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SUMMARY RECORD OF THE SECOND PART * OF THE 40th MEETING

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on Monday, 27 February 1989, at 4 p.m.

Chairman: Mr. BOSSUYT (Belgium)
later: Mrs. ILIC (Yugoslavia)

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* The summary record of the first part of the meeting appears as document E/CN.4/1989/SR.40.

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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, E/CN.4/1989/14, E/CN.4/1989/49, E/CN.4/1989/52, E/CN.4/1989/53, E/CN.4/1989/55, E/CN.4/1989/59, E/CN.4/1989/61, E/CN.4/1989/65, E/CN.4/1989/NGO/33, E/CN.4/1989/NGO/35; A/43/735)

1. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination - EAFORD) drew the Commission's attention to the tragic fate, too frequently ignored, of the population of Eritrea, the victim of Africa's longest war, that had claimed hundreds of thousands of lives and produced nearly 1 million refugees in the world. In 1962, Ethiopia had unilaterally annexed Eritrea, which under General Assembly resolution 390 (V) had become an independent unit federated with Ethiopia. History gave the lie to the argument of the Ethiopian Government that Eritrea had always been part of Ethiopia. The Eritreans, who constituted a people according to international law, had succeeded after 28 years of desperate struggle in liberating about 80 per cent of Eritrean territory, 70 per cent of the population of which was currently administered by the Eritrean People's Liberation Front. Since 1980 that body had been calling for a referendum supervised by the United Nations, the Organization of African Unity or another international body to enable the Eritreans to determine their future by choosing between full independence, a federal association with Ethiopia or regional autonomy within Ethiopia, a plea which had never been heeded. Encouraged by recent progress towards peaceful settlements in the cases of Angola, Namibia and Afghanistan, the International Organization for the Elimination of All Forms of Racial Discrimination appealed to the Commission on Human Rights to consider the Eritrean tragedy and called upon the Soviet Union to put pressure on the Ethiopian Government to let the Eritrean people choose their future freely.

2. Mr. ZOLLER (Pax Christi) said he believed the right of peoples to self-determination to be an indispensable condition for peace in the world and therefore once again drew the Commission's attention to the situation in Afghanistan, Cambodia, East Timor, Tibet, Eritrea, Western Sahara, Namibia and Central America.

3. While the almost total withdrawal of Soviet troops from Afghanistan was to be welcomed, the matter was far from being settled, since a totalitarian régime was still established in the country and it was to be feared that mass reprisals would follow its overthrow. It was therefore important for the Commission on Human Rights to keep the issue of human rights in Afghanistan before it.

4. The Commission was required to take a clear decision on the situation in Cambodia, where there was a risk that the return to power of the Khmers Rouges, who were responsible for nothing less than genocide, would seriously threaten human rights. In the draft resolution which it would adopt on the situation in that country, the Commission should clearly oppose the return to power of the Khmers Rouges.

5. The Tibetan people, victims of particularly harsh repression, had still not been able to decide freely on their own future, and it was to be hoped that the Chinese authorities would at last be willing to enter into a dialogue.

6. Despite the assertions of the Indonesian Government, the people of East Timor did not want to be integrated in Indonesia. The Indonesian authorities were practising a fait accompli policy by intensifying their military presence on Timorese territory and refusing to envisage any compromise solution. There again, that was a situation on which the Commission on Human Rights should take a clear stand.
7. The international community kept silent about the bloody war being waged against the Eritrean people, who had been decimated by bombings, the use of chemical weapons and famine. Such a silence gave little promise of a peaceful settlement of a dispute which had lasted for nearly 40 years and it was to be hoped that in 1989 the Ethiopian Government would react other than by a diatribe against the non-governmental organizations.
8. Where Western Sahara was concerned, diplomatic negotiations had made considerable progress since Morocco had decided to recognize the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro as a representative organization. However, until the agreement drawn up had been put into effect the Commission on Human Rights should keep the question under consideration.
9. Mr. EMERY (Centre Europe-Tiers Monde) briefly described the background to the conflict between the Eritrean people and Ethiopia. He regretted that the international community still paid no heed to that fight for freedom, one of the longest in the history of the African continent. No one could be unaware of the very serious violations of human rights which were committed in the region and had given rise to indescribable suffering for the civilian population of Eritrea and caused a mass exodus of refugees.
10. Ethiopia, the poorest country in the world according to the World Bank, maintained the largest army in Africa and allocated 50 per cent of its national budget to the war effort, while its population was dying of hunger. The Government's sole aim was to crush the resistance of the Eritrean people and to maintain its own colonial occupation. It remained deaf to the proposals put forward by the Eritrean People's Liberation Front, which wanted to find a peaceful solution to the conflict by organizing a referendum that would allow the Eritrean people to choose between independence, a federal association with Ethiopia or regional autonomy within Ethiopia. Instead, over the past six years, the Ethiopian forces had launched eight major military offensives which had claimed thousands of lives and caused incalculable material losses. The Ethiopian Government still considered the 16,000 soldiers captured by the EPLF as deserters; they constituted a heavy burden for the resistance movement, whose appeals for international assistance in that sphere had fallen on deaf ears.
11. A number of Governments or non-governmental organizations had repeatedly expressed their support for the referendum proposals put forward by the EPLF. The Centre once again appealed for a peaceful solution to the question of Eritrea and asked that the question should be included on the agenda of the forty-sixth session of the Commission on Human Rights.
12. Mrs. PERREGAUX (Centre Europe-Tiers Monde), speaking on the subject of the right to self-determination of the Sahrawi people, referred to the testimony of a Swiss citizen who had visited the occupied areas of Western Sahara in September 1988. The witness, who spoke Arabic and Spanish,

had sought to ascertain the real situation of the inhabitants of the region, which was the theatre of a murderous war between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro, the representative of the Sahrawi people. The territory was currently recognized by more than 70 countries as a true State, the Democratic Sahrawi Arab Republic. From conversations with Sahrawis, the witness had been able to observe the extent to which all human rights were flouted in that region.

13. The tragedy of the Sahrawi people was that it was unable to exercise its right to self-determination as most of the peoples of Africa had been able to do. At a time when all the conditions had been met for its independence, the agreements reached in Madrid on 14 November 1975 had once again called everything in question and the Sahrawi people had been subjected to a new colonization which had resulted in 13 years of war and Moroccan occupation. Despite the adoption by the United Nations General Assembly, the Organization of African Unity and the Commission on Human Rights, of numerous resolutions favouring direct negotiations between the Moroccan Government and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro with a view to achieving a cease-fire and creating appropriate conditions for the organization of a referendum, the situation remained unchanged and the occupiers continued their persecution and their acts of intimidation, the aim of which was clearly the annihilation of Sahrawi culture. It was a fact that only direct negotiations would allow that people finally to exercise its right to self-determination. What had happened to the civilian and military Sahrawi prisoners and all the persons (a total of 4,000 according to some witnesses) who had "disappeared" over the past 13 years would then also come to light. Following the appointment by the United Nations Secretary-General of a Special Representative for Western Sahara, preliminary discussions had already taken place although they had not been followed up by specific actions, except for the military truce unilaterally decided in February as a sign of goodwill by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro.

14. The Commission should continue to request direct negotiations between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro in its resolutions and to voice the concern which should be aroused by the military and administrative occupation of Western Sahara by Morocco.

15. Mr. GONZALEZ (International Indian Treaty Council) said he wished to refer to the fate of the indigenous populations, whose right to self-determination had been constantly violated by settler Governments wanting to seize their ancestral lands and annihilate the culture of the various peoples so dominated.

16. In Guatemala, three members of the united representation of the Guatemalan opposition, including an indigenous leader, would take part, as from 1 March, in the national dialogue established by the National Reconciliation Commission. That dialogue was intended to help the efforts made so far to enable the indigenous peoples of Guatemala to exercise their right to self-determination. The Commission should be informed of that initiative since the security of all the participants in the dialogue undertaken in Guatemala must be guaranteed.

17. In Alaska, foreign settlers had seized the land of the native Alaskans by promulgating a number of laws without the consent of the latter or of their traditional authorities, who were frequently not even aware of them. The indigenous peoples of Alaska were not only deprived of their identity as a nation, in flagrant violation of article 15 of the Universal Declaration of Human Rights, but arbitrarily dispossessed of their lands in violation of article 17 of the Declaration. The Treaty of Cession of 1867, concluded between the United States and Czarist Russia, had concerned the purchase of trading rights and not that of the Territory of Alaska, which had never belonged to Russia. In 1971, the United States Congress, without the participation or consent of the majority of the Alaskan natives, had promulgated a law which had had a particularly destructive impact in several respects: it recognized only 17.6 million hectares of the 148 million of the area of Alaska as belonging to the native peoples; it did not recognize native children born after 1971 as native Alaskans, which would in the long term lead to the destruction of the native culture and amounted to genocide, and it imposed totally artificial administrative bodies to replace the traditional Governments. In another act, the United States Government had extinguished indigenous hunting and fishing rights and authorized the sale of the stock of native corporations to non-native individuals or corporations. The United States had adopted still other laws most of which separated the Indian peoples from their lands and natural resources, constituting a fatal blow to the conservation of their culture because of the sacred link between the Indian and the land where his ancestors had lived. The indigenous nations of the United States which were victims of iniquitous laws of a similar nature were numerous: Navajos (Dine), Hopis and Papagos in Arizona, and Chippewas in Minnesota, to mention only a few. The members of those communities necessarily became guilty of violations of those severe laws since they were unaware of them, and were subjected to particularly severe repression.

18. The inherent dignity of all peoples set out in the Universal Declaration of Human Rights meant for the Indian populations and nations full respect for their identity and cultural development. The International Indian Treaty Council called upon the international community to demand justice and the right of indigenous peoples overall to self-determination.

19. Mrs. Ilic (Yugoslavia), Vice-Chairman, took the Chair.

20. Mr. DAHER (Arab Lawyers Union) said that considerable progress had been made world wide in the sphere of freedom, democracy and respect for human rights. However, it was obvious that much remained to be done. While some conflicts seemed to be on the road to settlement, others were more acute than ever. Lebanon, formerly a haven of peace and a model of intercommunity coexistence, had become the theatre of flagrant violations of human rights by the foreign armies which occupied its territory and prevented its people from determining their own future. The Lebanese had lost the freedoms they had enjoyed up to 1975 because regional and international forces had used their country as a testing ground for lethal weapons and for the purpose of ensuring the triumph of their religious and political beliefs. In the 14 years of its existence, that conflict had claimed an incalculable number of victims, had put an end to democratic life and had caused economic difficulties which had simultaneously enriched the wealthy and aggravated the poverty of the neediest. Much of what had been said up to date on the subject of Lebanon was nothing but rhetoric designed to obscure the truth. The word Lebanon had for some become synonymous with terrorism, although it was the Lebanese people

which had been and still was the victim of terror. Although that people constantly proclaimed its desire for unity among the different communities, those communities were no longer free even to meet on their own territory. It was admirable that Lebanon was still resisting, but it was increasingly in danger, and it was imperative that the Commission on Human Rights, which could not forget Charles Malek, one of those who had done most to forge the Universal Declaration, should take up the question. An international conference with the participation of the permanent members of the Security Council and the representatives of all countries involved in the Lebanese conflict should be convened forthwith; the first thing to be done was to implement Security Council resolutions 425 (1978), 426 (1978), 508 (1982) and 509 (1982), in which the Security Council had called for the withdrawal of Israeli troops from South Lebanon and the withdrawal of the foreign armies established throughout the territory. The Lebanese people asked nothing more than to be able to live in freedom and to choose their own destiny.

21. Mrs. HERNANDEZ (Pax Romana) said she regretted that she had once again to raise the issue of East Timor where, in December 1988, large numbers of people had been imprisoned and tortured, as confirmed by witnesses. The Bishop of Dili had himself recognized that, in October and November 1988, the police had carried out mass arrests and committed acts of torture, and had furthermore expressed his indignation against the fraudulent propaganda claiming that there were no human rights violations in Timor. It was disgraceful that neither the persons who had accompanied General Suharto when he had visited East Timor on 1 and 2 November 1988, nor the 12 Australian journalists who had accompanied the Prime Minister from 9 to 14 November, had made any mention of those arrests, thereby demonstrating once again that the colonial authorities did everything, and very effectively too, to conceal the situation in East Timor.

22. A number of officials of the occupying administration had asserted that access to East Timor would be completely free towards the end of 1988, although others had said that only 8 out of the 13 districts would be concerned by that measure. On the latter assumption, more than half of the surface of East Timor, with two thirds of its population, would remain beyond scrutiny. However that might be, the colonial administration's concern was to facilitate the circulation of persons, goods and capital between East Timor and Indonesia in order to mitigate the existing serious economic crisis rather than to allow foreigners freely to visit the country.

23. The economic situation in East Timor was extremely serious, and the rate of unemployment was constantly rising. Approximately 90 per cent of the population did not speak Indonesian, approximately half was virtually illiterate while, on the Governor's own admission, the infant mortality rate was extremely high. Young people who had been to school could not find work. In spite of the repression, they demonstrated openly in the streets against the economic and social situation.

24. At the beginning of the year, several individuals had been banned from entering East Timor by the security forces. Large-scale military operations were currently under way, particularly in the south, and the serious incidents which had taken place in Dili in December 1988 had left dozens of soldiers dead and had sparked off a new wave of repression.

25. It was high time that the population of Indonesia and the whole world became aware of the unlawful acts being committed by the occupation authorities and the genocide carried out by the armed forces. Large-scale human rights violations would continue until the Timorese were able to exercise their right of self-determination. Her organization appealed to the people of Indonesia to encourage dialogue and change instead of waging a war of extermination. It also called upon all Governments, and in particular the members of the Commission on Human Rights, to set aside their own interests and work for the achievement of the rights of all peoples.

26. Mr. KPTOSRA (Togo) said that his country, formerly under the protection of the United Nations, was particularly intransigent with regard to the right of peoples to self-determination, respect for which he considered to be an appropriate means of reinforcing universal peace.

27. While many recent events suggested that definite progress in the exercise of the right of self-determination had been or was being made, the international community should not relax its vigilance, but should rather intensify its activity in order to make the most of such signs of progress. In that connection, it was to be hoped that the process started in the Maghreb would lead to the solution of the problem of Western Sahara.

28. The situation in the occupied Arab territories continued to be a matter of concern, and it was increasingly clear that peace in the Middle East would not be possible unless all the States of the region, including Israel, had the acknowledged right to live within safe and internationally recognized frontiers, and unless the right of the Palestinian people to a homeland was also acknowledged. In that regard, his delegation was convinced of the need for an international peace conference bringing together the permanent members of the Security Council and all the parties to the conflict, including the Palestine Liberation Organization.

29. Togo, an unfailing supporter of all nations which fought to free themselves from oppression, very much regretted that Viet Nam, which had formerly struggled fiercely for its own liberation, had been occupying Kampuchea for many years. It followed with interest the efforts by the countries of the Association of South-East Asian Nations (ASEAN) to find a solution which would enable the fundamental rights of the Kampuchean people to be restored. Togo considered it indispensable that the search for a definitive overall solution to the problem should be conducted in the context of the five-point peace plan proposed by Norodom Sihanouk.

30. In Afghanistan, the withdrawal of Soviet troops according to the schedule established by the Geneva Agreements of 14 April 1988 was a source of satisfaction, but the situation in Afghanistan remained disquieting and it might well be wondered how many more human lives were still to be sacrificed before the Afghan people could exercise its right to self-determination. Togo wished Afghanistan a rapid restoration of peace and concord in its territory.

31. Mrs. MUKHERJI (India), speaking in exercise of the right of reply, reminded the representative of Pakistan that the State of Jammu and Kashmir was an integral part of India; the right to self-determination could certainly not be invoked for a region which was in all respects an integral part of an independent and sovereign State. The position of India on that subject was sufficiently well known for any further comment to be unnecessary.

32. Mr. GOSHU (Ethiopia), speaking in exercise of the right of reply, protested against the completely groundless accusations which had been put forward by so-called "non-governmental organizations" in respect of the autonomous region of Eritrea, which had always been an integral part of Ethiopia. The Commission had heard biased, one-sided statements couched in an offensive language which cast serious doubts on the humanitarian motives of the three so-called non-governmental organizations; the fact that they had taken the floor successively was no mere coincidence. It could only be concluded that they had taken sides with secessionist groups which had arrogated to themselves the right to speak on behalf of a people. The situation in the northern autonomous region of Eritrea was in no sense a question of self-determination, since the war taking place there was nothing less than a war of secession waged by a minority of armed groups and terrorists. The problem of terrorism, whether local or international, was a plague to be eradicated, and no progress could be made if certain non-governmental organizations persisted in misguiding international public opinion.

33. The Ethiopian Government had been forced to take the necessary police action to restore law and order and ensure the security of the civilian population in the autonomous region of Eritrea, which was threatened by the acts of a handful of bandits intent only on undermining the historic territorial unity of Ethiopia.

34. The allegation that the Government of Ethiopia had engaged in the aerial bombardment of civilian targets was totally groundless. On the contrary, the secessionist bandits had initiated a constant pattern of barbarism, including the destruction of economic lifelines, and had even burned United Nations food convoys destined for the victims of the drought. The "NGOs" which depicted the secessionists as a group waging a struggle for freedom and the right to self-determination had identified themselves with the objectives of the terrorists. General Assembly resolution 1514 (XV), in the preparation of which the Ethiopian delegation had taken part, had not been intended to justify the dismemberment of sovereign States. The Eritrean people had had an opportunity to exercise their right of self-determination to the full and had opted for association and then for full integration with their motherland Ethiopia. Moreover, they had overwhelmingly approved a republican constitution which gave them the right of regional autonomy. The Ethiopian Government had always wanted to settle the ongoing problem by peaceful means and continued to be prepared to engage in dialogue, but it was unacceptable to ask any Government to submit to the dictates of bandits who terrorized the population. His delegation therefore rejected the allegations of the so-called "non-governmental organizations", themselves obviously victims of the propaganda campaigns of the secessionist groups. It advised them to study the true history of Ethiopia as written by more than one renowned historian.

35. Mr. WIRYONO (Observer for Indonesia), speaking in exercise of the right of reply, noted that the statements made on East Timor did not contribute any new elements, but merely reiterated what had often been heard already. The reply of the Indonesian delegation to those who wondered why the issue of East Timor was still being considered by the Committee of 24 was that the road to self-determination, which was supposed to be smooth, was often beset with obstacles, particularly when a colonial power had simply deserted a former colony, as Portugal had done in the case of East Timor. The Portuguese authorities had left the Territory in 1975 leaving behind them a chaotic

situation and had heavily armed FRETILIN, which had unilaterally declared itself to be the sole representative of the East Timorese people. FRETILIN had then undertaken to subdue all other political groupings by means of bloody combats which had forced thousands of Timorese to take refuge in West Timor. The majority of the political parties, which favoured integration, had nevertheless succeeded in organizing themselves and, since they did represent the majority, the Indonesian Government had responded favourably to their request for integration. The Government had endeavoured to facilitate the process of decolonization, particularly by organizing meetings with the Portuguese Foreign Minister and with representatives of FRETILIN. The integration subsequently achieved was acknowledged by the countries most familiar with the real situation in the Territory, particularly the ASEAN countries.

36. The fact that the matter was still on the agenda of the Committee of 24 was attributable to the careless attitude of Portugal which had abandoned East Timor on 26 August 1975, at the height of the civil war which Portugal itself had instigated. Furthermore, Portugal had forfeited any moral or legal right to be considered as the administering Power of East Timor, as could be seen by the fact that the relevant General Assembly resolutions from 1976 to 1979 failed to make any mention of Portugal as the administering Power.

37. Mr. GILANI (Pakistan), speaking in exercise of the right of reply, said he wished to inform the Indian delegation that the position of the Pakistan Government on the subject of Jammu and Kashmir was sufficiently well known for it to be unnecessary to set it out again.

38. Mrs. DOS SANTO PAIS (Portugal), speaking in exercise of the right of reply, recalled that the situation in East Timor was still being considered by various United Nations bodies, particularly the Committee of 24 which acknowledged Portugal as the administering Power of the Territory. The Portuguese delegation could only reject the allegation that Portugal had abandoned East Timor. In fact, Indonesia had invaded the Territory in 1975, thereby preventing the Timorese people from exercising their right of self-determination. It was equally untrue to say that FRETILIN had been armed by Portugal and that that country's intervention had sparked off a civil war. Portugal had always relied on dialogue to enable the people of East Timor to decide on their own future and, with the help of the United Nations, it hoped to find a solution acceptable to the Timorese in the near future. Indonesia's attitude, as revealed in the assertions of its representative, would be of no help at all in advancing along that road.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF
INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF
(agenda item 22) (continued) (E/CN.4/1989/44, E/CN.4/1989/67)

39. Mr. RHENAN (Observer for Costa Rica) pointed out that the issues covered by agenda item 22 seemed to be increasing in importance. The principle of the freedom of religion had always been guaranteed in the instruments of the United Nations, beginning with the Charter of the United Nations and the Universal Declaration of Human Rights, article 18 of which was of particular importance since it enshrined the principle of the freedom to profess a religion or to have none and to profess any other type of philosophical belief, a principle which the French Revolution of 1789 had defended with fervour.

40. As from 1981, when the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief had been adopted, the various United Nations human rights bodies had devoted themselves to studying the issue of religious intolerance; the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in particular, through a Special Rapporteur, had carried out a study of the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief (E/CN.4/Sub.2/1987/26), while the Commission on Human Rights in its turn had assigned a Special Rapporteur the task of ascertaining the situation with regard to the implementation of the Declaration. Unfortunately, it emerged from the Special Rapporteur's report (E/CN.4/1989/44) that, despite the efforts of the international community to promote respect for all beliefs, intolerance was still rife in several regions, while many Governments still encouraged lack of understanding and hatred between religious communities or fanatical dissensions within such communities.

41. From the information he had collected, the Commission's Special Rapporteur had concluded that incidents and Government measures - which took extremely varied forms - incompatible with the provisions of the Declaration continued to exist in nearly all regions of the world. However, he had noted a genuine effort both internationally and nationally to plan and implement effective measures to combat intolerance. It would perhaps be timely for the Commission on Human Rights to go back to the idea of setting up an open-ended working group which would meet annually for a preliminary review of situations and events involving religious intolerance. That would be an efficient way of combating the fanatical ideas and practices of another era which some religious and political leaders were still endeavouring to impose. The conclusions of the two Special Rapporteurs, which complemented each other, should serve as a basis for the activities of the future working group. Furthermore, the non-governmental organizations could provide valuable assistance, particularly the World Council of Churches, which worked tirelessly for the achievement of mutual respect among the various religions and among those who held non-religious beliefs. His delegation had noted with particular satisfaction the interest expressed by the Holy See in the proposal for the elaboration of a draft international convention on the elimination of all manifestations of intolerance and respect for freedom of religion.

42. Religion should be considered as a means of promoting human dignity and humanitarian ideals as well as freedoms in every sphere. No effort should be spared to ensure that individuals were not afraid to express their thoughts and to create the appropriate conditions for setting up an order in which the followers of all religions, beliefs and schools of thought, rid of the conviction that they held the monopoly of truth, could co-exist in mutual respect and harmony.

43. Mr. KALOC (Observer for Czechoslovakia) stressed the complexity of the burning issue of religious intolerance which the Special Rapporteur had revealed in the document before the Commission (E/CN.4/1989/44). He appreciated the fact that the Special Rapporteur had taken into account the suggestion of a number of States which had asked at the forty-fourth session for a document giving a balanced choice in terms of the countries studied. However, a more detailed picture of the legislative and administrative guarantees in force (chapter III) might have been desirable, and would, in

fact, have been more useful than a long list of individual cases. That said, his delegation endorsed the Special Rapporteur's conclusions and recommendations and, like him, was persuaded that there was still much to be done to lessen religious intolerance.

44. Czechoslovakia would make concrete efforts to help the Special Rapporteur, and in particular was prepared to take an active part in the advisory services which the United Nations bodies could furnish in that area. It was favourable to the idea of elaborating new international standards on religious intolerance and hoped that the Commission would adopt a decision based on resolution 1988/32 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

45. The Constitution and legislation of the Czechoslovak Socialist Republic guaranteed that all believers could practise their faith without reservation and participate without any discrimination in social life and in the ongoing restructuring and democratization of Czechoslovak society. The churches and religious associations were an integral part of socialist society and that was what guided the process of restructuring and new political thinking in Czechoslovakia. The Government of that country had proved that it was seeking a definite solution to certain problems which might still arise in relations between the State and the churches, with which it had regular contacts.

46. Mr. CHAHINE (Syrian Arab Republic), recalling the principles of freedom and respect for human rights enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, considered that the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was a task deserving of the full attention of the international community. The application of those principles nationally and internationally implied a searching after and a respect for truth, on which international peace and the very future of the world depended.

47. An analysis of human rights and fundamental freedoms required a return to the sources, of which there were a number; while the French Revolution had taught the whole world the principles of liberty, equality and justice, other civilizations, including that of the Arabs, had enriched history by contributing spiritual values. Liberty was sacred in Arab society and was defended by every one of its members wherever it was flouted. The Arabs, who were open to the ideals of truth, good and beauty, and were persuaded that the sense of the spiritual was shared by all, had already shown that they were ready to co-operate fruitfully with modern civilization.

48. During the consideration of the agenda item under discussion, many speakers had referred to the situation of religious minorities in one country or another. False accusations had been made against certain Arab countries, including the Syrian Arab Republic, on the subject of the fate and the treatment of citizens of the Jewish faith. In the history of the world the Arabs had been alone in not persecuting the Jews, who had lived among them for centuries and had benefited from their protection.

49. Syrian legislation embodied the freedoms set out in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. In particular, the Constitution acknowledged the freedom

of every individual to practise his religion provided that there was no disturbance of public order, while civil law contained provisions directed against attacks on that freedom.

50. He considered it necessary to point out that his country made a clear distinction between zionism, an expansionist movement based on the notion of race, and Judaism, which was one of the revealed religions. The Syrian Arab Republic opposed zionism, of which the Jews themselves were victims in so far as it was an obstacle to their integration into other communities, and condemned that movement, which took the material form of expansion and occupation. The Zionist entity daily committed what amounted to crimes against humanity in the territories it occupied, where it practised racism and profaned the holy places of Islam and Christianity. He recalled that one of the judges of the Israeli Supreme Court had declared in July 1963 that it was an irony of fate that the same biological and racial theories invoked by the Nazis were regarded as the basis of the official definition of being Jewish in Israel. He added that the idea of a people chosen by God was in contradiction to the notion of the fundamental equality of individuals.

51. The thick veil of zionism prevented the West from perceiving the truth. Were it not deluded, the European consciousness would be aware of the spiritual colonialism and intellectual guardianship practised by zionism in the name of the "historic religious right" of the Jews to Palestine.

52. No one could turn back the course of history. The sufferings and hopes of the Palestinian people, who had resolved to use the very stones of its territory to free that territory from injustice and occupation, appealed to a sense of justice and truth.

53. Mr. STROHAL (Observer for Austria) said that freedom of conscience, thought, religion or spiritual belief, together with the guarantee of not being subjected to torture or other cruel, inhuman or degrading treatment, in order to conserve the physical integrity of the individual, constituted an essential element of the freedom of the human being. The adoption in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief meant that the members of the international community were increasingly aware of the threat which attacks on freedom of religion represented for all other fundamental freedoms. It was a basic human right which continued to be restricted and violated in many regions of the world, as could be seen from the report of the Special Rapporteur (E/CN.4/1989/44). A lesson should be drawn from the conclusions of that report, which considered the current situation far from satisfactory. However, in the opinion of the Austrian delegation, the Special Rapporteur had perhaps been excessively prudent in his judgement in view of the magnitude of the current infringements of the freedom of religion and belief throughout the world. Like him, however, the Austrian delegation considered that the problem was extremely complex, although that should not prevent the international community from seeking a solution, quite the contrary.

54. The Austrian delegation regretted that, as mentioned in paragraph 79 of the report, the Governments of eight countries had not replied to the Special Rapporteur. Other Governments had made no reference in their replies to difficulties which they might have in implementing the Declaration and others

had given answers which were hardly answers at all. The Austrian delegation could not understand why certain countries refused to co-operate with a Special Rapporteur who was in no way a prosecutor but was simply responsible for assessing particular situations with a view to suggesting remedies as appropriate. Governments needed to show a greater spirit of co-operation in the future.

55. The phenomenon of religious intolerance could not be considered in isolation and the best guarantee for a climate of tolerance and mutual understanding consisted in ensuring the efficient functioning of democratic institutions.

56. Like other delegations, the Austrian delegation considered that it could not remain silent with respect to the case of Salman Rushdie. Austria had always considered that all religious beliefs should be fully respected, but it could not accept the violation of principles as universally recognized as the right to life and the right to freedom of expression. His country hoped that reason and moderation would finally prevail in the affair in question.

57. As a contributor to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights, Austria welcomed the proposals of the Special Rapporteur concerning the use of that Fund. With respect to the elaboration of new international norms for the protection and promotion of the freedom of religion, the Austrian delegation held the view that the Declaration should be supplemented by a binding international instrument which would ensure at least the protection provided for in the Declaration and also stipulate positive obligations. The adoption in Vienna in January 1989 of the Final Document of the Conference on Security and Co-operation in Europe, which contained provisions relating to religious freedom, showed that it was possible to reach agreement on a politically binding instrument. The provisions adopted by the Conference represented genuine progress and were an expression of the determination of the participating States to translate theory into practice. The Sub-Commission on Prevention of Discrimination and Protection of Minorities should be requested to prepare as soon as possible a first draft of a convention which Austria would take an active part in elaborating.

58. Meanwhile, it was important that States which had not yet done so should ratify the international human rights instruments already in force, particularly the International Covenant on Civil and Political Rights and the Optional Protocol thereto. At the same time, the States parties to those instruments should also review their application in everyday life in order to reduce and finally eliminate any discrepancies between norms and existing practice.

The meeting rose at 9 p.m.