



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1989/SR.11
10 May 1989

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 7 February 1989, at 10 a.m.

Chairman: Mr. BOSSUYT (Belgium)

CONTENTS

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

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.10 a.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1989/13, 14, 49, 52, 53, 55, 59 and 61; E/CN.4/1989/NGO/33; A/43/735)

1. Mr. KASSIE NEOU (Procedural Aspects of International Law Institute) said that, as a survivor of Cambodian genocide now resident in the United States, he regretted that it was still necessary to remind the Commission of the foreign occupation of Kampuchea and to urge the prompt withdrawal of all foreign forces. Commission resolution 1988/6 on the situation in Kampuchea was unfortunately inadequate, since the Commission had failed to make any provision, as one of "the essential components of a just and durable solution to the Kampuchean problem", to require the future Cambodian Government to commit itself to respect for human rights; and the existing situation made it highly likely that there would be a recurrence of past violations. Moreover, there was no reference in the resolution to the flagrant violations of human rights that were still occurring. At the very time when the General Assembly had begun to recognize the magnitude of past violations, the Kampuchean party responsible for them had been abducting thousands of people who had taken refuge in camps in Thailand, and taking them by force into combat zones. The "Khmer Rouge" had undertaken a massive military build-up ready to subvert the future government of national reconciliation. From the outset, the aged and infirm had been abandoned and the wounded had been denied medical treatment or evacuation by the International Red Cross. It was obvious that the Khmer Rouge remained just as cruel, and still had the same contempt for human life and human rights, as formerly. United Nations representatives in the area were well aware of the atrocities, and some had recently protested against them.

2. It might well be asked why such violations, whose major implications for the self-determination of the Cambodian people were obvious, were ignored by the Commission on Human Rights. The Commission should call things by name and not refer merely to "policies and practices", as was done in the resolution (43/19) adopted by the General Assembly at its forty-third session. The three special rapporteurs appointed by the Commission, and many States Members of the United Nations, had recognized that those "policies and practices" were nothing less than genocide. Any recurrence of such genocide must be prevented. In its resolution, however, the General Assembly had said nothing about preventing those responsible for mass violations of internationally recognized human rights from occupying positions in the next Government. That was not merely an internal matter, since if people responsible for genocide were to occupy positions in the future interim administrative authority, the decision would be that of the powers that had given them refuge, and not of the Cambodian people. The international co-operation for which the Commission would call in order to liberate mankind from the scourge of genocide was precisely what was needed in the case of Kampuchea. It should take the form of a declaration by the Commission on Human Rights affirming that those responsible for genocide should be prevented from occupying positions in the next Government. The exercise by the Cambodian people of their right to self-determination would certainly be promoted by such a declaration.

3. Mr. RYDER (International Confederation of Free Trade Unions - ICFTU) said that ICFTU endeavoured to support all efforts to create favourable conditions for the realization by all peoples of their right to national freedom and independence, as well as all measures necessary to defend democracy and freedom against any totalitarian or imperialist aggression. The exercise of the right to self-determination called for an absence of any external influence and also for certain basic guarantees within countries. Even when there was no unlawful external influence, a people could not be regarded as exercising that right if it was denied the freedom of expression and freedom of association to enable it to play a part in the economic, social and political life of its country. ICFTU had therefore noted with interest the report of the Special Rapporteur on the question of mercenaries (A/43/735 and E/CN.4/1989/14). The definition of a mercenary should be broad enough to encompass any individual who participated in acts of repression of basic human rights in return for financial reward and should also cover individuals recruited and operating within the frontiers of their own country. ICFTU was concerned at the ever-growing phenomenon of the murder of trade unionists and others by hired killers, namely mercenaries who were in the pay and under the orders of individuals. In some countries, the phenomenon had reached such a scale that the Governments concerned had said that they were powerless to deal with it. That applied to Colombia where, according to information available to ICFTU, some 500 trade unionists had been murdered in 1988. The Colombian Government had informed the International Labour Organisation that those responsible were hired killers acting individually or in paramilitary groups. Relatively few arrests had so far been made, and the activities of the mercenaries were seriously endangering respect for human rights in that country.

4. Brazil was experiencing the same phenomenon, as exemplified by the murder, in December 1988, of a well-known trade unionist and ecologist. It was to be hoped that the Brazilian Government would intensify its efforts to eliminate such mercenary activity.

5. ICFTU realized that to bring that type of activity within the scope of any eventual international convention would mean a considerable increase in the number of cases for consideration but, to be effective, any international action in that field must be based on a sufficiently broad definition and interpretation with a view to eliminating the threat posed by mercenary activities to the exercise of the right to self-determination.

6. Mrs. GRAF (International League for the Rights and Liberation of Peoples), recalling the history of Eritrea, said that the civilian population was the main victim of the brutal war which had been going on there for more than 27 years. Many organizations had given evidence of the numerous acts of violence committed against the Eritrean civilian population and against Eritreans living abroad. The Ethiopian military aggression had also claimed victims among the Ethiopian population. Minors were forcibly recruited into the army and the Ethiopian régime had denied the existence of some 12,000 of its own soldiers captured by the Eritrean People's Liberation Front (EPLF) and they were thus deprived of all humanitarian assistance.

7. The Ethiopian Government's argument that the development of Eritrea had been identical with that of Ethiopia for 4,000 years was totally unfounded and disproved by history. Eritrea was composed of nine ethnic groups, but that did not prevent it from forming a people. The unity of that people, which was

not a national minority, was confirmed by the armed struggle which it had waged since September 1961 and which had resulted in the liberation of 80 per cent of the territory (and 70 per cent of the population), now administered by the EPLF and the establishment of new economic and social relations.

8. The Eritrean people should be able to exercise their right to self-determination without prejudice to the integrity of their territory or of the frontiers inherited from colonialism. The exercise of that right did not constitute a secession. The principle of respect for the frontiers inherited from colonialism, considered by all concerned as a fundamental element of the Charter of the Organization of African Unity, had not been expressly written into that Charter. The fact that the OAU had been founded in 1963 - after Ethiopia's unilateral abrogation of the federal system - did not mean that it had been or was committed to guaranteeing the unity of the territory comprising Ethiopia and Eritrea. On its creation, the OAU could only take note of the de jure and the de facto situation, which had been and remained illegal. That state of affairs could not now be legitimized by the doctrine of the OAU, which was required to act in accordance with the aims and principles of the Charter of the United Nations.

9. The war of national liberation in Eritrea must be recognized as an international armed conflict. In the first additional Protocol to the Fourth Geneva Convention, it was stipulated that international armed conflicts included armed conflicts in which people struggled against colonial domination and foreign occupation and against racist régimes - a principle generally recognized by the international community. The Eritrean question came within the competence of the United Nations by reason of the Organization's dual obligation to ensure the maintenance of peace and respect for the right of peoples to self-determination. The Organization of African Unity had a duty to work steadfastly for the total emancipation of African territories that were not yet independent. States and international organizations, for their part, had an obligation to abstain from any co-operation intended to suppress a national liberation movement and to contribute to the exercise of the right to self-determination by all available diplomatic and material means.

10. The EPLF had been proposing since 1981 that a referendum be organized under the auspices of the United Nations, the OAU or some other international organization, to enable the Eritrean people to choose between full independence, federal association with Ethiopia and regional autonomy within Ethiopia. Official recognition by the OAU of the Eritrean movement as a national liberation movement would be a step towards a just and peaceful solution, since such a decision would be ratified by the States Members of the United Nations. In that connection, it should be recalled that the question of Western Sahara was in the process of being settled because the OAU had recognized the Polisario Front as the legitimate representative of the Sahrawi people.

11. Whether the question was to be considered by the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples or by some other body, the United Nations had a duty to give the Eritrean people the opportunity to express their will.

12. Mr. PRIELAJDA (International Federation of Free Journalists) said that colonization had not disappeared but that it still existed in the form of economic, cultural, ideological, or simply military, colonization. Decolonization was often painful and tragic, as in the case of Viet Nam or more recently of Afghanistan. No invader had ever acted out of philanthropic motives, and the reasons invoked by any foreign power for invading another country were admissible only in the eyes of the aggressor.

13. The nationalist movements that had recently emerged in the USSR were not the consequence of a suddenly awakened awareness, but had been made possible by the disappearance of the terror exercised by an earlier régime. Millions of people had been victims of an entire police apparatus rather than of a dictator acting alone. The new situation in the Soviet Union was encouraging, and augured well for the future. The subjugated minorities were beginning to believe in a certain liberalism on the part of the leaders. The claims of the Armenians would have been been inconceivable a few years earlier. National movements were beginning to come into being in the Baltic republics. Those emergent signs of respect for international instruments ratified by the USSR were to be welcomed, but much remained to be done. Despite the genuine progress to which the Soviet delegation to the Commission had drawn attention, the Baltic republics were still deprived of their right to self-determination, and had been ever since the signature of the German-Soviet accords in 1939. Economic, cultural and social autonomy was not enough for peoples who had known independence and whose Government had had a seat in the League of Nations. The International Federation of Free Journalists welcomed the changes referred to by the Soviet delegation in the direction of a stricter respect for human rights. It considered, however, that the idea of holding the review conference on the implementation of the Helsinki Accords in Moscow should be rejected out of respect for the millions of victims of Stalinist terror.

14. Mrs. SEMSI (World Movement of Mothers) said that the present occasion was the first on which a Kurdish woman had spoken on behalf of her people before an international assembly. Since 1923, when the Kurdish territory had been partitioned between four countries, the Kurdish people had been constantly victimized, particularly by the Turkish State, which denied that people's very existence. Very recently, the Turkish army had raided a village, subjecting the inhabitants, including pregnant women and children, to particularly inhuman treatment. The Turkish Government had proceeded to deport the inhabitants of the village in order to turn it into a military zone.

15. The Kurdish people were determined to free themselves from subjection and live in a free and independent way. In order to exercise their right to self-determination, they were fighting, under the leadership of the Kurdistan National Liberation Front, against a regular Turkish army of 400,000 men supplemented by a special reserve of 64,000 men. The Turkish Government had placed at the head of all Kurdish provinces a Governor-General with comprehensive powers, including legislative powers. The army was terrorizing the population and committing massacres. The Turkish State had also established a militia of 12,000 men responsible for exposing and executing members of the independence movement. It did not hesitate to use chemical weapons against the fighters of the Kurdistan National Liberation Front.

16. The Kurdish people were threatened by genocide. There were 10,000 political prisoners, and 4,000 people had been arrested in recent months.

Hundreds of Kurdish political prisoners had been transferred to prisons in the Turkish interior and cut off from their families, who spoke no Turkish and were forbidden to speak their mother tongue.

17. The Turkish authorities were arresting women as well as men, and subjecting them to rape and torture in prison.

18. The World Movement of Mothers appealed to the international community to consider, under agenda item 9, the situation of the Kurdish people who were under threat of genocide, and to ensure that their right to self-determination was at last recognized.

19. Mr. STEEL (United Kingdom) said that, despite the efforts the Commission had been making for many years, the list of violations of human rights was growing no shorter. The right to self-determination, for example, continued to be denied to numerous peoples throughout the world. That remained true despite encouraging signs of movement in that respect in three major areas of the world where the right had long been violated.

20. His delegation had repeatedly emphasized the importance of the right to self-determination as invoked in Articles 1 and 55 of the Charter of the United Nations and enunciated in article 1 of the two International Covenants on Human Rights. That right of peoples, once acquired, must be constantly defended against any attack. The surest means of defence in that regard, however, was the establishment and unimpeded operation of a democratic system of regular elections by universal suffrage in a free and fair electoral process that was itself upheld by respect for human rights and fundamental freedoms. The presence or absence of such a system was the acid test of whether a people enjoyed the right to self-determination.

21. The question of Palestine was one of the areas in which there had recently been some encouraging developments. The United Kingdom Government would continue to urge all the parties concerned to take advantage of the opportunity offered to them to settle the problem. It remained convinced that a just and lasting solution should be based on the right of the Palestinian people to self-determination, coupled with the right of all States in the region, including Israel, to exist within recognized boundaries.

22. The right to self-determination was among the human rights that were being denied to the non-white population of South Africa. The odious system of apartheid was itself a denial of that right, both in theory and practice. His delegation would revert to the question during the consideration of agenda item 6. With respect to the situation in Namibia, the United Kingdom Government had consistently opposed the prolongation of the unlawful South African presence in that territory and had supported the quest for a negotiated and internationally acceptable settlement of the problem on the basis of Security Council resolution 435 (1978), so that the Namibian people could choose their own Government by free and fair elections. His Government therefore welcomed the agreement concluded in December 1988 by the South African, Angolan and Cuban Governments, which was an encouraging step in that direction.

23. The United Kingdom also welcomed the improvement in the situation in Afghanistan, and particularly the announcement of the complete withdrawal of Soviet forces from Afghan territory. Such withdrawal was, however, only a first step in the restoration to the Afghan people of their right to

self-determination. That people must then be allowed to choose, in an act of self-determination, a government which truly represented them and was accountable to them. The international community must therefore remain vigilant. There could be no consensus unless the right of the Afghan people to self-determination was effectively respected and implemented.

24. In Cambodia, too, the withdrawal of all foreign forces was the first and essential condition for the exercise of the right to self-determination of the Cambodian people and the re-establishment of Cambodia as an independent State under a freely-elected and truly representative Government. That would also contribute to the restoration of peace and stability throughout the region. There must therefore be no return to the universally condemned policies and practices that had characterized the situation in Cambodia in recent years.

25. There were many other cases of violation of the right to self-determination that were also of concern to the United Kingdom. His Government would, therefore, continue to contribute to the efforts of the international community to ensure universal respect for that most fundamental of human rights.

26. The United Kingdom's position on the question of mercenaries, on which a special report was before the Commission, remained entirely unchanged. While condemning the recruitment, use or financing of mercenaries, his country considered, for the reasons explained in 1988, that the Commission was not the proper forum to consider the question, work on which, with the active participation of the United Kingdom, was proceeding in another United Nations body.

27. Mr. DESPOUY (Argentina) said that the right to self-determination had become one of the key features of contemporary international life. It exerted a profound influence on the lives and circumstances of all peoples and all individuals in general, and was a fundamental condition for the effective enjoyment of all human rights and fundamental freedoms. It was therefore a right that occupied a prominent place in the two International Covenants on Human Rights. Experience had shown that peoples unable to exercise their right to self-determination were also denied all their other rights and freedoms because they were subjected to oppressive régimes or foreign occupation. The mandatory nature of the right to self-determination was therefore indisputable, as was its predominant place in contemporary international law.

28. Recent events in various parts of the world testified to a final consolidation of that principle and to the need to respect it in order to establish peace. His delegation welcomed the progress achieved in settling the problem of Namibia, and supported the efforts of the Secretary-General of the United Nations to ensure the implementation of Security Council resolution 435 (1978). It was also following with interest the developments in the situation in Western Sahara and was convinced that the organization of a referendum under the auspices of the United Nations and the OAU would lead to the self-determination of the Sahrawi people. The withdrawal of Soviet troops from Afghanistan was a decisive step in the restoration of the rights of the Afghan people and an important contribution by the Soviet Union to peace and international détente. Argentina hoped that the problem of Afghanistan would be solved peacefully and with due respect for the fundamental rights of all the parties concerned. With respect to Kampuchea,

available information gave reason to hope that there could be a prompt solution to the problem. Argentina reaffirmed its support for the efforts to enable the Cambodian people to exercise their right to self-determination and to secure respect for the sovereignty and territorial integrity of Cambodia, and it called for the withdrawal of the foreign troops currently occupying that country. All parties must undertake to respect the fundamental human rights of the Kampuchean people.

29. Despite the progress made, it must unfortunately be noted that there were still peoples who continued to be denied the right to self-determination, particularly the inhabitants of the Arab territories occupied by Israel, and the South African people subjected to apartheid.

30. While reaffirming the inalienable right of peoples to self-determination, Argentina wished to draw the international community's attention to the attempts being made to distort the true scope of that right. It was rightly stipulated in paragraph 6 of General Assembly resolution 1514 (XV), establishing the framework for the decolonization process, that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations". The restoration to a State of the territorial integrity previously violated by colonialism simply meant the restoration to the people of that State of the rights conferred upon them by the principle of self-determination. Argentina would therefore steadfastly oppose any attempt by any State to distort the scope of that right in order to perpetuate its colonial domination to the detriment of the territorial integrity of sovereign States, as was being done in a part of the territory of Argentina occupied by a colonial power for more than 150 years.

31. Mr. JAFAR (Observer for Saudi Arabia) said that the establishment of peace in the Middle East was an objective of most countries, with the exception of Israel, which was deliberately impeding all the efforts made in that direction. Israel thought that, by its policy of occupation and colonization, it would succeed in uprooting the Palestinians from their lands and blotting out their existence from the memory of the younger generations and from history as a whole. Those efforts were doomed to failure, however, since the intifada had amply shown the justness of the Palestinian people's demands and the fact that they were determined to resist and to survive. More than a year after the beginning of the uprising, the international community had finally recognized the justice and legitimacy of the Palestinian cause and understood the full importance of the Israeli-Arab conflict. It should at last assume its responsibility with regard to a situation that no one, including Israel, could continue to ignore.

32. The proclamation of the independent State of Palestine had crowned the heroic efforts of the Palestinian people, who were armed only with stones and who had no other force than their determination and their faith in God. The historic resolutions adopted by the Palestine National Council in Algiers on 15 November 1988 had laid the foundations for the establishment of the Palestinian State and the formulation of a political programme designed to offer a peaceful solution to the Palestinian problem, based on the relevant General Assembly resolutions and in particular on Security Council resolutions 242 (1967) and 338 (1973). That programme had won for the Palestine National Council the support and admiration of all peace-loving peoples and had been favourably received in all international forums, since it offered an unexpected opportunity finally to solve a difficult and complex

problem in a peaceful way. A new page of history had thus been turned. The Commission on Human Rights must recognize the legitimate rights of the Palestinian people, including their right to self-determination, and call for the convening of an international peace conference on the Middle East under United Nations auspices and with the participation of the five permanent members of the Security Council and of all parties to the Arab-Israeli conflict, including the PLO.

33. The situation in South Africa and Namibia was a typical example of the use of force and discrimination to subject a people and crush its will. That extremely serious situation could not be remedied so long as the apartheid system continued. Saudi Arabia reaffirmed its support to the Namibian people in their struggle for the exercise of their right to self-determination and accession to independence, and supported all the relevant General Assembly and OAU resolutions designed to put an end to foreign occupation of the Namibian territory and to apartheid.

34. Mr. DAMANIK (Observer for Indonesia) recalled the efforts of the United Nations to bring about decolonization in accordance with the objectives of independence and equality expressed on various historic occasions, including the Conference of Asian and African countries held at Bandung in 1955. That conference had played an important role both in the formulation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)) and in the establishment of the non-aligned movement. Indonesia had been a sponsor of resolutions 1514 (XV) and 1541 (XV).

35. Much nevertheless remained to be done in the quest for universal equality. First of all, with respect to Namibia, Indonesia had been encouraged by recent developments and welcomed the implementation of the United Nations plan for the independence of the territory as from 1 April 1989. It had also welcomed the signature of the agreements between Angola, Cuba and South Africa, relating to Namibian independence and the withdrawal of Cuban troops from Angola. Action by the Secretary-General to arrange a formal ceasefire between SWAPO and South Africa would also be welcomed. Indonesia remained convinced that only comprehensive and mandatory sanctions could put an end to the apartheid régime in South Africa.

36. On 16 November 1988, Indonesia had recognized the Palestinian State proclaimed on 15 November, and it would shortly establish diplomatic relations with that State. It was also in favour of convening an international peace conference on the Middle East, in accordance with General Assembly resolution 38/58 C. It would also be appropriate for the Palestinian territory, including Jerusalem, to be placed under temporary United Nations supervision.

37. Replying to certain comments on East Timor made during the discussion, he recalled that the people of that territory had decided to become independent through integration with Indonesia, in accordance with a procedure that was consistent with its traditional practices, and on the basis of General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). Many foreign diplomats and the international media had been able to observe the process of self-determination at every stage. Portugal had objected that the United Nations had not participated, but the provisional Government of the territory had regularly kept the organization informed of developments

and had spared no effort to secure its participation in the decolonization process. The provisional Government of East Timor had sent a delegation to New York and Geneva for the purpose, but its invitations had not been accepted. It had nevertheless kept the Secretary-General of the United Nations, his special representative, the President of the Security Council and the Chairman of the Committee on Decolonization informed throughout the process. He recalled that under the provisions of General Assembly resolution 1541 (XV), which he quoted, United Nations participation in the decolonization process was desirable, but not mandatory.

38. Since then, in the general elections of 1982 and 1987, the population of the province of East Timor had reaffirmed its decision to integrate with the Republic of Indonesia. Indonesia was still committed to a dialogue under the auspices of the Secretary-General of the United Nations, but if Portugal wished to pursue that dialogue it should adopt a more constructive attitude and refrain from distorting the facts, as it had done once again at the current session.

39. Mr. DEMIRALP (Observer for Turkey) said that while the denial of self-determination of peoples was a violation of a fundamental human right and a threat to regional and world peace, that right must not be misused by minorities in order to destroy a country's national unity or territorial integrity. If there were populations within a country that formed distinct communities, the right to self-determination must not be granted to one of them and denied to another.

40. With respect to Palestine, he reaffirmed Turkey's view that there could be no just or lasting solution without Israel's withdrawal from the Arab territories occupied since 1967, recognition of the legitimate rights of the Palestinians (including the right to establish an independent State), and acknowledgement of the right of all countries in the region to live within secure and recognized boundaries. In proclaiming its own State, the Palestinian people had exercised its right to self-determination, which was inalienable and should be recognized as such by Israel.

41. Turkey was particularly interested in developments with respect to the situation in Afghanistan. It reaffirmed the right of the fraternal people of that country to choose their own form of Government and their own economic, political and social system free from outside intervention. His delegation hoped that the Geneva accords would be scrupulously applied, both in the letter and the spirit. It supported the efforts of Prince Sadruddin Aga Khan for the voluntary return of the refugees. Turkey intended to contribute substantially to the reconstruction of Afghanistan following the establishment of a representative Government.

42. In deciding to act as the host country for the United Nations seminar on international responsibility for Namibia's independence, held in Istanbul in March 1988, Turkey had expressed its unfailing support for the just cause of Namibian independence. His Government fully subscribed to the Istanbul Declaration, adopted at the end of the seminar. As a founder member of the United Nations Council for Namibia, his Government hoped that the resolutions adopted by the Security Council would create the most favourable conditions for the exercise of the right to self-determination of the Namibian people.

43. Constructive developments in the situation in Kampuchea had also been seen in recent months. The informal meeting at Jakarta certainly represented an important step towards the ending of armed conflict, the complete withdrawal of foreign troops, and the national reconciliation of the Kampuchean people. Turkey paid a tribute to the member countries of ASEAN, which had worked hard to secure a political settlement.

44. Mr. RAMLAWI (Observer for Palestine), referring to the right to self-determination of the Palestinian people, said that the Commission was well aware of the principles on which that people relied in calling for respect for their rights as derived from the Charter of the United Nations, the International Covenants and numerous resolutions of the General Assembly and other United Nations bodies. The General Assembly, for example, had formulated for that people a programme and a number of projects which the Security Council had unfortunately been unable to adopt because of the United States veto. The entire world nevertheless supported the struggle of the Palestinian people, as was shown by the resolutions of the General Assembly, the Non-aligned Movement, the Organization of African Unity and the Conference of Islamic Countries, and even by statements of Western European countries.

45. The Algiers Declaration of 15 November 1988, establishing the Palestinian State, had merely taken up the plan for the establishment of two States - a Jewish State and a Palestinian State - approved by the United Nations General Assembly in November 1947, with the support of the United States and the Soviet Union in particular. Since that Declaration by the Palestine National Council, the new State had so far been recognized by 91 countries. The Palestine National Council had also requested that an international peace conference on the Middle East should be convened under United Nations auspices, taking due account of Security Council resolutions 242 (1967) and 338 (1973). The action announced by Mr. Arafat, Chairman of the Palestine National Council, at the meetings of the General Assembly held at Geneva in December 1988 opened up favourable prospects for the success of such a conference. That action had been approved by the majority of States, even by traditional friends of Israel, and had encouraged the United States to enter into a dialogue with the Palestine Liberation Organization.

46. Israel was now alone in opposing a settlement on those lines in the Middle East together with a recognition of the rights of the Palestinian people on the basis of Security Council resolutions 242 (1967) and 338 (1973). That was why the socialist countries, the Western countries and the non-aligned countries were now urging Israel to take some peace initiatives itself. Israel must not confine itself to announcing illusory autonomy plans, which had no other purpose than to maintain its domination over the occupied territories.

47. With a view to realizing the right to self-determination of its people, Palestine would work towards the following objectives: it would continue to pursue the peace initiatives set forth in the resolutions of the Palestine National Council; the intifada would continue until those objectives had been achieved; it would urge the international community to put pressure on Israel to respond to the Palestinian peace initiatives; it would continue to reject the "autonomy" plans announced by Israel; and it would continue to work for a just peace in the Middle East in recognition of the rights of the independent Palestinian State, and without any foreign interference.

48. Mr. EL HAJJE (Observer for Lebanon) recalled that the right of peoples to self-determination, the principle of which was set forth in the preamble and Article 55 of the Charter of the United Nations, had been on the Commission's agenda since 1975. The right was also defined in article 1 of the two International Covenants, which he quoted. It was clear from those instruments, that the exercise of the collective right to self-determination was an essential prerequisite to the exercise of the individual freedoms set forth in the Universal Declaration and other international texts, including General Assembly resolutions 1514 (XV) and 2625 (XXV).

49. Lebanon, which was a founder member of the United Nations and one of the main architects of the Universal Declaration of Human Rights, and which had acceded to the two International Covenants and to a number of international conventions for the protection of human rights, had nevertheless seen its southern region occupied by Israel since 1982. It therefore called for the implementation of Security Council resolution 509 (1982), providing for the withdrawal of Israeli troops, whose presence was a flagrant violation of its sovereignty and also of the Charter of the United Nations, in Article 2, paragraph 4 of which it was stipulated that "All Members shall refrain in their international relations from the threat or use of force ...". Lebanon urged the international community, as represented by the Commission, to put pressure on Israel to withdraw its armed forces from south Lebanon.

50. Lebanon affirmed its solidarity with the Palestinian people, who had also been prevented from exercising their right to self-determination by Israeli armed forces, and it supported the proposal for an international conference under United Nations auspices. It also declared its solidarity with the Namibian people, and hoped that Security Council resolution 435 (1978) would be implemented without delay.

51. Mrs. BIHI (Somalia) said that one of the greatest achievements of the United Nations after the Second World War had been the decolonization of States which now comprised the majority of its Members. Her own country had become independent in 1960. Colonial domination and foreign occupation nevertheless persisted in several parts of the world.

52. For many years, the United Nations had also denounced apartheid before the world conscience as a crime against humanity. The time had come to implement the measures advocated for so long by the Commission and the General Assembly in order to secure the establishment of a just society in South Africa. All political prisoners, including Nelson Mandela, should be released at once.

53. The United Nations, and particularly the Security Council, had the grave responsibility of ensuring that the illegal occupation of Namibia by South Africa was brought to an end. Happily there were signs that a peaceful settlement was on the way through the application of Security Council resolution 435 (1978).

54. With respect to Kampuchea, her delegation hoped that all the parties concerned would take part in discussions with a view to reaching agreement on a framework for negotiations and on the elements for a comprehensive settlement. Somalia intended to co-sponsor a draft resolution on the subject, formulated by various Asian countries.

55. The Somali Government strongly supported the appeal of the non-aligned countries for the withdrawal of foreign troops and for respect for the independence, sovereignty and territorial integrity of Afghanistan. The return of refugees to that country in freedom and safety and with honour should also be guaranteed.

56. In the Middle East, Israel continued to occupy Arab territories by force and to deny the right of Palestinians to justice and self-determination. Forty years of violence had nevertheless failed to discourage the Palestinian people in their fight for freedom and independence. Her Government was convinced that there would be no peace in the Middle East until Israel had withdrawn from all the occupied Arab territories, including the Holy City of Jerusalem, and from Lebanon, or until the legitimate aspirations of the Palestinian people had been realized.

57. In the Horn of Africa, concerted action was necessary to remove the sources of tension and conflict. Fortunately, confidence-building had been undertaken in order to create a climate conducive to fruitful negotiations based on respect for the fundamental rights of the peoples of the area.

58. Mr. GAJARDO (World Federation of Democratic Youth) said that the right of peoples to self-determination was one of the foundations for the political, economic, social and cultural development of a nation. In view of the importance of that right not only for peoples but also for world peace and stability, active support must be given to the struggle of the national liberation movements and to defence of the integrity of States when they were subjected to the economic, political or military extortions of imperialism.

59. It was particularly odious to resort to the use of mercenaries for carrying out destructive or destabilizing operations, or simply as killers. Since those practices did not conform to the rules of war and violated international instruments on the treatment of civilians in time of war, the civilian population was particularly endangered by them. The use of mercenaries had nothing to do with the struggle of the national liberation movements. It was essential to formulate a universal convention in that area, and the Special Rapporteur's reports on the subject to the General Assembly and the Commission represented substantial progress in that direction.

60. Since the end of the previous century, the United States had been exercising its power over the political, economic, social and legal structures of the territory of Puerto Rico. Nearly 90 per cent of Puerto Rican industry and agriculture belonged to companies in that country. Industrial development projects had failed, and unemployment, crime, corruption, drug abuse and alcoholism were inflicting serious harm on the Puerto Rican people. Even worse, the United States was using the territory for military purposes and as a base from which it could commit acts of aggression against other Caribbean peoples and control the naval activities of the entire region. The national guard of 12,500 men - mostly Puerto Ricans - had been used to repress workers and supporters of independence and unleash a fratricidal conflict among Puerto Ricans. The World Federation of Democratic Youth condemned colonialism and neo-colonialism. It supported the struggle of the Puerto Rican people for their national sovereignty, political and cultural identity and respect for their civil rights.

61. The existing favourable climate in international relations had promoted considerable progress towards the emancipation - with the co-operation of the United Nations, the States mainly involved in the conflict, and above all of the peoples concerned - of peoples still subjected to foreign oppression. That applied to Western Sahara, where Moroccan occupation had been particularly brutal. For 15 years, Morocco had sought to destroy the identity of the Sahrawi people by such means as corrupting youth through the massive introduction of drugs and alcohol and by prostitution and pornography. The educational system had been transformed into an instrument of the policy of destruction. Right from the kindergarten stage, the Hassani dialect had been replaced by Moroccan. Students had been forced to study in Morocco in order to avoid any sizeable gatherings. The situation of political detainees was still disturbing. Disappearances had continued and torture was practised with unabated intensity. The occupying forces behaved with extreme brutality towards the civilian population, including children, and Sahrawis were not even allowed to have a passport. Those victims should not be forgotten in the process of self-determination.

62. The recent conversations between King Hassan II and the Polisario leaders represented substantial progress, but the negotiations under United Nations auspices must be concluded without delay with a view to organizing an early referendum on self-determination.

63. Mr. WALDEN (Observer for Israel), speaking in exercise of the right of reply, said that there was no need for him to reply in detail to the fallacious allegations constantly made by certain delegations about the deliberate aborting of pregnant women by Israeli forces. Those responsible for such allegations were obviously insincere in claiming to desire peace and reconciliation.

64. It was constantly reiterated that terrorism had been renounced. Yet only a day earlier, a group belonging to the PLO had been intercepted when preparing to attack Israel from Lebanon. As for the so-called desire for peace, it had been reported in a Kuwaiti newspaper on 29 January 1989 that Nabil Shaath, Arafat's adviser, had stated that if the Palestinians obtained independence in part of their country they would not renounce their dream of establishing a single democratic State over the whole land of Palestine.

65. The Observer for Libya had referred a few days earlier to the so-called "Protocols of the Elders of Zion". In quoting that well-known anti-Semitic forgery so beloved of the Nazis - in deliberate violation of the International Covenant on Civil and Political Rights - Libya had shown its true nature and the nature of its motives. He pointed out that his country was called "the State of Israel" and should not be referred to in any other way.

66. Mrs. ZWEIBEN (United States of America), speaking in exercise of the right of reply, said that the so-called "mercenaries" referred to by the observer for the Sandinista Nicaraguan Government should not be considered as such merely because they received foreign assistance. The Sandinista Government itself was, in fact, receiving foreign aid. It was surprising to hear such observations being made on behalf of a country that was endeavouring to spread revolution to other peaceful Central American countries.

67. Mrs. SINEGIORGIS (Ethiopia), speaking in exercise of the right of reply, said that the fallacious observations made about Ethiopia, and particularly the autonomous northern region, by the International League for the Rights and

Liberation of Peoples were due either to ignorance or to a deliberate attempt to distort Ethiopian history. It was regrettable that the concept of self-determination, which had inspired the formulation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)), should thus be invoked in order to advance the cause of secession. It was even more regrettable that the non-governmental organization in question should attack Ethiopia, which was currently presiding over the United Nations Special Committee on Decolonization. The principle of self-determination obviously excluded secessionism and terrorism, and certain acts of banditry. Under the provisions of the Declaration, the principle must not be used to serve expansionist ends or to promote the dismemberment of a State Member of the United Nations. Any such attempt would be in contravention of the Charter of the United Nations and of the principles of State sovereignty, territorial integrity and non-interference in the internal affairs of States. Her delegation therefore categorically rejected the misuse of the principle of self-determination.

68. The irresponsible attempt to distort Ethiopia's history deserved no reply, since it merely reflected the position of secessionist groups. The non-governmental organization concerned should nevertheless read carefully the Charter of the Organization of African Unity before calling upon that body to take part in the dismemberment of a Member State. That Charter left no room for doubt as to the inviolability of the unity and territorial integrity of African States.

69. Unfortunately, the International League for the Rights and Liberation of Peoples was engaged in a systematic campaign of falsification, in collaboration with secessionist bandits intent on destroying the historic unity of Ethiopia. Its statement showed that, by repeating all the allegations of the secessionist groups, it had become a propaganda agent for those groups.

70. Mr. DOLGU (Observer for Romania), speaking in exercise of the right of reply, said that without commenting on the human rights philosophy of the Prime Minister of the French Republic, he wished to reply to some unacceptable insinuations made about his own country. If, Mr. Rocard had looked in the right direction in regard to human rights, he would have noted that millions of people were suffering from hunger and disease in many developed countries, including his own, in violation of the most elementary rights. It might also be recalled that human rights included the right to work. In the country that was celebrating the bicentenary of its Revolution, there were millions of unemployed and hundreds of thousands of people with no rights or shelter. It would therefore be well for Mr. Rocard, in the words he himself had recently used to begin by putting his own house in order.

71. Lastly, the interpretation of the vote of any country or of its position on a particular provision in any document in the context of the Conference on Security and Co-operation in Europe was the exclusive responsibility of that country. Mr. Rocard could not pass judgement on decisions taken by other States.

72. Mr. COSTA LOBO (Portugal), speaking in exercise of the right of reply, said that he wished to respond to the statement by the observer for Indonesia on the situation in East Timor. In connection with the so-called exercise of

the right to self-determination in that territory, it must be recalled that, in resolution 31/53, the United Nations General Assembly had rejected the claim that East Timor had been integrated into Indonesia "inasmuch as the people of the Territory have not been able to exercise freely their right to self-determination and independence" (operative para. 5). The General Assembly had again adopted a similar resolution at the following session.

73. The observer for Indonesia had also affirmed that members of the media and other observers had been able to witness that so-called exercise of the right to self-determination. In fact, United Nations organs and a large number of countries had refused to be present because Indonesian troops were still in the Territory. In a report recently published in New Zealand, a diplomat had contested the representativeness of the East Timor Assembly inasmuch as the Constitution of that Assembly had been decided upon in camera. The author of the report stated that he had only been able to spend two hours in East Timor and had not been able to confer with the members of that Assembly.

74. Mr. RAMLAWI (Observer for Palestine), speaking in exercise of the right of reply, said that the observer for Israel had once again endeavoured to lead the Commission astray by equating the struggle of the Palestinian people with terrorism. Israel must know, however, as did the whole world, that the Palestinian people, which condemned terrorism, could not relinquish their struggle for independence in any of its forms, including the armed struggle against Israeli foreign occupation. Israel should realize that there was a vast difference between the struggle for independence, and terrorism. In any event, the Palestinian people would continue to struggle for the realization of a right that they had been recognized to possess by United Nations resolutions.

75. He also wished to point out to the observer for Israel that in all his own statements he had indeed spoken of Israel, whereas the observer for Israel himself had referred to "Judea and Samaria", instead of "Palestine". The observer for Israel would be well advised to respect the names officially recognized by the United Nations.

76. Mr. CASTELION (Observer for Nicaragua), speaking in exercise of the right of reply, drew the attention of the United States representative to the fact that, in his report on the use of mercenaries (E/CN.4/1989/14), Mr. Bernales Ballesteros, Special Rapporteur, had emphasized that the mercenary nature of the contras had been unequivocally established, and that that force was operating solely in the interest of the United States. The Sandinista Revolution was a popular insurrection against a dictatorship supported for 40 years by the United States.

77. Furthermore, the United States had never given any proof of interference by Nicaragua in the affairs of other countries in the region, whereas it was itself engaging systematically in military manoeuvres and had, during the course of its history, invaded Guatemala, Nicaragua and, in 1983, Grenada. Those few examples were eloquent.

78. Mr. WAYARABI (Observer for Indonesia), speaking in exercise of the right of reply, said that there was no need to comment in detail on the statements by the representative of Portugal, since Indonesia's position was already

well-known. There was no longer a problem of decolonization in East Timor, inasmuch as its people had already exercised their right to self-determination. Any denial of that fact flouted the right of the people of East Timor to determine their own future within the electoral process.

79. Mrs. ZWEIBEN (United States of America), speaking in exercise of the right of reply, said that it was at the least paradoxical that the Sandinista régime should address the Commission on the right to self-determination when it was denying its own people's right to democracy and freedom. In Nicaragua, the legal system, institutions and armed forces were transformed into instruments of oppression. The Constitution concentrated all powers in the hands of the Sandinistas, and the rights of the population were flouted. The United States certainly approved of the Esquipulas II Agreement, but it was only military, political and economic considerations that had brought the Sandinistas to the negotiating table. Internal opposition in Nicaragua was suppressed, the information media were censored and fundamental civil and political freedoms were trampled under foot.

80. The Organization of American States and the International Committee of the Red Cross were well aware of the case of Mr. Ramirez, who had been arrested in 1983 as a political opponent. Since his arrest, Mr. Ramirez had suffered ill-treatment in detention which had left him handicapped for life. The case was significant for all countries, but particularly for the United States, since one of the charges made against the person concerned was that he had been in possession of a photograph of Mr. Valladares, the leader of the United States delegation to the Commission on Human Rights, and that he had requested the latter to send him a copy of his memoirs on his detention in a Cuban prison.

81. Mr. CASTELION (Observer for Nicaragua), speaking in exercise of the right of reply, said that it was at the least paradoxical that the United States delegation should be speaking of democracy when blacks in Miami were subjected to aggression, Communists or sympathizers of related movements were unable to express their views in the United States and there had been a veritable witch-hunt of Communists there in the 1950s. In Nicaragua there were 14 political parties represented in the National Assembly and 10 other parties that had chosen not to be so represented. The Nicaraguan system was based on the participation of all those parties in public life, and the Constitution had been formulated in collaboration with them all. He knew nothing about the case of Mr. Ramirez, but the comments of the United States delegation suggested that it would not shrink from any exaggeration. Furthermore, the International Committee of the Red Cross and the Inter-American Commission on Human Rights could examine such cases.

82. Mr. COSTA LOBO (Portugal), speaking in exercise of the right of reply, asked why the question of East Timor remained on the agenda of the United Nations Special Committee (the Committee of 24) if it was not a problem of decolonization.

The meeting rose at 1 p.m.