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SUMMARY RECORD OF THE 26TH MEETING */
(First part)

Held at the Palais des Nations, Geneva,
on Thursday, 23 February 1984, at 3 p.m.

Chairman: Mr. DICHEV (Bulgaria)

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*/ The second part of the summary record of the meeting was issued as document E/CN.4/1984/SR.26/Add.1.

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The meeting was called to order at 3.20 p.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.4/1984/15, 16, 41, 52, 53 and 55; E/CN.4/1984/L.9, L.13 and L.15;
E/CN.4/1984/NGO/14, 15, 18, 20, 23 and 26)

1. Mr. LI Luye (China), speaking in exercise of the right of reply, said that his delegation firmly rejected the groundless attack made against China by the observer for Viet Nam. It had three points to make.
2. Firstly, Viet Nam had invaded Kampuchea, thereby grossly violating international relations and norms of international law, and seriously infringing the right to self-determination of the Kampuchean people. The General Assembly and the Commission had adopted many resolutions condemning the Vietnamese invasion and calling for the withdrawal of Vietnamese troops in order to allow the Kampuchean people to determine their own destiny. Those resolutions had been supported by the majority of Member States. It was therefore absurd that Viet Nam should allege that China was the culprit. The position of the Chinese Government on the question of Central America and Grenada, to which the observer for Viet Nam had also referred, was known to all. It was a matter for China alone, and no other delegation had a right to demand anything of his country.
3. Secondly, the efforts of the observer for Viet Nam to make a major issue of the question of relations between China and Viet Nam were completely useless. The Chinese Government had consistently endeavoured to solve the differences by direct negotiation with a view to normalizing relations. It was on its initiative that two rounds of negotiation had taken place between the two States in 1979 and 1980, but owing to a lack of sincerity on the part of the Vietnamese authorities and to their unreasonable requests, the negotiations had ended in deadlock. In an endeavour to break the deadlock, the Chinese Ministry of Foreign Affairs had issued a statement on 1 March 1983 solemnly declaring that, following a withdrawal of a first batch of Vietnamese troops, it would be willing to resume negotiations and discuss the normalization of relations. That reasonable gesture had met with stubborn refusal on the part of the Vietnamese authorities, which continued to maintain a hostile attitude towards China. That showed their lack of sincerity with respect to the negotiations.
4. Thirdly, the observer for Viet Nam had slandered China by alleging that it had invaded Vietnamese territory. That allegation, too, was totally groundless. The fact was that Viet Nam had invaded Chinese territory and killed a number of people. Not a single Chinese soldier was stationed on foreign territory. At the same time, China would not allow any invasion of its territory. It was astonishing that the Vietnamese invaders should have the audacity to speak about national rights to self-determination. If they had the slightest sincerity, they would implement United Nations resolutions and immediately withdraw their troops from Kampuchea.
5. Mr. REINO (Observer for Portugal), speaking in exercise of the right of reply, and referring to the statements made concerning violations of human rights in East Timor and in particular the statement by the observer for Indonesia, said that Portugal refrained from taking any position that could be interpreted

as denoting a desire for polemics or confrontation. He would therefore not seek to respond to the interpretation by the observer for Indonesia of the principle of self-determination and its exercise by the people of East Timor since the situation was clear and well known to all. The most important point was to establish the necessary conditions for the proper exercise by the Secretary-General of the task entrusted to him in General Assembly resolution 37/30.

6. At the most recent session of the General Assembly, the Portuguese Minister for Foreign Affairs had stressed his country's hope that the Secretary-General could take appropriate action and that such action would meet with no undue opposition on the part of any Member of the United Nations. He had gone on to say that Portugal would continue to display the greatest possible frankness and to give all possible support to the Secretary-General's action. However, statements made during the Commission's session and international press reports had given accounts of human rights violations in East Timor to which his country and the international community could not remain indifferent. His Government respected the positions adopted and information given by those who had spoken in the Commission in defence of the cause of the people of East Timor.

7. Portugal considered the partial suspension of humanitarian activities in East Timor disturbing, since it resulted from an absence of minimum conditions and of the necessary freedom of action to assist the population. He recalled that the International Committee of the Red Cross (ICRC) had decided on a partial suspension of its activities in East Timor in October 1983 because of the difficulties it had encountered in fulfilling its task. As far as the international community was aware, ICRC had not yet resumed those activities. It could thus be assumed that the reasons which had led to their suspension were still valid.

8. At its thirty-sixth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted resolution 1983/26, which recommended that the Commission should continue to consider with attention the evolution of the situation of human rights and fundamental freedoms in East Timor. Portugal could not ignore that situation. His delegation had taken due note of the statement by the observer for Indonesia. It appeared, however, that the current situation in East Timor and the requirements of respect for human rights fully justified the Commission's interest in that question.

9. Mr. NICOLAIDES (Cyprus), speaking in exercise of the right of reply, said that the statement of the observer for Turkey compelled him to make some brief comments.

10. In criticizing other countries and acting the innocent before the Commission, the observer for Turkey was adding insult to injury. Turkey had repeatedly been condemned for violations of the human rights of the Cypriot people and its own people, including minorities, political and religious groups, and trade unions. The Commission was well aware of its behaviour in that regard.

11. The observer for Turkey would have been more convincing, and more justified in sponsoring resolutions calling for the withdrawal of foreign troops from the territories of other countries, if he had been in a position to announce his country's compliance with United Nations resolutions calling for the immediate withdrawal of Turkish occupation troops from Cyprus. He would have expected that observer to show more sensitivity on a particularly delicate situation of which a member of the Commission was a victim. His appearance before the Commission as a protector of human rights could only be described as an attempt to deceive its members, mask his country's guilt and exploit opportunities for political purposes.

12. He could not have remained silent in the face of the misleading statement by the observer for Turkey, since his silence might have been misinterpreted by members of the Commission and by that observer himself.

13. Mr. KHEK Sisoda (Observer for Democratic Kampuchea), speaking in exercise of the right of reply, said that the observer for Viet Nam had questioned the legitimacy of the delegation of Democratic Kampuchea. According to that observer, Kampuchea should be represented in the Commission by the regime that called itself the People's Republic of Kampuchea - a puppet regime maintained in power by 200,000 Vietnamese troops. A number of representatives had condemned the invasion by those troops. The observer for Viet Nam had referred to the "Chinese threat" and the name of Pol Pot in an attempt to justify the invasion of the territory. The delegation for which he (Mr. Khek) was speaking represented the legal Government of Democratic Kampuchea, which had been recognized by more than 100 States Members of the United Nations. He personally represented the party of Prince Sihanouk.

14. The United Kingdom delegation to the Commission had submitted a draft resolution in 1978 calling for a study on human rights violations committed by the former regime in Kampuchea. Fifteen members of the Commission had voted in favour of that resolution and three (Viet Nam and its friends from the socialist bloc, including the Soviet Union) against it, and there had been three abstentions.

15. The observer for Viet Nam had cynically made light of the use of toxic chemicals, which had caused the deaths of thousands of Cambodians. His Government had incontrovertible proof of the use of those substances. A film made by a Japanese journalist showed masks taken from a special Vietnamese combat unit.

16. The allegation about the presence of Chinese advisers had been made solely in an attempt to justify the Vietnamese presence in Kampuchea. Journalists who had accompanied Prince Sihanouk within Kampuchea had been able to confirm the facts for themselves.

17. The claim that Vietnamese troops had been withdrawn from Kampuchea was nothing but a political manoeuvre designed to mislead world public opinion and conceal the truth. Any troops withdrawn were immediately replaced by others, who were fresher and better trained.

18. Mr. BUCKINGHAM (Canada), speaking in exercise of the right of reply, and referring to the observations directed at Canada on the treatment of indigenous peoples, said Canada firmly believed that unless there was a universal commitment to recognizing the dignity of man there would never be peace or contentment in the world. As an ordinary Canadian who had been given the opportunity to address the Commission, he would like his words to be of value. They were not intended to mislead or deceive.

19. He had not always been a Canadian but had become a citizen of Canada holding deep-seated resentment against his new status and country. He now had no hesitation, however, in declaring that he was proud to be a Canadian. His change of attitude had certainly not come about because he had found perfection in Canada. That country, in common with most others, had many serious problems that had so far remained unsolved. He had simply taken to Canada because it was a country that recognized the problems arising from its diversity and never shirked them. Unfortunately, in some instances, the problems were complicated, the pace of change was slow and solutions were elusive, but the dialogue continued to be pursued in the hope of reaching legal and equitable conclusions. Canadians were not satisfied with the results of their efforts to solve the problems of indigenous peoples. The approaches, however, were conceived in good faith, and if they were found wanting in their application, the federal, provincial and territorial governments of Canada showed no reluctance in seeking better and more reasonable ways.

20. The report of a special committee on Indian self-government in Canada, published in October 1983, held out the prospect of self-government for Indian nations within the Canadian Federal State. Discussions with the Indian representatives were continuing. The concern of the Canadian federal, provincial and territorial governments for the problems of the Inuits and Métis was no less than it was for the Amerindians. Regardless of their racial or ethnic background, Canadians were a free people living in a free land. They were free to express their opinions, and although there were some instances in which some of them might overstate their case, they were totally committed to ensuring the preservation of the right to speak their minds.

21. Mr. KHERAD (Observer for Afghanistan), speaking in exercise of the right of reply, said it was regrettable that the representative of Pakistan should continue to make groundless statements about Afghanistan. The Afghan delegation had already provided detailed explanations concerning the composition of the so-called refugees. A study on Afghan refugees in Pakistan made by the United Nations Research Institute for Social Development and issued in 1983 showed that double records had been kept on many refugees, either in separate villages or in the same village. Some refugees were semi-nomadic and changed their place of residence according to the season, and could thus easily be recorded in two separate villages at different times. In a number of cases, the village authorities had entered incorrect surnames in the records. It had been ascertained by visits to three villages that the refugee population was very much lower than the official figures indicated: 7,000 against 16,000 in one village, 3,000 against 15,000 in a second, and 2,000 against nearly 11,000 in a third. The figures given by Pakistan thus appeared to be grossly exaggerated.

22. The representative of Pakistan had claimed that that country did not interfere in Afghanistan's internal affairs. There was convincing proof from many sources that Pakistan territory was increasingly being used as a spring-board for armed aggression against Afghanistan. There were five main centres of terrorist activity and 80 training camps or military bases in the border area. The Pakistan authorities and army command were participating directly and actively in training counter-revolutionary forces, infiltrating them into Afghanistan, providing terrorists in that country with weapons and financing activities against it.

23. With the support of the Pakistan Government, the North-West Frontier Province had become a major base for the enemies of the Afghan revolution, and a bridgehead of world imperialism and reaction bent on waging war against Afghanistan. It was no coincidence that the reactionary forces had chosen Pakistan as their main field of operation. They had done so because of that hostile policy towards Afghanistan since the victory of its revolution.

24. His delegation deplored the groundless allegations made against Afghanistan at the preceding meeting by the observer for Turkey. It was difficult to understand how that observer could ignore the violations of human rights committed by the Turkish Government in Turkey and in Cyprus - an independent country and a member of the non-aligned movement. His delegation fully supported the independence, sovereignty, territorial integrity and unity of Cyprus.

25. Mr. MURARGY (Mozambique), speaking in exercise of the right of reply, said that his delegation had listened to an astonishing statement at the preceding meeting by the observer for one of the major colonial Powers in Africa. People sometimes found it necessary, when in a delicate situation, to justify their actions to themselves and to others and to create diversionary manoeuvres. Members of the Commission were aware of the discomfort of the observer for the Kingdom of Morocco, who had endeavoured to mislead them by comparing two different situations.

26. Mozambique was not a colonial Power and was not occupying any territory. Morocco, on the other hand, was a colonial Power which had colonized Western Sahara and which, despite its condemnation by a large majority of States Members of the United Nations, was oppressing, repressing and humiliating the people of that territory while plundering its natural resources. Mozambique was a peaceful country which was contributing, with the rest of the international community, to the search for solutions to the problems of the African continent and elsewhere. In that process, the Government and people of Mozambique accepted all means, including dialogue, of solving the problems, but both FRELIMO and the Government had made it clear that they were not seeking solutions at all costs. There were principles that could not be compromised in the search for peace. His party, Government and people would not sacrifice the noble principles of the struggle against colonialism, neo-colonialism, apartheid, nazism and zionism. As a non-aligned African State, Mozambique was bound by those principles and would continue to support all peoples struggling against the evils of colonialism, including the people of Western Sahara and the Polisario Front.

27. In his contradictory statement, the observer for Morocco had spoken about his country's readiness to agree to a referendum in accordance with OAU resolution AHG/Res.104 (XIX), which urged Morocco and the Polisario Front to undertake direct negotiations with a view to bringing about a cease-fire in order to create the necessary conditions for a referendum, under OAU and United Nations auspices, and without any administrative or military constraints, for the self-determination of the people of Western Sahara. The resolution further called on the Implementation Committee to ensure the observance of the cease-fire. The resolution had been supported by Morocco, but it might well be asked how long its implementation would continue to be delayed and how many more Moroccan manoeuvres could be expected.

28. Mr. DO Tat Chat (Observer for Viet Nam), speaking in exercise of the right of reply, said that his delegation was obliged to take the floor again because the Chinese representative had gone beyond the bounds of decency. The form and content of that representative's reply had indicated that China was seeking a confrontation with Viet Nam. Attempts were being made in certain quarters to mislead public opinion and falsify the issues. The Chinese representative's statement had been yet another manoeuvre in that direction.

29. His delegation rejected the slanderous statement against Viet Nam, and refused to be trapped by it. The people of Kampuchea had been following their chosen path for five years and were the masters of their destiny. Insults could change nothing. Freedom would prevail, despite the obstacles put in its path.

30. Mr. JANI (Zimbabwe) said that his delegation had taken the floor not to engage in a diatribe against the observer for Morocco, but in an effort to put the record straight. It was unfortunate that the observer for Morocco had decided to show total disregard for OAU resolution AHG/Res.104 (XIX), which laid down no preconditions for negotiations but stated clearly that the two parties that were to negotiate a cease-fire were Morocco and the Polisario Front. He was surprised by the degree of misrepresentation on Morocco's part. That country's observer had stated at the preceding meeting that Morocco could not negotiate with a party that was not a sovereign State. It was thus surprising that Morocco, which had been represented at the OAU summit conference by King Hassan, should have endorsed the OAU resolution, which had been adopted unanimously.

31. The movement which Morocco had referred to as a nonentity, a terrorist organization and a band of mercenaries had been recognized in more than half the countries of the African continent, some of which had also recognized the existence of the Sahrawi Arab Democratic Republic. The observer for Morocco must not take a position that amounted to a derogation of the OAU position in resolution 104. It could well be asked why Morocco was so hesitant to go to the polls if Polisario was a nonentity that represented no one, in which case there could be no support for it. It was unfortunate that Morocco should endeavour to confuse the Commission by semantics.

32. The reference made by the observer for Morocco to the participation of the so-called pro-Moroccan petitioners at the most recent session of the General Assembly came as no surprise to his delegation. Zimbabwe had had its own Muzarewas and Sitholes, who had long tried desperately to project the view that the act of self-determination had been exercised by the Zimbabwean people following the signing of the internal settlement by the Rhodesia front. In the internationally-supervised elections following the Lancaster House Agreement, however, the people had determined otherwise.

33. As for the reference to talks between the front-line States and South Africa, the attempt to draw a parallel between what was happening in southern Africa and what was happening in the Territory of Western Sahara should be dismissed with the contempt it deserved.

34. Mr. BOJJI (Observer for Morocco), speaking in exercise of the right of reply, said that it was astounding to hear the representative of Mozambique speak of national liberation movements in Africa when his Government had concluded a co-operation agreement with South Africa. He was also surprised that the representative of Zimbabwe should speak of human rights when his Government was engaged in massacring its people.

35. Mr. JANI (Zimbabwe), speaking on a point of order, said that the situation in Zimbabwe was not on the Commission's agenda, although his delegation would not object to the statement by Morocco provided it could exercise the right of reply.

36. The CHAIRMAN said that speakers should restrict themselves to the substance of the items before the Commission.

37. Mr. BOJJI (Observer for Morocco) said the representative of Zimbabwe had stated that the so-called Sahrawi Arab Democratic Republic had been recognized by several African countries, and he had expressed support for a referendum, presumably to legitimize the Republic. In fact, Morocco had not accepted the resolution referred to by the representative of Zimbabwe, but had expressed reservations on one of its paragraphs, in view of which his country could not be held to its provisions.

38. Mr. JANI (Zimbabwe) said that OAU had adopted a resolution calling on the parties to the conflict in Western Sahara to negotiate a cease-fire. Those parties were Morocco and the Polisario Front, in view of which he failed to see how Morocco could claim that the latter organization did not exist.

39. With regard to the situation in Zimbabwe, some elements in the country had failed to accept the agreements which had been reached during the negotiations prior to independence. The regime was thus threatened by dissidents and the Government of Zimbabwe had authorized an investigation of alleged atrocities.

40. Mr. BOJJI (Observer for Morocco) said that the Commission itself had, in 1981, called for a cease-fire in Western Sahara. His delegation was still waiting for it to take effect.

MEASURES TO BE TAKEN AGAINST ALL TOTALITARIAN OR OTHER IDEOLOGIES AND PRACTICES, INCLUDING NAZI, FASCIST AND NEO-FASCIST, BASED ON RACIAL OR ETHNIC EXCLUSIVENESS OR INTOLERANCE, HATRED, TERROR, SYSTEMATIC DENIAL OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, OR WHICH HAVE SUCH CONSEQUENCES (agenda item 21)

41. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) said that in the preamble to the Charter the peoples of the United Nations proclaimed their determination to practice tolerance and live together in peace, while the Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination emphasized that any doctrine of superiority based on racial differentiation was scientifically false, morally condemnable, socially unjust and dangerous. Under that Convention, States parties undertook to adopt measures to combat prejudices engendering racial discrimination and to promote tolerance among nations and ethnic groups.

42. The General Assembly, in resolution 2839 (XXVI), had condemned all manifestations of the ideology and practice of nazism and racial intolerance, and had called upon States to ensure that any such practices were rigorously suppressed. The agenda item had received regular attention in the General Assembly and the Commission since 1971.

43. In 1983 the Commission had adopted resolution 1983/28, condemning all totalitarian or other ideologies based on racial exclusiveness or the systematic denial of human rights. The Commission had urged States to consider taking measures to prohibit activities by any organizations advocating such ideologies. The fortieth anniversary of the conclusion of the Second World War would occur in 1985, an occasion which should serve to mobilize the efforts of the world community in its struggle against such practices. The General Assembly at its thirty-eighth session had repeated its request to the Commission to consider the item at its current session. It had also requested the Secretary-General to submit a report to it at its thirty-ninth session.

44. Mr. SCHIFTER (United States of America) said that the United Nations, the Charter and the Commission had been established in response to the deeds of horror perpetrated by Hitler's totalitarian regime. Mrs. Roosevelt, the United States representative in the early days of the Commission, had been one of the prime movers in formulating the Universal Declaration of Human Rights, prompted by her belief that the end of the war had not ended the problem of totalitarianism.

45. In 1948 the gifted British writer George Orwell had written a novel, 1984, in an effort to protect the world against the consequences of totalitarian government. The novel furnished a vivid description of what a government could do by using mass media, surveillance, eavesdropping and psychologically refined torture to turn human beings into State-operated automata. The world described in the novel was the antithesis of that envisaged by the writers of the Universal Declaration.

46. Fortunately there was no social system in today's world which operated in the manner described by Orwell. Yet given the history of the past half century, it must be recognized that the totalitarian end result against which Orwell had warned was not beyond the realm of possibility. Orwell had been principally concerned with Stalinist totalitarianism, the twin of fascism. He had encountered some aspects of totalitarianism in Spain, where he had gone to fight fascism. There he had been assigned to an independent Marxist movement, which had later, without justification, been labelled as Trotskyist. Orwell had suddenly discovered that, charging him with guilt by association, a Stalinist police apparatus was reaching out for him. He had escaped from Spain pursued by his presumed comrades-in-arms.

47. Orwell had described, in his novel Homage to Catalonia, how he had seen newspaper reports which bore no relation to the facts. He had seen great battles reported where there had been no fighting, and complete silence where hundreds had been killed. He had seen history being written in terms not of what had happened, but of what ought to have happened according to various "party lines". The experience had caused Orwell to warn about a nightmare world in which some ruling clique controlled not only the future, but the past. If the leader said that a particular event had never happened, it had never happened.

48. The objective of a totalitarian regime, in which every vestige of individual liberty had been extinguished, had been described in 1984. The regime sought power entirely for its own sake. It was not interested in the good of others, or in wealth or happiness; only power. Power was not a means; it was an end. One did not establish a dictatorship in order to safeguard a revolution; one made the revolution in order to establish the dictatorship. The object of persecution was persecution. The object of torture was torture. The object of power was power. Although no social system was a carbon copy of that described by Orwell, the virus of totalitarianism, and in particular the Stalinist strain, was still present.

49. The attitudes which had led to the murder of more than 6 million Jews had been part of the European social fabric for centuries. The difference in 1942 had been that the efficiency and technological capability of a modern State had been enlisted to carry those attitudes to their logical conclusion. Similarly, despotism had been with mankind since the early days of human society. But only in a few instances had efforts been made to harness to it the full panoply of twentieth century technological advances in order to create a totalitarian system.

50. His delegation had often expressed its just concern about government responsibility for the torture and killing of dissidents. Under the item now before it, the Commission should consider that refined form of despotism which only rarely stooped to the most brutal forms of repression since it had forced citizens to simply accept the autocratic rule imposed on them. Totalitarianism, as distinct from other forms of despotism, was characterized by the deprivation by the State of its citizens' rights under articles 18, 19 and 20 of the Universal Declaration, denying them the right to freedom of thought and conscience and to freedom of opinion and expression, and the right to peaceful assembly. A totalitarian State also violated article 12, which stated that no one should be subjected to arbitrary interference with his privacy, family, home or correspondence.

51. A totalitarian State was characterized by its insistence on controlling all facets of social organization, particularly the media, to enable it to have direct and complete access to the individual, who was given identical messages through all the forms of mass communication. He was insulated from foreign ideas by jamming foreign broadcasts and discouraging any contact with foreigners. So as to prevent any spontaneous development of dangerous thinking, association of any kind which was not expressly authorized by the State was prohibited. For those brave souls that overcame those obstacles and voiced their dissent, there were harsh penalties. Such mass and flagrant human rights violations had in the past been ignored. The international community should ignore them no longer.

52. Mr. BODDENS HOSANG (Netherlands) said that the Commission and the General Assembly had adopted resolutions in a clear warning against the resurgence of totalitarian ideologies. The emergence of fringe movements propounding ideologies akin to fascism underlined the need to remain vigilant against those who would deny human beings their right to be free and different. Tolerance and respect for the dignity and equality of all people were the basis of a democratic and pluralistic society. The primary concern of the Commission should be the phenomenon of the total subjugation of the rights and freedoms of citizens to the power of the State, and the systematic denial of the rights of those whose ideas did not conform to official ideology.

53. There had always been despotic regimes which had advanced their interests with total disregard for the rights of their citizens. Yet totalitarian rulers took such subjugation a step further, and sought to legitimize their use of power by the imposition of a quasi-philosophical system, supposedly justifying the annihilation of individual rights in the name of a higher cause. A totalitarian State imposed on its citizens not only what they should do but what they should think. Ideology was used to demand absolute conformity in all spheres of human activity. Such regimes directed the cultural life of the nation, stifling artistic impulses wherever they conflicted with official guidelines. Writers, for example, could publish only what met with State approval. A free press was anathema. Freedom of religion could not exist, because religion was perceived as a competing ideology. In public education, ideological dependability rather than academic excellence was the valid criterion.

54. Totalitarian regimes were not only intolerant by their nature, but they also cultivated intolerance and hatred as an instrument for exercising power. Such regimes inevitably felt a need to mobilize the people against alleged enemies, in order to deflect criticism and justify their reliance on terror. Such indispensable enemies were supposed to exist at home as well as abroad, as had occurred under the Third Reich. Yet today, too, there were many States whose constitutions and laws

guaranteed the full enjoyment of human rights, but where those who were bold enough actually to claim them were portrayed as public enemies. They were banned or sent into exile, because totalitarianism could react to the exercise of the freedoms of expression and opinion only with intolerance and terror. Any resolution adopted by the Commission on the item before it should clearly reflect such considerations.

55. It was sad to see how easily countries which in recent history had eliminated one form of despotic rule lapsed into new forms of despotism. Intolerance and terror could never foster confidence in a nation's Government, which could be won only by respect for the rights and freedoms of the people. If man was not to be compelled to have recourse to rebellion against tyranny and oppression, it was essential for human rights to be protected by the rule of law.

56. Mr. KHMEI (Ukrainian Soviet Socialist Republic) said that the issue under discussion had an important and instructive history, but its significance for modern times was that the forces which had plunged the world into the Second World War were tending to re-emerge. To illustrate that fact he referred to the very recent burning-down of a cinema in the Federal Republic of Germany by neo-Nazis who objected to the content of the film (on the neo-Nazi movement) being shown. He also mentioned the trial of an officer of the National Socialist Party of the United States in 1983 whose aim was "to kill as many blacks and Jews as possible". Such acts were no coincidence: there existed a network of organizations and groups whose ideology and practice were based on intolerance, hatred and terror.

57. In the Federal Republic of Germany there were more than 100 organizations and groups of that type, with over 20,000 members, 70 per cent of whom were young people under 30. In Italy, the National Socialist Movement, recognized as a party, had gained 1.5 per cent more votes in the most recent elections than previously. There were Fascist groups in the United Kingdom and Belgium, while the whole society of the United States was steeped in racism, as could be seen from the number of neo-Nazi and Fascist parties which proliferated there, each with its own widely published periodicals. Their aim was to keep the non-white population terrorized by lynching and other forms of sadism.

58. The problem tended to be dismissed as exaggerated in United Nations bodies. However, it was worth drawing attention to events in the social environment, for example, the celebration in 1983 of the fiftieth anniversary of Hitler's rise to power and the centenary of Mussolini's birth. In the Federal Republic of Germany, television companies had broadcast a series of films intended to give a human face to nazism and similar things had been done in Italy for Mussolini. The culmination of that political spiritualism had been the publication of Mussolini's letters and Hitler's forged diaries. According to estimates by the International Herald Tribune, 18 per cent of the population of the Federal Republic of Germany thought that they had lived better under Hitler and 6.5 per cent would use force, including terrorism, for political aims.

59. Another phenomenon was the revanchist groups, the direct social basis of fascism, who made open territorial claims on the USSR, Poland and the German Democratic Republic. The social environment was receptive to the ideology and practice of such groups. Mr. B. Gross, an American sociologist, had said that the main force of modern despotism was to be found not in the primitive fanatics of the Ku-Klux-Klan; it was their catalytic role that was the main danger of the new nazi organizations, especially in the present situation of domestic differences within States and international problems. The Nazis had come to power under such conditions. The dangers nowadays were unemployment and galloping inflation. Such phenomena led not only to massive violations of human rights, but to the assumption that problems

could be resolved at the expense of other nations, through their exploitation. The zionist regime in Israel, a modern example of a totalitarian regime, was doing what Mussolini had done to ensure Italian domination. The essence of such a policy was the defeat and enslavement of nations.

60. In the view of his delegation, the danger concerned all States and threatened international peace and security. The developing countries were threatened because they could be the first victims of such aims. His country's intolerance of nazism was due not only to the loss of five million persons in the Second World War and the concomitant destruction and deprivation, but also to the fact that the Federal Republic of Germany continued to have designs on territory in the east.

61. The fact that United Nations bodies were considering measures to counter nazism and fascism showed that the Organization was tackling the task. Although it had adopted a number of resolutions and agreements on the subject of those responsible for war crimes, there had been little change in the situation and few had been punished. The United States in particular had played an unsavoury role in protecting war criminals. Thousands had escaped to use their criminal expertise in Latin America and thousands more were free in the Federal Republic of Germany. The history of fascism was not yet complete.

62. Several delegations had been consulted about a draft resolution on item 21. The Commission should endorse the provisions of earlier resolutions and should express its satisfaction with General Assembly resolution 38/455 on the establishment of a preparatory committee to formulate proposals in connection with the fortieth anniversary of the United Nations. A solemn celebration should be held in 1985 out of respect for the veterans and architects of the victory over the forces of nazism and fascism in the Second World War.

63. In the case of violations of human rights anywhere in the world, the main cause was imperialism, especially in the United States with its system of inequality, discrimination, and economic and financial relations and the exploitation by the capitalist countries of the human and natural resources of the developing countries. Apart from that there were social and political aspects. In whatever part of the world the United States disseminated its propaganda, it justified itself in terms of its own vital interests - a cynical claim by the hegemonists, by America Incorporated.

64. In the mid-1950s the United States had recruited a mass of shareholders in order to democratize capital, and investment clubs had been opened with some success. The dividends, however, were for the expansion of United States corporations and the financial benefits did not go to the shareholders. It was not the savings of the population that were incorporated but their souls. The vital interests of Washington turned shareholders into a massive social basis. Like the cult of the chosen people in South Africa and Israel, America had its cult of the co-operative minority. The American hegemonists essentially belonged to the corporate world, an entity which ensured privileges at the expense of others. There were historical precedents in the Fascists and the Nazis.

65. Apartheid and zionism were totalitarian; the United States regime was totalitarian and its tendencies, although supported by the traditions of pluralism, served the dictatorship of State monopolistic capital. The United States had a totalitarian democracy based on conformism and the corporations. Citizens were controlled through the FBI with its list of suspects and its concentration camps,

the Congress Committee on Internal Security, the CIA and the Pentagon, complemented by the vigilance of citizens themselves. Flagrant and massive violations of human rights took place in the form of unemployment, homelessness and hunger - the fate of many in corporative America, especially the racial and ethnic minorities.

66. Another example was United States activity in international affairs and its interference in nations through client regimes. Its aim was to turn back progress in the world through the use of terrorism. That activity should be condemned.

67. Mr. BUCKINGHAM (Canada) said that the Larousse definition of totalitarianism had the merit of pinpointing the common features of any totalitarian regime: the refusal of any pluralism which was regarded as a danger for the State, and a State which regarded itself as an end in itself and subjected individuals to its service instead of constituting a service structure belonging to the citizens. That was a perversion of the State system dormant in all societies, which developed into a cancer when a small group took power without permitting any contestation of that power. The totalitarian State did not tolerate individuals and recognized only docile subjects. At certain periods totalitarianism had prospered in particularly nightmarish forms but it tended to reappear in varied guises wherever it found fertile soil. Measures must be taken against all totalitarian practices if the present generation was not to inherit the world which Orwell had forecast for 1984.

68. While the lessons of history must not be forgotten and precautions must be taken against the re-emergence of particularly odious forms of totalitarianism, it was necessary to consider its nature, which was inherently hostile to human rights, and to be concerned about such practices in all their forms. The Commission's task was not to make history but to consider whether the germ of totalitarianism was not eating away at the exercise of human rights today.

69. In order to assist the deliberations of the Commission on the subject, the Sub-Commission on Prevention of Discrimination and Protection of Minorities could usefully undertake to study whether totalitarian ideologies and practices had disappeared in 1945, whether the totalitarian State was a memory of the past, and what were its causes and nature, its expressions today and its consequences for the exercise of human rights.

70. Mr. KLENNER (German Democratic Republic) said that historical experiences must be assimilated if the future was to be mastered correctly. Although less than one year had elapsed between the end of co-operation between States with different social systems during the Second World War and the beginning of cold-war confrontation, the struggle of the peoples in that war against nazism and fascism must not be forgotten at a time when mankind was threatened by nuclear annihilation and must unite for survival. That struggle had given birth to the United Nations, to the emergence of an international order aimed at universality, and to the definition of a code of conduct in international affairs. Any attempt to divorce the objectives and structure of the United Nations from the conditions of its emergence or to forget that the victory over the fascist aggressors had been the precondition for the establishment of the present-day United Nations must be rejected.

71. In the German Democratic Republic, the prohibition of any ideology based on racial or ethnic exclusiveness, of any systematic denial of human rights or of claims to world domination had become constitutional principles. All dissemination of Nazi-like ideas, acts of violence, incitement to such acts, or assistance to Nazi-like activities were crimes punishable by law.

72. He would remind those who criticized the German Democratic Republic that it had acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and the International Convention on the Suppression and Punishment of the Crime of Apartheid, and had ratified the International Covenant on Civil and Political Rights. It had also initiated General Assembly resolution 35/200, which called upon all States to take measures against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices.

73. The forthcoming fortieth anniversary of the victory against Hitler invited a historical review, but that was not enough since resolute action was needed to prevent racist, Nazi or similar practices and ideologies from endangering the existence of peoples today. The anniversary should generate more vigorous and consistent action against those who had not learned the lessons of the past. It was not splinter groups who admired the atrocities committed by Hitler, but organizations with considerable memberships and vast means to influence the public, receiving assistance and protection from leading military and social circles in bourgeois States. Their range of action was being increased through extensive international contacts and co-operation with similar organizations abroad. They posed as champions of ideas based on supremacy and hegemony, stoked up racial doctrines, believed in the value of blood groups, and instigated xenophobia, terror and violence. In times of political and economic crisis they gained in popularity, especially among strata of the population whose prospects for a life in dignity had been ruined by their respective societies. In the first half of the present century fascism had come to power under similar conditions. The Second World War had claimed more than 50 million lives but far more were now at stake in view of the nuclear potential which jeopardized the physical existence of mankind.

74. Fascism was the most loathsome and dangerous form of violence of human rights, manifesting itself in the massive denial of fundamental human rights and not stopping at the annihilation of human lives. The most detestable modern manifestation was the policy of apartheid in South Africa. That policy was modelled on Nazi Germany, as could be seen from an analysis of its legislation and legal practice. It also perpetrated its crimes against the people of illegally-occupied Namibia and carried a cruel war into neighbouring sovereign States in order to halt progressive developments. It was not the only regime which pursued a policy based on the tenets of fascism. Other alarming phenomena were the glorification of Fascist crimes and the rehabilitation of fascist theories, the glorification of war in books and newspapers, the treatment of persons guilty of war crimes in a manner inconsistent with international law, the unhindered dissemination of theories proclaiming the natural supremacy of one race over another and justifying institutionalized racism, and the murder of many thousands of people each year in El Salvador and Guatemala by Fascist military juntas.

75. Such practices represented a threat to peace and security, condemned in numerous resolutions, which had also called for firm action against them. His delegation fully supported all appeals by the General Assembly and the Commission to oppose nazism, fascism and neo-fascism. The concern to do so conformed to the

obligations assumed under international law and pursuant to United Nations resolutions. Thanks to untiring international efforts, Fascist criminals had been brought to book in many countries and appropriate measures against Fascist activities had been taken. It was to be hoped that the forthcoming fortieth anniversary of the Hitlerite empire's destruction would be a spur to even firmer action to eradicate the anachronism. His delegation supported the call to all States in the relevant Assembly and Commission resolutions to co-operate in the punishment of war crimes and crimes against humanity.

76. The education of younger generations and the use of the mass media were of special importance in combating Fascist ideas, as were the measures to consolidate true democracy. The Commission should adopt an appropriate resolution to reflect its renewed denunciation of fascism. Of course, the understanding of human rights differed in capitalist and socialist countries, at times so widely that no common language seemed to exist. The same divergence of views was to be seen in attempts to describe totalitarianism. Nevertheless, there were limits to the attempted falsification of the anti-Nazi and anti-racist content of the agenda item being discussed. The International Conference on Human Rights held in Teheran had urged all States to outlaw Nazi and racist organizations and similar activities. To attempt to divest the item of its clearly anti-Fascist purpose was to deny the subject's historical background. It should not be overlooked that the attempts, reminiscent of the "cold war", to strip the term "totalitarian" of its Fascist and pre-Fascist connotation and direct it against socialism were politically motivated and unsound. The concept was determined not by understanding but by intention, which was to impose the capitalist model of society. The forces allied against nazism in the Second World War had consisted of States having different political, social and religious structures. It was anti-fascism, without anti-communism, which had overthrown Hitler, and the same force had later contributed decisively to the collapse of colonialism.

77. To insist that the so-called pluralistic capitalist society alone was anti-totalitarian and consistent with United Nations principles could lead only to dissent and contradiction. It was in a pluralistic society in Germany that Hitler and fascism had come smoothly to power, and the connection between German monopolistic capitalism and German fascism was a matter of record. A similar connection was also revealed in the study on the impact of foreign economic aid and assistance on respect for human rights in Chile (E/CN.4/Sub.2/412, vol. I-IV). And in South Africa the activities of transnational corporations, which some sought to depict as humanitarian, in reality upheld the apartheid regime and the exploitation of the black population. Vigilance was required with regard to those who preached liberty but practised property and sought to justify intervention, aggression and world leadership on the grounds of alleged racial, ethnic or moral superiority. The United Nations and its agencies must uphold the cause of peace among equal nations and of equal rights for all peoples.

78. Mr. MASFERRER (Spain) said that his country believed in open, free and pluralistic societies. On occasions throughout history, mankind had suffered from what had been termed the "fear of freedom", a fear stemming from insecurity and leading to the acceptance of dogmatism and a compelling desire for charismatic leaders. The result had been totalitarianism, with such concomitants as a controlled press, a lack of free elections, removal of political opposition, distinction on racial, religious or other grounds, and apartheid. Totalitarianism

had ancient philosophical roots, but its practical results were always monstrous. In view of the horrors witnessed by mankind in the current century alone, it was hard to see how totalitarianism could any longer be philosophically justified.

79. The key was recognition of individual freedom. Only individual freedom and responsibility provided a true basis for the exercise of all human rights; any measures which detracted from such freedom could lead to totalitarianism. Unfortunately, the current international situation showed that, for a number of reasons such as the unjust international economic order or inadequate political systems, individuals were being increasingly deprived of their human rights and fundamental freedoms, and the victims of hatred, terror or intolerance were increasing daily. Consequently, his delegation which had supported the relevant General Assembly resolutions and fully co-operated with the Commission in all follow-up action, felt that the Commission's deliberations should focus not simply on the historical manifestations of totalitarianism but rather on its current forms. It reiterated its belief in man and in an open, free and democratic society, and felt that the item under consideration should continue to be studied by the Commission and other United Nations bodies, with the aim of putting an end to totalitarian practices everywhere.

80. Mr. ZORIN (Union of Soviet Socialist Republics) said that the danger of fascism, nazism and other forms of ideologies and practices usually known as totalitarianism stemmed not only from their inhuman outlook, but from their acts of terror, repression and violation of all human rights, including the right to life. Regrettably, totalitarianism was still to be found in various parts of the world, in particular in Chile, Guatemala and South Korea, and the apartheid system in South Africa, which was a direct offshoot of Hitlerism. In certain Western countries there was a growing number of Fascist organizations and terrorist groups, whose activities were tolerated or connived at, although the aim of such organizations was to overthrow the established order and stamp out all freedoms and human rights. In the United States, for example, some 60 per cent of the killings recorded in 1982 had been racially or politically motivated, according to one source. The bellicose policy pursued by that country's Administration created an ideal climate for the emergence and spread of racist and Fascist organizations there and throughout the Western world. Typical examples were the Ku-Klux-Klan and the American Nazi Party, which terrorized the non-white citizens of that country. The Klansmen responsible for the recent murder of a 19-year-old black youth in Mobile, Alabama, were still at large, although known to the authorities.

81. In the Federal Republic of Germany, between 75 and 120 neo-Nazi groups were active, and over 100 neo-Nazi periodicals, having overt neo-Nazi connotations, were published. In Italy, too, the neo-Fascist party had a membership of some 300,000 and was particularly active in the south. And in the United Kingdom, organizations such as the National Front sought to propagate their ideas even in schools.

82. International ties among Fascist and neo-Fascist organizations were growing, promoting their aims of arousing tension and hatred between nations. Chiefly active in that field was the so-called "World Union of National Socialists". One of the most powerful revanchist groups in the West was the "Exiles' Union" in the Federal Republic of Germany, whose membership, official sources put at 2.5 million. Under the pretext of restoring the rights of ethnic Germans displaced during the Second World War, it fomented territorial claims in parts of the Soviet Union, the German Democratic Republic, Poland and other socialist States at one time within the

boundaries of the Third Reich. Even before the end of that war, the Allies had pledged to bring all Nazi criminals to justice and retribution. The Moscow Declaration of October 1943 had declared that those responsible for committing or permitting atrocities must be delivered to the country concerned, for trial and punishment there. According to article 11 of the Declaration on the Defeat of Germany, of June 1945, there was to be no time-limit for the arrest and handing-over of war criminals. The responsibility of all States to do so had been reflected, inter alia, in the Potsdam agreements, in generally accepted legal principles and in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, to which the Western States had not yet acceded.

83. The Soviet Union unswervingly observed that responsibility, and all those called to account for the crimes concerned had been tried and sentenced accordingly. All trial proceedings had been given wide publicity through the media. Soviet investigation services also provided valuable assistance to other countries, collaborating for that purpose with the German Democratic Republic, Czechoslovakia, Poland, the Federal Republic of Germany, the Netherlands, Austria and the United States. In recent years the Soviet Union had made available testimony from over 3,000 victims and witnesses to the United States, the Federal Republic of Germany, Austria and the Netherlands; 397 lawyers from other countries had visited the Soviet Union for the purpose of hearing testimony; and 189 citizens had travelled abroad to testify in foreign courts. The Nazi war criminal Menten had been convicted in the Netherlands thanks to assistance provided by the Soviet Union.

84. The fact that the United States and other Western countries made light of moral obligations and the requirements of international law with regard to war criminals was a cause for concern. Not one of the 140 or so persons living in the United States who had been shown, by that country's courts, to have committed war crimes on Soviet territory had been delivered to the Soviet Union. According to the Washington Post, at least 5,000 persons responsible for atrocities in Nazi-occupied territories had managed to escape secretly to the United States, including Klaus Barbie, the notorious "butcher of Lyons". According to a report which had appeared before Congress in 1978, the CIA had been using known Nazi criminals as sources of information and "propagandists" specializing in anti-Soviet activities, for example, in broadcasts from stations such as "Radio Free Europe", Walter Rauff, the Nazi originator of the mobile gas-chamber, had been able to take refuge under the Pinochet regime in Chile with help from the United States and United Kingdom special services.

85. The protection which the United States had given to Nazi and Fascist criminals had found an echo in that country's subsequent support for Fascist terrorist activities such as the "death squads" operating in Guatemala, with CIA participation, in the campaign to overthrow the democratically-elected President in 1954, and in support for similar groups in El Salvador and elsewhere in Latin America.

86. It must be recognized that the sole reason why many war criminals were still at large was that the United States and certain other countries were defying international agreements for the return and punishment of such persons. There was no shortage of evidence to that effect; in the Federal Republic of Germany, for example, less than 8 per cent of the known war criminals investigated had been punished; a court at Fulda had acquitted one war criminal notorious for atrocities at a concentration camp near Nordhausen. The gravity of the situation was reflected in Commission resolution 1983/28, which called upon all States to assist each other in detecting, arresting and bringing to trial persons suspected of having committed war crimes and crimes against humanity.

87. As had often been pointed out in the Commission, fascism and nazism had descended from zionism. The Zionists played upon religious belief and memories of the Jews' sufferings in the Hitlerite era. But there was much evidence to show that Zionists had collaborated with the war criminal Eichmann in measures to remove to concentration camps those Jewish communities not "necessary" to the Zionists, while those "necessary" to them had been active in providing financial assistance, through neutral countries, for Eichmann's activities. In Israel, the rise to power of the Likud bloc had been associated with a number of Fascist groups, of a type which had existed, for example, in Poland during the 1930s, founded by Jabotinsky and Begin and even having a Fascist-type uniform repellent to other Jews. Pro-Nazi ideas such as national superiority and the need for Lebensraum could be seen in Israel's current policies and practices, the effects of which were typified by recent events in long-suffering Lebanon.

88. The punishment of war crimes and the eradication of Fascist ideologies and practices were not simply a legal question but were needed in order to put an end to revanchist aggression. War crimes and crimes against humanity must be banished forever from all parts of the globe. The struggle against Fascist ideologies and practices must be seen as part of the international community's efforts to preserve and strengthen peace and security. The Soviet Union called for firm international co-operation, in the United Nations and elsewhere, to combat the threat of nazism, fascism and neo-fascism. Those evils could be eradicated only with the unstinting collaboration of States, including measures at the national level to suppress Fascist, neo-Fascist and other racist organizations and outlaw racist ideologies. Steps should be taken to stamp out any type of racist organization. Legislation should be strengthened for that purpose, and much could be done too by means of the mass media and education and training programmes.

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