve as a basis for guaranteeing national sovereignty and the full exercise of the economic, political and social rights of all the people of El Salvador. The human rights situation in that country had clearly deteriorated, however, accompanied by violations of the humanitarian rules of war and increasing repression by military forces. The amnesty law of October 1987 continued to prevent the arrest and condemnation of those responsible for human rights violations. It was therefore essential that the international community should remain vigilant about the situation in El Salvador and that the work of the Special Representative should continue.

72. In Guatemala, certain military sectors were opposing a democratic solution based on the Esquipulas II agreements and were continuing to flout the rights of the people. In 1988, such violations had increased and reports continued to proliferate on an increase in abuses of human rights which also obstructed dialogue between the Government and the Guatemalan revolutionary movement in seeking a political solution benefiting the people.

(Mrs. Flores, Cuba)

73. The Chilean people had once again demonstrated their rejection of Pinochet's Fascist dictatorship. In addition to mass demonstrations throughout the country, the people had expressed themselves in the ballot, despite intimidation and pressure of all kinds. The international community must remain vigilant and continue its struggle to ensure that in Chile the people's wishes were respected and the usurpation of the legitimate rights of the Chilean people ended.

74. From 15 to 25 September 1988, a visit had been made to Cuba by a group from the Commission on Human Rights. In March 1988, in an unprecedented gesture, her Government had invited that group to observe the human rights situation in Cuba. It had visited various places and institutions and had been given all the facilities it requested as well as access to officials and private persons of interest to it. The group had had extensive contacts with representatives of social, cultural, economic and political circles in Cuba and had been able to see the efforts made by a small underdeveloped country which for nearly 30 years had been subjected to an illegal economic blockade by its powerful neighbour, the United States, and in which the primary law of the Republic was respect for the full dignity of man. With that invitation, her Government had reaffirmed a principle which had prevailed during nearly 30 years of revolution: the Cuban people was proud of the revolutionary process and its leaders, and had nothing to hide in demonstrating its achievements. Cuba was anxious that others should visit the country and learn of its progress, culture, people and revolution. Every year Cuba was visited by numerous personalities, governmental and non-governmental organizations and tourists who could testify to the Cuban reality, and such persons had always been able to visit any place they wished. Cuba would always welcome all those who wished to learn about the country in good faith, but it would never accept imposed inspections.

75. Mr. DE AZAMBUJA (Brazil) said that in his statement on the sixth cluster of items he had drawn attention to the thematic approach to human rights questions as a successful method of avoiding the trap of politicisation. That point also deserved attention in the context of the present item, for the human rights activities of the United Nations sometimes overlapped with political matters in specific countries. The Organisation's credibility was an essential condition for the effectiveness of its human rights work. His Government thought that all human rights activities of multilateral organizations should stem solely from ethical and humanitarian motives.

76. The reverse side of that assertion was the question of the objectives of the Committee and the Commission. Their motives were humanitarian, not political, because the goal was not to utter a sentence of disapprobation, or any sentence whatsoever, against any State, but rather to promote greater respect for international standards of human rights and fundamental freedoms. It was essential to keep that basic goal in view.

77. It was equally important to be clear about the methods to be used. The most effective instrument available to the United Nations was the co-operation of the country in question. The role of special rapporteurs could not be over-emphasized for, in addition to providing indispensable factual information, they facilitated

(Mr. de Azambuja, Brazil)

the co-operation of national authorities and thus enhanced observance of human rights. The task was not easy, but the four Special Rapporteurs or Representatives who had submitted reports to the current session of the General Assembly had done excellent work.

78. The report on the situation in Iran (A/43/705) indicated that positive developments might be on the way. It was encouraging that the Iranian authorities still indicated their willingness to increase their co-operation with the United Nations and to make more detailed replies to the Special Rapporteur.

79. Turning to the report on Afghanistan (A/43/742), his Government had repeatedly expressed its satisfaction at the conclusion of the Geneva agreements, for they were an important condition for the exercise of the right of self-determination by the Afghan people, although insufficient to guarantee the effective enjoyment of human rights in Afghanistan. Brazil commended the Afghan Government on its co-operation with the Special Rapporteur.

80. It was gratifying to note that the Special Rapporteur had described in his report (A/43/624) significant improvements in the situation in Chile, most notably the plebiscite held on 5 October. His delegation was confident that a pluralistic democracy could be restored in the near future, thus ensuring the full observance of human rights and fundamental freedoms.

81. It was significant that, as indicated by the Special Representative in his report on El Salvador (A/43/736), the Government maintained its commitment to a policy of respect for human rights. The question of human rights in El Salvador must be regarded as one of the interrelated aspects of the regional peace process, as established in the Esquipulas II agreement. The Committee's deliberations should make a contribution both to improvement of the human rights situation in El Salvador and to the peace efforts of the countries of Central America.

82. His Government regarded a contribution to the human rights activities of the United Nations as a priority task and it intended to continue its efforts, counting on co-operation with other Member States and with non-governmental organisations.

83. Mr. PHIRI (Malawi) extended his country's thanks to the General Assembly for authorizing the visit by an inter-agency mission to Malawi to study the refugee situation. The report of the Secretary-General (A/43/536) projected the number of refugees at just under three quarters of a million by the end of 1988, but figures available to his Government suggested a larger total.

84. His country was grateful for the considerable assistance which it had received from bilateral and multilateral donors. More was required, however, and it was to be hoped that existing donors would increase their aid and new donors join in the effort. The inter-agency mission had described in detail the impact of the refugees on Malawi's social and economic infrastructure.

(Mr. Phiri, Malawi)

85. His delegation confirmed the Secretary-General's conclusions regarding the discouraging levels of assistance provided for Malawi's own needs and it appealed for endorsement of the Oslo Declaration and Plan of Action. The Oslo Conference had emphasized the need for assistance to enable countries of asylum to sustain their own development while providing for refugees and displaced persons. As the Secretary-General had noted, abundant short-term humanitarian assistance had been provided but very little aid had been directed towards Malawi's long-term development.

86. The effort to provide for the refugees and displaced persons had created serious domestic problems for his Government. In particular, it was difficult for the Malawi people to understand the apparent preference given to the refugees over the local population. That was one of the reasons why his Government had requested donors not to insist on obtaining supplies within the country and to distribute the supplies equally, as far as possible, to the refugees and to the local population.

87. His delegation appealed for a positive response to the Secretary-General's call for assistance to the refugees and displaced persons in particular and for increased financial support for Malawi. The Malawi people believed in trying to help themselves before asking for outside assistance and had applied that philosophy to the refugee problem. Only when Malawi was no longer able to provide the expected assistance had it turned to the international community. It hoped that the Committee would adopt by consensus the forthcoming draft resolution on assistance to refugees and displaced persons in Malawi.

88. Mrs. VARGAS (Nicaragua), speaking in exercise of the right of reply, said that the United States Government lacked moral authority to speak of human rights in Nicaragua. Nicaragua had suffered thousands of casualties in the war of aggression waged against it by the Reagan Administration over the past eight years. The war and crimes against human rights, including genocide, perpetrated by the aggressor and its foreign minions were continuing. Nicaragua's right to fight against the greatest violator of human rights in Nicaragua, namely, the Government of the United States, could not therefore be denied. One of the principles of the Nicaraguan revolution had been full respect for, and universal recognition of, human rights and the only obstacle to their full achievement had been the war of aggression. She therefore urged the Government of the United States to cease its war of aggression against Nicaragua and to allow the Nicaraguan people to live in peace with dignity.

89. Mr. YOUSIF (Iraq), referring to comments made by delegations on the treatment of Kurdish citizens in Iraq, said that Iraq continued to adhere strictly to the International Convention on the Elimination of All Forms of Racial Discrimination. Iraq had granted autonomy to the Kurdish region within the territorial integrity of Iraq and had granted self-government to the Kurds. In its sixth, seventh, eighth and ninth reports on the implementation of the Convention, Iraq had given details regarding the autonomy of the Kurdish region. In paragraph 304 of document A/42/18, the Committee on the Elimination of Racial Discrimination had praised the establishment of an autonomous region for the Kurdish population in Iraq as a very positive step and had expressed the view that Iraq had provided an excellent example for the developing countries to follow.

(Mr. Younis, Iraq)

90. In its eighth report, Iraq had stated that the political aspect of the Kurdish problem was a result of foreign interference, aimed at prejudicing Iraq's territorial integrity through exploiting the situation of minorities. In September 1988 Iraq had adopted a programme of amnesty for all convicted and refugee Kurds.

91. The Foreign Minister for Iraq, in a statement dated 17 September 1988, had reaffirmed Iraq's commitment to the rules of international law, including the Geneva Protocol of 1925 which prohibited chemical weapons. It was clear that the issue of chemical weapons had been raised against Iraq for political reasons. No credible international organ confirmed allegations regarding the use of chemical weapons by Iraq. The Turkish authorities also had denied such allegations.

92. Ms. ROMULUS (Haiti) said that, notwithstanding the many obstacles which had arisen following recent major political developments in her country, her Government intended to restore democracy and respect for human rights and fundamental freedoms. In order to create an atmosphere of security and general confidence, her Government, on 28 September 1988, had launched a campaign of total disarmament for its citizens in order to put an end to violence. It had also set in motion judicial machinery against those considered by public opinion to be the authors of certain crimes. The Government had also closed a prison which had been a centre of torture and human degradation in order to make it clear to all that it intended to ensure that human rights were respected. The rights of citizens, including freedom of thought, conscience, religion, opinion and expression, and peaceful association, were guaranteed.

93. Mrs. SINEGIORGIS (Ethiopia), speaking in exercise of the right of reply, said that her country was undergoing a fundamental transformation in its social and economic development. The new Constitution contained adequate provisions to ensure respect for human rights, including those of persons accused of violating the law.

94. The representative of the United Kingdom had referred to the presence of political prisoners in Ethiopia. In reply she wished to point out that a special body had been established under the Procurator General to review the cases of political prisoners and, as a result, by a decision of the National Assembly, many had been released in the recent past, including some members of the former royal family. The remaining few cases were under active consideration by the Procurator General on the basis of the provisions of the Constitution.

95. She wished to assure the Committee that her Government was exerting every effort to implement the provisions of the Constitution in which basic freedoms as well as rights and duties were respected. Her delegation was therefore disappointed at the statement made by the representative of the United Kingdom who had disregarded recent developments in her country.

96. Miss CHENG (Democratic Kampuchea) said that she wished to reply to the gross distortion of facts in relation to Democratic Kampuchea by the delegation of Viet Nam and its allies. Those delegations had claimed to be strong advocates of human rights in Kampuchea while in reality they had been massacring the people of

(Miss Cheng, Democratic Kampuchea)

the country. Viet Nam and its allies had alleged that they were trying to put an end to the conflict; the reality was otherwise. Prince Sihanouk and the three components of the coalition government in Democratic Kampuchea had agreed during the recent Paris talks that Viet Nam should accept total withdrawal of its troops within a short and acceptable timetable under international supervision; dismantling of the puppet régime to pave the way for the setting up of a quadripartite government in order to organize free and democratic elections supervised by an international commission and an international peace-keeping force; respect for human rights in Kampuchea; and the convening of an international conference on Kampuchea.

97. Viet Nam's position was that it refused to set a clear timetable for withdrawal and to accept supervision by an international peace-keeping force; it also wished to maintain the status quo in Kampuchea and sought the capitulation and dissolution of the national resistance force. It had promised to withdraw its troops at some vague point in the distant future. Such promises were only manoeuvres designed to eliminate the main resistance forces. Viet Nam had tried very hard to make world public opinion believe that its withdrawal was no longer an issue by diverting attention to the so-called Khmer Rouge danger. It wanted to split the national resistance forces and to weaken international support for the struggle of the Kampuchean people in order to perpetuate its occupation. If Viet Nam was sincere in its expressed desire for a lasting solution, she failed to see why Hanoi was so reluctant to give a reasonable and clear timetable for troop withdrawal and international supervision and the restoration of the right of the Kampuchean people to determine their own destiny.

98. Mr. DAMM (Chile), speaking in exercise of the right of reply, said it was a mockery that the representative of Cuba should dare to speak of human rights. His delegation could not recognize the right of Cuba to speak on that subject until free elections had been held in Cuba, until people could enter and leave the country freely, until freedom of association and speech and freedom of the press had been restored, until political parties of different tendencies could function freely, until an end had been put to torture in Cuban prisons and until the support given by Cuba to terrorists in Latin America, including Chile, was terminated. Only then would his delegation recognize the right of Cuba to speak on the process which was leading to the establishment of a representative pluralistic democracy in Chile in accordance with the best traditions of his country. It was his hope that a similar situation might be on the horizon for Cuba.

99. Mr. NAHAS (United States of America), referring to the comments of the representative of Nicaragua, said that the cynical ratification of international instruments was not in itself enough to show that a country respected human rights. In fact, the very existence of a valiant democratic opposition fighting for freedom in Nicaragua indicated the existence of serious oppression by the Government which did not see fit to allow a loyal opposition the right to existence. Abuses of human rights had increased markedly in recent months and both the United States Government and other observers had seen a significant rise in the number of cases of abuse. Such cases supported the belief of his Government and

(Mr. Nahas, United States)

that of numerous other American democracies that there was systematic abuse of human rights in Nicaragua, notwithstanding the agreement of August 1987 guaranteeing democratic reforms and that of March 1988 guaranteeing freedom of expression. Newspapers such as the Washington Post and The New York Times as well as organizations like Amnesty International, whose very right to express themselves freely would be denied in Nicaragua, had drawn attention to the persistence of abusive practices and growing repression. The incidents which he had described in his statement earlier in the day constituted violations of articles 2, 3, 4, 5, 7, 8, 9, 10, 12, 16 to 21 and 23 of the Universal Declaration.

100. Mr. FAHIYE (Somalia), responding to the representative of the United Kingdom, denied that there were abuses of human rights in Somalia. The Constitution and laws of Somalia guaranteed basic human rights. Torture and human degradation were not part of the characteristics and traditions of Somalia. He did not therefore understand the motives of the representative of the United Kingdom in accusing Somalia of violations of human rights. Somalia was not Northern Ireland where British forces daily violated the human rights of the inhabitants.

101. Mrs. FLOREZ (Cuba) said that it was the right of any delegation to say what it wished. Chile did not have the right to deny Cuba's right to speak. Her delegation had the moral duty to speak on human rights. A human rights group had visited Cuba and had seen everything that it wanted. The plebiscite in Chile was not a gift by the dictator Pinochet to the Chilean people. The régime had not wanted to make such a gift but had felt forced to do so because of international pressure. The Government of Chile had no right to speak on human rights because, since 11 September 1973, a military junta had been in power following a coup d'état against President Allende who had wanted to give democracy to Chile. Cuba would continue to speak of human rights in Chile, as was its right.

102. Mr. DAMM (Chile) said that the plebiscite in Chile to which the representative of Cuba had referred had been a process which had been defined in the Constitution adopted by a majority of the people in 1980. It gave the Chilean people a full and genuine representative, pluralistic democracy which regrettably was not on the horizon for the oppressed people of Cuba.

103. Mrs. FLOREZ (Cuba) expressed the hope that, on 14 December 1989, the Committee would see a truly democratic government representing Chile in the United Nations.

The meeting rose at 6.30 p.m.