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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE FIRST PART\* OF THE 47th MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 2 March 1989, at 3 p.m.

Chairman: Mr. BOSSUYT (Belgium)

later: Mrs. ILIĆ (Yugoslavia)

CONTENTS

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

- (a) Problems related to the right to enjoy an adequate standard of living; the right to development

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\* The summary record of the second part of the meeting appears as document E/CN.4/1989/SR.47/Add.1.

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CONTENTS (continued)

- (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms
- (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights (continued)

Status of the International Covenants on Human Rights (continued)

Question of human rights in Chile (continued)

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

- (a) Question of human rights in Cyprus (continued)

The meeting was called to order at 3.15 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

- (a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; THE RIGHT TO DEVELOPMENT
- (b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
- (c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS (agenda item 8) (continued) (E/CN.4/1989/L.12, L.18, L.20, L.21, L.23, L.24 and L.26; E/CN.4/1989/3, chapter I, section B, draft decision 3)

Draft resolution E/CN.4/1989/L.26

1. Mrs. ILIĆ (Yugoslavia), introducing the draft resolution on behalf of the delegations of Algeria, Argentina, Brazil, China, Colombia, Cuba, Egypt, Ethiopia, India, Iraq, Mexico, Philippines, Peru, Senegal and Yugoslavia, said that extensive consultations had taken place before the resolution had been drafted. It was consistent with the recommendations of the Working Group of Governmental Experts on the Right to Development. She hoped that it would be adopted by consensus.
2. Mrs. MOLINA (Deputy Secretary of the Commission) said that the delegations of Bulgaria, Nicaragua, Romania, the Syrian Arab Republic and the Ukrainian Soviet Socialist Republic had become sponsors of the draft resolution.
3. Mr. STEEL (United Kingdom), speaking on behalf of the Group of Western European and other countries, asked that the vote be deferred until delegations had had time to consider the financial implications of the draft resolution, as set out in document E/CN.4/1989/L.40. As far as he was concerned, the same would apply to several other draft resolutions.
4. Mr. CASTRIOTO DE AZAMBUJA (Brazil) expressed disappointment that a postponement of the vote should be requested, since the financial implications of the draft resolution were extremely modest, particularly in view of the significance of the right to development for many millions of human beings. He hoped that the draft resolution would be adopted by consensus.
5. Mr. TAYLHARDAT (Venezuela) said he agreed with the representative of Brazil. If voting were deferred on draft resolution E/CN.4/1989/L.26, the same procedure would be applied to draft resolution E/CN.4/1989/L.23.

6. Mrs. MUKHERJI (India) said that there was no reason to postpone consideration of the draft resolution, and her delegation rejected any attempt to link its consideration with that of any other draft resolution. The sponsors had devoted considerable care to the drafting of the text, which she hoped could be adopted without a vote.

7. Mr. HYNES (Canada) said he doubted that there was any intention to link consideration of the current draft resolution with any other. There had not yet been time to consider document E/CN.4/1989/L.40 setting out the financial implications of the draft resolution, since it had been made available only very recently.

8. Mr. ROA KOURI (Cuba) said he agreed with the representatives of Brazil and India, pointing out that the amount concerned (\$US 120,000) was hardly exorbitant, given the overall spending of the United Nations system as a whole. He hoped that the draft would be adopted without a vote. As far as he was concerned, there was no link with draft resolution E/CN.4/1989/L.23.

9. Mr. HELLER (Mexico) said that consideration of the financial implications would show that the costs involved were moderate in terms of the development process. No link should be made between a substantive draft involving intensive effort, and any others. He, too, hoped that the draft resolution would be adopted without a vote.

10. Mr. SENE (Senegal) said that it was important to maintain the consensus achieved with regard to the right to development. With regard to the financial implications, he referred to paragraph 8 of document E/CN.4/1989/L.40, which indicated that a global consultation would be organized only if savings became available.

11. He pointed out that the expression consultation mondiale in paragraphs 5 and 7 of the French text of draft resolution E/CN.4/1989/L.26 should read consultation globale.

12. Mr. CASTRIOTO DE AZAMBUJA (Brazil) supported by Mr. DESPOUY (Argentina) and Mr. RODRIGUEZ (Peru), said that he had become even more firmly convinced that the vote should not be postponed. The group of delegations involved in drafting the resolution had shown a commendable spirit of compromise and flexibility with a view to achieving a consensus. He suggested that the proposal to defer the voting reflected tergiversation or deliberate procrastination.

13. Mr. STEEL (United Kingdom) denied that it was the intention of the group of delegations on whose behalf he spoke to procrastinate or tergiversate, and referred to the Commission's obligations pursuant to rule 28 of the rules of procedure, whereby members should be given the opportunity to discuss the estimate of budget implications. They had not been allowed time for such consideration. He challenged the assertion that the financial implications were negligible, referring to paragraph 7 of document E/CN.4/1989/L.40. On behalf of the Group of Western European and other countries, he moved that the vote be deferred, emphasizing that such a deferment had no implications whatsoever as far as the substance of the draft resolution was concerned.

14. Mr. SENE (Senegal), supported by Mr. GOMPERTZ (France), was prepared to accept an adjournment, provided that it did not affect the substance of the draft resolution.

15. The CHAIRMAN said that, if he heard no objection, he would take it that the Commission wished to postpone the vote on draft resolution E/CN.4/1989/L.26.

16. It was so decided.

Draft decision 3 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

17. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) said that the financial implications of draft decision 3 were to be found on page 147 of the Sub-Commission's report (E/CN.4/1989/3).

18. Draft decision 3 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was adopted without a vote.

Draft resolution E/CN.4/1989/L.23/Rev.1 (continued)

19. The CHAIRMAN proposed that a vote be taken on the motion tabled at the previous meeting, pursuant to rule 54 of the rules of procedure. In reply to questions by Mr. RIETJENS (Belgium) and Mr. YAKOVLEV (Union of Soviet Socialist Republics), he explained that, if the motion were approved, the Commission would take no decision on the draft resolution.

20. Mr. DESPOUY (Argentina), supported by Mr. SENE (Senegal), said that for the Commission to vote on a question of its own competence was a highly unusual measure which could have serious repercussions.

21. Mr. STEEL (United Kingdom), replying to questions by Mr. SECKA (Gambia) and Mr. CHEN Shiqiu (China), said that, under rule 54 of the rules of procedure, his delegation moved, on behalf of the Group of Western European and other countries, that the Commission should decide that it was not competent to adopt draft resolution E/CN.4/1989/L.23/Rev.1.

22. Mr. de RIVERO (Peru), speaking on a point of order, said that, since the Chairman had already called for a vote under rule 54, the Commission must proceed to the vote without further debate.

23. Mr. GOMPERTZ (France) said there had been no announcement that the vote had begun. His delegation agreed with the representatives of Argentina and Senegal and would have preferred a different approach.

24. At the request of the representative of Cuba, a vote was taken by roll-call on the motion proposed by the United Kingdom.

25. China, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Belgium, Canada, France, Germany, Federal Republic of, Italy, Japan, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Sri Lanka, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Abstaining: Senegal, Somalia, Swaziland.

26. The motion proposed by the United Kingdom was rejected by 26 votes to 11, with 3 abstentions.

27. The CHAIRMAN invited the Commission to consider draft resolution E/CN.4/1989/L.23/Rev.1; he announced that the observer delegation of Romania had joined the sponsors.

28. Mr. RIETJENS (Belgium), speaking in explanation of vote before the vote, said that the bodies of the United Nations system had their own mandates and spheres of competence. The proposal contained in the text before the Commission was to include, as a sub-item on the agenda for its next session, a matter which was not within its competence. Consequently, his delegation would abstain from voting.

29. Mr. GROLIG (Federal Republic of Germany) said that his delegation regretted that no time had been allowed to discuss the draft resolution before it had been tabled. Although his Government had time and again shown flexibility in regard to the debt problems faced by some countries, the subject was not within the Commission's competence. His delegation would therefore vote against the draft resolution.

30. Mrs. dos SANTOS PAIS (Portugal) said that, while her delegation recognized the gravity of the world economic situation, the Commission was not the forum in which to discuss such matters. Accordingly, in the vote just taken, her delegation had supported the view that the Commission was not competent to adopt the proposal in question, and it would abstain during the vote on draft resolution E/CN.4/1989/L.23/Rev.1. Moreover, it could not understand why there had been no readiness to consider any compromise on the actual text.

31. At the request of the representative of Peru, a vote was taken by roll-call on draft resolution E/CN.4/1989/L.23/Rev.1.

32. Italy, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Botswana, Brazil, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Morocco, Nigeria, Pakistan, Panama, Peru, Philippines, Rwanda, Senegal, Sri Lanka, Swaziland, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Canada, Germany, Federal Republic of, Japan, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, France, Italy, Portugal, Somalia, Spain.

33. Draft resolution E/CN.4/1989/L.23/Rev.1 was adopted by 30 votes to 6, with 6 abstentions.

34. Mr. HYNES (Canada), speaking in explanation of vote, said that his delegation agreed with those who had questioned the Commission's competence in respect of the text just adopted. That view in no way affected his Government's position with regard to the need for international and bilateral action to alleviate the external debt problem.

35. Mr. KAMINAGA (Japan) said that his delegation appreciated the problems and aspirations faced by developing countries, and his Government participated fully in international efforts to assist them. But matters of foreign-debt and economic-adjustment policies were not within the purview of the Commission; therefore, his delegation had voted against draft resolution E/CN.4/1989/L.23/Rev.1.

36. Mr. BENEDETTI (Italy) said that his delegation had abstained during the vote. Although it appreciated the gravity of the foreign-debt problem, the Commission was not the appropriate forum in which to discuss it. His delegation nevertheless appreciated the sponsors' motives; it would have been helpful to allow more time to examine the text and invite broader participation.

37. Miss ATTAH (Nigeria) said that her delegation had voted in favour of the text. Some aspects of it were viewed by certain members as beyond the Commission's competence; but the Commission should not seek to compartmentalize issues.

38. Mr. RÖNQVIST (Sweden) said that, although the external-debt problem was important for many countries, the United Nations system must observe a certain division of labour. Although his delegation participated fully, in the appropriate forums, in the efforts to address that problem, the latter was not within the purview of the Commission. Therefore, his delegation had voted against draft resolution E/CN.4/1989/L.23/Rev.1.

39. Mr. CASTRIOTO de AZAMBUJA (Brazil) said that his delegation had voted in favour of draft resolution E/CN.4/1989/L.20, believing that the full realization of civil and political rights was closely dependent on the implementation of economic, social and cultural rights. In no circumstances, however, could inadequate enjoyment of the latter warrant any violation of the former.

40. Mr. RIETJENS (Belgium) said that draft resolution E/CN.4/1989/L.21 reflected a positive approach based on practical ways and means by which States could give effect to the various rights, paying special attention to the least advantaged sectors of society; for that reason, his delegation had been a sponsor of it. Draft resolution E/CN.4/1989/L.20, on the other hand, reflected a negative, even defeatist, approach in the way that it enumerated preconditions and obstacles; his delegation, therefore, had voted against adopting that text.

41. In a spirit of consensus, it had supported the adoption of draft resolution E/CN.4/1989/L.24 despite reservations about the use, in the preamble and operative paragraph 5, of the term "right to participation", which appeared in no basic human-rights instruments; it interpreted the expression solely in terms of article 25 of the International Covenant on Civil and Political Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights.

42. Mr. GROLIG (Federal Republic of Germany) said that his delegation had joined the consensus on draft resolution E/CN.4/1989/L.24 despite its reservations about the term "right to participation" in the fourth preambular paragraph and operative paragraph 5. The term as such appeared neither in the Universal Declaration of Human Rights nor in the International Covenants of Human Rights; his delegation interpreted its use as a reference in particular to article 21 of the Universal Declaration, article 25 of the International Covenant on Civil and Political Rights and articles 8 and 15 of the International Covenant on Economic, Social and Cultural Rights.

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 18)  
(continued) (E/CN.4/1989/L.17 and L.19)

Draft resolution E/CN.4/1989/L.17

43. Mr. OGOURTSOV (Observer for the Byelorussian Soviet Socialist Republic), introducing draft resolution E/CN.4/1989/L.17, said that the text was self-explanatory and could, the sponsors hoped, be adopted by consensus.

44. Draft resolution E/CN.4/1989/L.17 was adopted without a vote.

Draft resolution E/CN.4/1989/L.19

45. Mr. RÖNQVIST (Sweden), introducing draft resolution E/CN.4/1989/L.19, briefly drew attention to its contents and expressed the hope of the sponsors, which had been joined by the observer delegation of Luxembourg, that the text could be adopted by consensus.

46. Draft resolution E/CN.4/1989/L.19 was adopted without a vote.

QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1989/7 and 72; E/CN.4/1989/NGO/9, 29, 45, 58 and 60; A/43/624 and Corr.1)

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, (agenda item 12) (continued) (E/CN.4/1989/23-27, 58, 64 and 71; E/CN.4/1989/NGO/1, 5-7, 10, 31, 47, 54, 57, 61 and 62; A/43/624 and Corr.1, 630, 705, 736, 742 and 743) INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)  
(E/CN.4/1989/28)

47. Mr. ARNAOUT (Director, Division of Refugee Law and Doctrine, Office of the United Nations High Commissioner for Refugees (UNHCR)) said that the right of individuals to seek and enjoy asylum from persecution, explicitly recognized in article 14 of the Universal Declaration of Human Rights,



remained the cornerstone of UNHCR's protection efforts and was necessary for the enjoyment by refugees of other fundamental rights, such as the right to security of person or freedom from torture.

48. Although millions of refugees throughout the world continued to benefit from asylum and were treated in accordance with internationally accepted standards, that essential basic need was increasingly being challenged in and by many States. The challenge took numerous forms, including outright denial of any refuge, implementation of procedures blocking access to asylum opportunities; and refoulement.

49. A related aspect, namely, the individual's right to leave his country of origin and freely return to it had in recent years taken on a greater significance in terms of durable solutions to refugee problems. UNHCR was following closely the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the right to leave and return and would encourage further discussion to focus not only on the right itself but also on the consequences of return, including the important aspects of non-discrimination and physical safety.

50. The Executive Committee of the High Commissioner's Programme, in agreeing on minimum restraints on the practice of detaining refugees, had reached much the same position as that reflected in articles 9 and 10 of the International Covenant on Civil and Political Rights, namely, that detention should normally be avoided and that it was to be considered an exceptional response in an asylum-seeking situation. Moreover, the Committee had placed considerable emphasis on the need for detention to be in acceptable, humane conditions. It was the experience of UNHCR, however, that lengthy periods of detention for refugees, sometimes in circumstances which defied basic standards of decency and common humanity, had become a routine occurrence and took place in all continents. When examining detention-related issues, the Commission might also wish to consider the human-rights implications of the harsh detention of refugees.

51. In recent months, a number of States that received asylum-seekers had either expelled them or forced them to return to their countries of origin. In some cases, several thousand asylum-seekers at a time had been forcibly denied entry or sent back from first-asylum countries to situations in which their lives or security were seriously threatened. There had been instances of refoulement recently, where the refugees concerned had been executed upon return. Increasingly, over recent years, the security of refugees had been seriously endangered by physical attacks against their persons, military and armed attacks against their camps and settlements, militarization of their camps, and their forcible recruitment into regular or irregular armed forces.

52. Attention should also be given to problems of serious human dimensions resulting from a less obvious curtailment of rights on a daily basis. In that connection, he referred to the 1951 Convention relating to the Status of Refugees (HCR/INF/29/Rev.1), which provided, inter alia, safeguards to enable refugees to rebuild their lives on secure foundations. The provisions of the Convention partly paralleled similar provisions in human-rights instruments, for example the International Covenant on Economic, Social and Cultural Rights.

53. His Office had noted the increasing attention being paid to both the meaning and the scope of economic rights, which underpinned its own efforts to remind States that refugee rights did not end with the determination of status and admission for asylum purposes. In that connection, at its October 1988 session, the Executive Committee had called on all States acting as hosts to refugees to consider ways in which refugee employment might be facilitated and to examine their laws and practices with a view to identifying and removing as far as possible existing obstacles to such employment.

54. Human-rights violations, were, as the conclusion reached by the Executive Committee at its recent session suggested, more than a causal factor in mass exoduses. They also gave rise to protection problems in countries of asylum and were a factor to be addressed in countries of origin with regard to return. UNHCR believed that it would be useful to broaden the debate on human rights and mass exoduses in order to reflect the relevance of human-rights issues to all facets of the refugee problem. That could give new impetus and a more precise form to the debate, allowing it to take in a greater range of human-rights problems directly related to refugee issues. By turning attention to such problems, the Commission could raise the level of international awareness about them and make a positive contribution to their successful resolution.

55. Integral to the civilizing process directed at curtailing the natural excesses of many States were international instruments which, to the extent possible, gave legal force to moral responsibilities. UNHCR was pleased to note that there were currently 105 State parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol and that Hungary had formally indicated that it would become a party to those instruments in the near future. It hoped that other States that were not yet parties would soon follow suit.

56. The standard-setting activities of the Commission had produced several significant human-rights conventions, including the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. A successful end to the negotiating process of the draft Convention on the Rights of the Child was imminent. Both those Conventions should contribute directly to the more effective protection of refugees. Article 3 of the Convention against Torture contained a refoulement prohibition where there was a likelihood of torture. Torture clearly fell within the notion of persecution and, while article 3 probably related to a wider category than the non-refoulement provision in the 1951 Refugee Convention, it persuasively underpinned the 1951 Convention with regard to prohibition of the expulsion or return of refugees. The responsibilities assumed under one of the Conventions neither restricted nor enlarged responsibilities under the other; nor could States limit their responsibilities under one convention by expressing a reservation to any related provision in the other.

57. The promotion and protection of basic rights would inevitably give rise to some conflict between State interests and individual rights. In such a conflict, the individual was at a disadvantage. The balance could be effectively corrected only by a principled and committed defence of rights, both by international and non-governmental bodies and by the States themselves. The Commission offered one of the most promising international

forums for the defence of individual rights, particularly since its activities were conscientiously supported by non-governmental organizations which played an invaluable role world-wide in mobilizing community support for the protection of rights and assistance to victims.

58. For UNHCR, non-governmental organizations provided an equally invaluable support structure for the promotion of refugee protection. The challenge for all involved in that area was to separate humanitarian and human-rights problems from the often complex political situations in which they were generated. While UNHCR had to be cognizant of the political factors surrounding refugee issues, it nevertheless remained steadfastly humanitarian and non-political in its responses.

59. Mr. DITCHEV (Bulgaria) said that his delegation was convinced that further development and strengthening of co-operation in the field of human rights could be achieved through a fruitful and honest dialogue, which implied finding common and mutually acceptable solutions to mass and flagrant violations of human rights such as racism, racial discrimination and apartheid and the negative consequences for the enjoyment of human rights of the policies and practices of dictatorial or totalitarian régimes or of weak democratic Governments endangered by the ominous power retained by the military.

60. His delegation was also gravely concerned by the negative consequences for the enjoyment of human rights of natural disasters or the achievements of science and technology. In its opinion, some of those negative phenomena should be considered on a thematic rather than on a specific basis in order to prevent their occurrence.

61. His delegation continued to be alarmed at the serious violations of human rights in southern Africa and the occupied Arab territories. Those situations had been duly discussed in the Commission, but he would like to see the adoption of consensus resolutions which would have a more useful effect and lead to speedy solutions of the cases in question.

62. His delegation was also seriously concerned at the continuing violations of human rights in Chile. It noted the plebiscite conducted in Chile and respected the will of the Chilean people to do away with the current Constitution imposed on it by the Pinochet régime and to have free and democratic elections. In view of the fact that the human-rights situation in Chile continued to be of grave concern to the international community, his delegation thought that the mandate of the Special Rapporteur on Chile should be extended for another year.

63. He also wished to express his delegation's concern at the human-rights situation in El Salvador, where the power of the military was still alarming. In that connection, he referred to the statements in paragraph 7 of the report of the Special Representative on El Salvador (E/CN.4/1989/23) that the lack of confidence in the Government, the Legislative Assembly, the law courts and the armed forces was very great and that the United States was by a large margin viewed as the country which most interfered in the affairs of El Salvador. That state of affairs was inadmissible in terms of international human-rights standards and required serious attention by the Commission.

64. His delegation was seriously concerned at the continuing violations of human rights in Turkey, particularly the systematic use of torture, the large number of political prisoners, and the denial of the basic human rights of the Kurds living in Turkey. Although Turkey had ratified the European Convention for the prevention of torture, and inhuman or degrading treatment or punishment, and the United Nations Convention against Torture, that horrible practice continued to occur. The Kurds were still exposed to oppression and violence and, in the past few months, numerous operations had been carried out by the military in various provinces resulting in the arrest and torture of more than 5,000 persons.

65. His delegation was alarmed by the decision of the Turkish authorities to extend the state of emergency to eight districts of Turkey, all of them inhabited mainly by Kurds. Political prisoners in Turkish prisons were subjected to systematic torture, cruel treatment and punishment. In the Eskisehir prison, 160 political prisoners had begun an unlimited hunger strike in February 1989 for the third time within a year, to protest against the inhuman measures applied there. According to reliable information, the state of health of the prisoners was, extremely alarming due to their previous hunger strikes.

66. He also wished to express his delegation's concern over the continuing trial of the leaders of the Turkish Communist Party, Haidar Kutlu and Nihat Sargun, who had been ill-treated and tortured. There was no foundation whatever for that trial and the methods of torture used during their detention was a challenge to internationally recognized standards. He appealed to the authorities in Turkey to release the leaders of the Turkish Communist Party immediately as well as all other political prisoners and to respect the basic human rights of the Kurds, Armenians, Greeks, Bulgarians and other minorities living in Turkey.

67. His delegation noted with satisfaction the new developments concerning Afghanistan and welcomed the withdrawal of Soviet troops from that country in full compliance with the Geneva agreements. The further development of the situation in Afghanistan, which involved the enjoyment of human rights and fundamental freedoms by the entire Afghan people, depended significantly on the implementation of the Geneva agreements not only by the USSR and the Government of Pakistan but also by the other parties to the agreements.

68. His delegation sincerely hoped that the armed opposition operating from abroad would demonstrate a sense of responsibility and cease its activities leading to violence and hostility. The problems which the Afghan people faced should be solved by peaceful means through negotiations and national reconciliation, leading to the establishment of a coalition Government based on a broad national consensus.

69. U AUNG THANT (Observer for Burma) said that the queries addressed to his Government by the special rapporteurs concerning certain aspects of the events of July/August 1988 and subsequent developments in his country had been fully answered by his authorities. He wished, however to inform the Commission of the situation that had existed immediately preceding and following the events of July/August 1988.

70. For several years prior to 1988, the need for change and reforms had been clearly seen in Burma by the general public and the authorities alike. In August 1987, the authorities had called for a critical reassessment and, if necessary, reforms and changes, including even amendments to the 1974 State Constitution and the entire political system. In July 1988, an Extraordinary Congress of the then ruling political party had been convened to set about the practical task of reforms and liberalization. Profound changes of the political and economic system had been discussed and initiated. The authorities had even gone so far as to suggest the holding of a national referendum to enable the people to express its wishes freely either in favour of a one-party system or a multi-party parliamentary system.

71. Surprisingly, demonstrations had begun in Rangoon and a few other towns. They had started as peaceful demonstrations, as provided for under the 1974 Constitution, and had made far-reaching demands, which was their legitimate right. The Government had made broad concessions and had gone more than half way to meet the demands of the peaceful demonstrators even abandoning its own idea of holding a national referendum on the country's future political system. Unfortunately, the Government's conciliatory gestures had been misunderstood and simply ignored. Unscrupulous elements had infiltrated and exploited the situation. The demonstrations had become violent and, as widely reported by the national and international media, had involved weapons, including guns and live ammunition.

72. The originally peaceful demonstrations had been transformed by unscrupulous elements into mob rule to serve their own purpose, thereby negating whatever positive aspects they might have had. As national unity, sovereignty and independence were threatened, the Government had been compelled to step in to save the country from anarchy. Even then the authorities and the security forces had acted with the utmost restraint and had used the minimum amount of force required by the need to curb and control the calculated machinations of the unscrupulous elements.

73. Following those events, the Government had set itself the task of implementing four specific objectives, one of which was to hold multi-party parliamentary elections. A five-member General Election Commission, set up in September 1988, had been registering political parties, preparing a list of eligible voters throughout the country, and drafting an electoral law and manuals. The electoral law had been approved by the authorities and would shortly be made public. It was estimated there would be some 15 million eligible voters.

74. In view of the size of Burma, which had an area of approximately 677,000 square kilometres and a population of nearly 40 million inhabitants with a less than adequate communications network, the task involved in holding nation-wide general elections was no easy one. Nevertheless, a 14-month programme with a detailed schedule of work leading to the holding of the general elections had been announced by the Election Commission on 16 February.

75. In accordance with that programme, a precise date would be fixed as soon as all essential groundwork had been carefully laid for orderly, free and fair general elections. The country was going through an extremely delicate period of tremendous changes in its political, economic and administrative system.

In those circumstances, everything hinged on the systematic laying of the groundwork to which the authorities were currently devoting all their energies and efforts.

76. Given that situation, to view the recent events in his country from any single narrow angle and to draw hasty conclusions would be an obvious over-simplification and misleading. It could even be misunderstood as interference in the internal affairs of a Member State, which was specifically and unequivocally prohibited under Article 2, (paragraph 7) of the Charter.

77. With regard to the rumour that Burmese students returning from Thailand were being ill-treated, he said that the authorities were welcoming them with open arms. The allegations had been dealt with in his Government's replies to the Special Rapporteur. Furthermore, on 17 and 18 January 1989, some 50 journalists based in Bangkok had gone to Burma and visited Rangoon and a number of other towns to see for themselves how the students had been happily reunited with their parents.

78. The deadline for the return of students had been extended from 31 December 1988 to 31 January 1989. The authorities had declared that those returning after 31 January would also be welcomed and received through 27 reception camps opened on the Burmese side of the Thai-Burmese frontier. As of 17 February, 2,505 students had returned to Burma.

79. His delegation had no quarrel with the principle of genuine respect for human rights, within the general guidelines set by the Charter of the United Nations and the Universal Declaration of Human Rights. However, when the Commission interpreted the provisions of those documents to suit its own needs and applied them selectively and unfairly, it risked damaging the prestige and effectiveness of the Organization, whose noble purposes and objectives it claimed to support and serve.

80. Mr. AL-DOURI (Iraq) said that he had recently received a telegram from Baghdad regarding a general amnesty for Iraqis who had fled the country. All legal proceedings against Iraqi refugees would thus be dropped if they returned to their country within the time specified in the amnesty. The amnesty had not been extended to certain Iraqis who had committed crimes against the State or to agents of the Iranian régime living in Iraq.

81. A number of non-governmental organizations had accused Iraq of human-rights violations in the Kurdish region of the country. The Kurds of Iraq lived in peace and conducted their daily affairs in the same way as the rest of the population. The allegations which had been made against his country were subjective and unfounded.

82. The report of Amnesty International regarding the torture of children in Iraq was part of a campaign to turn international public opinion against Iraq. His delegation could not understand how such a respectable organization could make such allegations, especially in the light of the methods it had used to gain information. The detention and torture of children was completely contrary to the precepts of Islam and the Constitution, principles, laws and traditions of Iraq.

83. Amnesty International had asserted that there were hundreds of missing children in Iraq and had sent Iraq some of their names. His Government had replied that the names it had received were the names not of children but of adults against whom legal steps had been taken. Iraq denounced and refuted as completely fallacious all the information contained in the report, which was designed to besmirch Iraq's victory, international standing and 5,000-year-old civilization.

84. A number of non-governmental organizations had referred to Iraq's use of chemical weapons in the Halabja region. On 15 March 1988, Halabja had been occupied by Iranian forces, and the so-called use of chemical weapons had been announced after that date. Iraq bore no responsibility for the report on the subject, which had been drawn up in the occupied region. Moreover, the matter did not fall within the purview of the Commission; rather, it should be taken up by the Security Council, which dealt with armed conflicts.

85. With regard to the use of chemical weapons in other regions after the cease-fire, the Iraqi Minister of Defence and the Minister for Foreign Affairs had stated that no chemical weapons had been used against the Kurds. Iraq respected its international commitments, including the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous and Other Gases, and of Bacteriological Methods of Warfare. Official representatives of international organizations, including the International Committee of the Red Cross, had found no proof of the use of chemical weapons against the rebellious Kurds.

86. Finally, he wished to bring up a matter of procedure. He had read recently in a French newspaper a detailed report of what had happened at a closed meeting dealing with alleged human-rights violations in Iraq. The newspaper had even printed the results of the voting on the subject, and his delegation would like to know how the Commission had allowed such an incident to occur.

87. Mr. MUYOVU (Observer for Burundi) said that his delegation took exception to the practices of certain non-governmental organizations which came to the Commission with cases based on unreliable, second-hand information. Burundi rejected the clichés which portrayed it as a country torn by intermittent tribal warfare and whose Government failed to observe basic human rights. In particular, the statement made by a non-governmental organization on the afternoon of 14 February 1989 was completely unfounded.

88. Since 3 September 1987, the date on which the Third Republic had been proclaimed, President Pierre Buyoya had taken steps to ensure respect for human rights and to protect the physical and moral integrity of the human person as well as personal property. He had ordered the release of all persons who had been arbitrarily detained and had declared an amnesty for ordinary prisoners. The people of Burundi had progressively recovered its rights and fundamental freedoms, in particular the freedom of expression and of religion.

89. Dialogue between the State and the various religions of Burundi had resumed, and the bitter conflict which, under the Second Republic, had opposed Church and State, had been resolved. In contrast to the leaders of previous régimes, President Buyoya had continually asserted that the Third Republic considered the ethnic problem to be a concern which merited a just and durable solution.

90. Just as the people of Burundi were preparing to celebrate the first anniversary of the proclamation of the Third Republic, the sad events of August 1988 had taken place. Initial inquiries had revealed that dozens of leaflets inciting a part of the population to rebel against the authorities had been distributed in certain border regions of northern Burundi.

91. The peasants who had rebelled had merely been the instruments of underground extremists whose objective was to destroy the foundations of national unity. Those who had ordered the massacres in northern Burundi had wished to draw the attention of the international community to their claims. The events of August 1988 had obviously been provoked by foreign aggression and could not be attributed to the alleged domination of the Tutsi tribe.

92. As soon as peace had been restored in the two communities, the Government of Burundi had appealed to all refugees to return to Burundi of their own accord and had given its assurance that they would not be prosecuted for their activities during the tragic events. Refugees from Burundi had returned to their country en masse and, of the estimated 63,000 refugees in Rwanda just after the events, there remained less than 1,000.

93. While his Government had been shaken by the tragic events, it had not been discouraged in its pursuit of national unity. President Buyoya had established an advisory commission to study the question of national unity and had appointed a new Government of national unity headed by a Prime Minister. On 25 January 1989, the President of the Republic had pardoned all those who had signed the open letter addressed to him on 22 August 1988.

94. The Commission should take note of the commendable efforts made by the Government of the Third Republic and encourage the leaders of Burundi to pursue their goals of unity and peace, and should condemn without reservation the extremist theories of exclusivism and tribal hate which had been the cause of so many deaths. His Government categorically rejected the proposal made by a certain non-governmental organization that the Commission should appoint a special rapporteur to investigate alleged human rights violations in Burundi. That proposal was unjustified because the States members of the Commission and international organizations had their representatives at Bujumbura and could, if necessary, provide the Commission with relevant information.

95. Mr. EL-HAJJE (Observer for Lebanon) expressed his country's sincere appreciation and thanks to the United Nations Interim Force in Lebanon, the International Committee of the Red Cross, and the international organizations and humanitarian non-governmental organizations which helped relieve the daily suffering of Lebanese people living in south Lebanon.

96. The human rights situation in southern Lebanon merited particular attention because Israel occupied a large part of the region. The Israeli occupation of a part of southern Lebanon had begun on 14 March 1978 with the famous "Operation Litani". The second phase of that operation, had begun on 4 June 1982, had brought the Israeli invaders to the heart of Beirut, the capital of a State Member of the United Nations. In spite of Security Council resolutions 425 (1978) and 508 and 509 (1982), Israel continued to occupy a part of southern Lebanon, which it had designated as a "security zone". The zone currently comprised 171 villages with a total population of 354,870 inhabitants, or 10 per cent of the Lebanese population.



97. The "security zone" was still being subjected to harsh repression by the Israeli occupation forces and their accomplices in the South Lebanon Army. Air attacks and heavy artillery bombardment were often deliberately directed against civilian targets. Punitive expeditions were carried out against civilian localities, dwellings were arbitrarily dynamited and cultivated fields were destroyed. The occupation forces besieged villages, leaving them without food, water or medicine for long periods of time, in order to force their inhabitants to collaborate with the Israeli forces and to conscript the young men into the South Lebanon Army. The oppressors took hostages, made massive arrests and established detention centres which were declared off limits to representatives of the International Red Cross.

98. Israeli courts sentenced members of the Lebanese national resistance to long prison terms. Often, no information could be obtained about certain prisoners. The expulsion of Lebanese from the "security zone" was a daily occurrence. Moreover, when Palestinians were expelled from their country, they were forcibly taken by the Israeli authorities to southern Lebanon, despite their objections and Lebanon's refusal to accept them in its territory.

99. Such arbitrary and repressive actions constantly violated the sovereignty of a defenceless country. His delegation had drawn up a detailed list of repressive acts committed by the Israeli authorities in southern Lebanon; that list was contained in document E/CN.4/1989/71.

100. The human rights situation in southern Lebanon was extremely serious, and a prolonged Israeli presence in the region would increase the likelihood of an expanded conflict which would endanger international peace and security. The international community should adopt effective, concrete and realistic measures in order to end, as soon as possible, Israeli's policy of occupation, oppression and repression in southern Lebanon, and to enable Lebanon to regain its sovereignty and territorial integrity.

101. Mrs. Ilić (Yugoslavia) took the Chair.

The summary record of the second part of the meeting appears  
as document E/CN.4/1989/SR.47/Add.1.