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SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. MADAR (Somalia)

CONTENTS

- AGENDA ITEM 98: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
- AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 98: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued) (A/C.3/39/L.69)

1. Mr. JATIVA (Ecuador) said that he wished to have the summary record and the report of the Third Committee reflect the fact that his delegation had become a sponsor of draft resolution A/C.3/39/L.69, adopted at the 57th meeting of the Committee.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/39/3, (Parts I and II), A/39/81, A/39/128, A/39/168 and Add.1 and 2, A/39/174 and Add.1, A/39/180 and Corr.1, A/39/185, A/39/193, A/39/407, A/39/414, A/39/443, A/39/444, A/39/445, A/39/446, A/39/447, A/39/477, A/39/496, A/39/568, A/39/570, A/39/581 and Corr.1, A/39/590, A/39/631, A/39/635, A/39/636 and A/39/694; A/C.3/39/1, A/C.3/39/4 and Corr.1 and A/C.3/39/9; A/C.3/39/WG.1/WP.1)

2. Mr. NETANYAHU (Israel) said that the right to emigrate was a right without which all others could become meaningless. Syria was one of the countries that denied Jews the right to emigrate and had made them hostages of the régime, periodically threatened and terrorized and sometimes murdered. South Yemen's Jews also suffered persecution and were denied the right to emigrate. They had been completely cut off from all external contact, including postal communications with relatives in the Jewish communities outside Yemen. Israel called upon the Governments of Syria and Yemen to implement the Universal Declaration of Human Rights by permitting the Jews of both countries to leave.

3. Because of the numbers involved, it was the situation in the Soviet Union that merited the greatest attention. The Soviet Union did not respect the right of emigration. Travel was severely restricted, usually to Party members in good standing who had left close family members behind.

4. Of all the peoples in the Soviet Union, the situation of the Jews was perhaps the most difficult. In the first place, they were not allowed to leave. While Soviet authorities had in the past allowed some Jews to depart, in recent years they had drastically curtailed such emigration. Not only were Soviet Jews prevented from leaving the country, but any request to emigrate meant discharge from their jobs and, since the State was the sole employer, they became permanently unemployed and were condemned to live on handouts from relatives and friends. They were then accused of the Soviet crime of "parasitism", their children were harassed at school or even expelled and were often denied the possibility of higher education.

5. Anti-semitism was disguised in the Soviet Union as "anti-Zionism". Because it denied Jews the right to emigrate, the Soviet Union had had to create a demonology that explained why Jewish emigration was both an outrage and a danger. First, it was seen as strengthening Israel, a country which in Soviet demonology was portrayed as the incarnation of all evil and at the same time a "pawn" of the Soviet Union's most powerful adversary, the United States. It should be remembered that it was not Israel that had broken relations with the Soviet Union, but the

(Mr. Netanyahu, Israel)

other way around. Secondly, the desire of Soviet Jews to emigrate was depicted as having nothing to do with the conditions of life in the Soviet Union. In the Soviet version, it merely reflected the fact that Jews were fifth columnists, ready to defect to the "enemy". Far from being seditious, the Jews of the Soviet Union had given their lives in defence of a country that at times had treated them very badly.

6. People chose to emigrate for various reasons, such as religious or national persecution, economic hardship or the promise of greater opportunity. Sometimes it was the desire to rejoin a family or a people from which they had been separated. That desire was not rooted in disloyalty, but in legitimate aspirations which no one had a right to deny. To accuse Soviet Jews of disloyalty because they wished to emigrate was worse than a distortion. It was an assault on a basic human right.

7. A central element of the Soviet campaign against Soviet Jews was denial of the right to practise their religion. The mere attempt to study Hebrew or to keep alive traditional Jewish culture was seen as a quasi-criminal act, dangerous to the State. Officially inspired anti-semitism in the Soviet Union had had the effect of inciting ordinary non-Jewish citizens against their Jewish neighbours.

8. Even the Hebrew language, which was indispensable to Jews for the practice of their religion had not been spared. Teachers of Hebrew had been arrested and imprisoned and villified by name in the Soviet press. Hebrew study circles were attacked as centres of espionage and treason. He was highlighting the study of Hebrew precisely because it was so innocuous, innocent and far removed from any possible political objection. What was being repressed was the harmless study of a sacred language by a handful of people.

9. The Jews of the Soviet Union, linked by the Government to external "enemies" - Israel and the United States - had become scapegoats. He wished to ask the Soviet representatives why, if Soviet Jews were "subversive" and "parasites", did the Soviet authorities not avail themselves of a simple remedy: allow them to leave.

10. Mr. SOKALSKI (Poland) said that on his official visit to Poland early in 1984, the Secretary-General of the United Nations had stated that the Organization was a living institution, which could function only with the combined strength of those who rejected the notion of the inevitability of world conflict and continued to believe in the future of humanity. Those important reflections by the Secretary-General, encompassing the themes of peace, justice and progress, applied directly to the report of the Economic and Social Council.

11. Humanitarian questions, human rights, social affairs and social development represented a vast area of international endeavour. There was a close cause-and-effect relationship among them. Any selectivity or imbalance in dealing with them was bound to diminish the net result of the Committee's work. Although the collective efforts of the international community could not be separated from overall world realities, his delegation strongly believed that given the good will of Governments, the objectives of internationalism and multilateralism could be

(Mr. Sokalski, Poland)

achieved. Those objectives included international co-operation and protection of human rights in all important matters pertaining to the world social situation.

12. The report of the Economic and Social Council showed that in recent years the general social situation in many countries had deteriorated at a faster rate than the human rights situation. At the same time, the overall preoccupation of the Council and the Third Committee with social matters seemed to have diminished. That was an unfavourable trend since the social situation at both the national and international levels had a direct bearing on the enjoyment of human rights. The organic link between classic human rights and social development factors as promoters of the enjoyment of human rights was based on the indisputable human rights triad: dignity, equality and freedom. None of those three components could function effectively unless the other two were fully satisfied.

13. Poland's philosophy of human rights was based on the humanistic ideals of socialism and it believed that the purpose of all activities, including those of the United Nations, was to ensure the well-being of the individual. In aspiring to that goal, there should be no chosen human beings accumulating power and wealth at the expense of their own people or of other nations.

14. Attempts had recently been made to place the control mechanisms of individual human rights instruments in the hands of the entire membership of the United Nations, including Governments which notoriously refused to ratify or accede to international human rights conventions. Similar ends were being pursued by repeated attempts to change the language or well-established definitions of the human rights criteria as contained in the relevant resolutions and decisions of United Nations bodies. Genuine and lasting respect for the binding international instruments and their implementation clauses, combined with the sacrosanct principle of non-interference in the internal affairs of State, was the first guideline for international co-operation in the area of human rights. The second was to accelerate the process of converting proclaimed rights into effectively established human rights.

15. The international community, under both the Charter and other international instruments, was entitled to hold States accountable for their part in strengthening the relationship between the new international economic order and the promotion of human rights. Social progress and development, being the common concern of the international community, made it incumbent upon all Governments to eliminate poverty, eradicate illiteracy and ensure the right of universal access to culture and free education, while promoting other progressive reforms and the benefits to be derived from encouraging and developing international contacts and co-operation in the scientific and cultural fields.

16. In the light of those considerations, his delegation wished to stress the need to strengthen the role and work of the functional commissions of the Economic and Social Council which dealt with social development questions. The Commission for Social Development should be given more opportunity to perform its statutory functions and to study new initiatives which would really advance the cause of social progress and social justice at both the national and international levels.

17. Mr. OTT (German Democratic Republic) said that in view of the worsening international situation, the obligation of the United Nations "to save succeeding generations from the scourge of war" retained its full force. There was a desperate need for a world-wide coalition based on common sense and realism to fight the insane policy of nuclear arms build-up that was threatening all mankind. The German Democratic Republic had always actively supported the purposes and principles of the United Nations Charter. Thirty-five years ago, by eradicating fascism and militarism, the German Democratic Republic had broken with the trend of German history that had brought untold suffering to its own and other peoples.

18. In exercising their right to self-determination, the people of the German Democratic Republic had irrevocably opted for socialism and a society of genuine freedom, democracy and human dignity. Safeguarding the maintenance of world peace was therefore the crucial question of the times as far as the German Democratic Republic was concerned. In that connection, the right to peace was a most fundamental right. The German Democratic Republic believed that unemployment, successive reductions in social services and impoverishment for millions of working people, crises and inflation were incompatible with human rights.

19. Strategic partnerships with the criminals of apartheid and with the enemies of the right to self-determination for the Palestinian people and the peoples of Latin America could certainly not be praised as yardsticks for measuring the implementation of human rights. The cause of human rights was not served when people were burdened with tremendous military expenditure and when, by propagating the concept of nuclear first-strike, the most fundamental right, the right to life, was placed in serious danger. The proponents of such concepts and doctrines did not have the right to judge the implementation of human rights in other countries or even to prescribe certain social models as the only appropriate form of a country's development.

20. Today, there were forces which committed fascist-style, brutal and mass violations of human rights and attempted to revive old concepts in neo-fascist organizations. The bitter experience of history called for determined action against such bourgeois notions as master-race ideologies, force and terror.

21. His delegation intended to submit to the General Assembly at its current session a draft resolution along those lines which again called for effective measures against Nazi, fascist and neo-fascist ideologies and practices and which proposed measures against their revival.

22. Mr. RATHORE (India) said that there was still a disparity between established norms and the actual enjoyment of human rights, despite the progress made by the international community in setting standards through the adoption of human rights instruments. The focus should therefore be on improving the efficacy of existing mechanisms, securing their universal ratification and accession and pursuing international co-operation to promote their implementation without regard for political considerations. Perhaps the biggest problem was that human rights were still interpreted in the light of political expediency. The manoeuvres of conflicting political blocs bred cynicism concerning the international community's efforts to protect and promote human rights. The labelling of the right to freedom

(Mr. Rathore, India)

as an individual right, but the right to development as a collective one, revealed a profound misunderstanding: the contradiction was not between the individual and society, but between one society and another.

23. Much had been said about the indivisibility of human rights, whether civil and political or economic, social and cultural. Yet lofty commitments to individual freedoms and liberty should also take into account the loss of human dignity inherent in deprivation. The synthesis of political democracy with economic development and social justice should be pursued; that was why the opposition in some quarters to the establishment of the new international economic order was inexplicable.

24. While much had been done to promote the enjoyment of human rights, serious and persistent violations continued. The biggest challenge at present was the Pretoria régime. The report of the Ad Hoc Working Group of Experts had provided evidence of increased repression in South Africa in 1984. Comprehensive and mandatory sanctions were the most appropriate and effective means by which the international community could promote the legitimate struggle of the oppressed people of South Africa.

25. The Palestinian people and the peoples of the occupied Arab territories were also being subjected to discrimination and their rights were being flagrantly violated. A comprehensive solution could only be achieved through Israel's unconditional withdrawal from all occupied Arab territories and the exercise by the Palestinian people of the right to self-determination.

26. His delegation welcomed the progress made by the Working Group towards the conclusion of an international convention on the protection of the rights of all migrant workers and their families.

27. The United Nations and its organs had a major role to play in encouraging countries to protect and promote human rights. Success hinged on discovering and improving the ability to balance the sovereign rights of States, the common law of civilized nations and the inalienable rights of the human person.

28. Mrs. PANKOVA (Byelorussian Soviet Socialist Republic) said that, as the report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) revealed, the racist régime of South Africa was subjecting the rightful inhabitants of that country and of Namibia to cruel oppression. Comprehensive and mandatory sanctions must be imposed on South Africa in accordance with Chapter VII of the Charter and Member States must ensure strict compliance with recommendations for the curtailment of any assistance to or co-operation with the Pretoria régime.

29. The Economic and Social Council and its subsidiary bodies had also unequivocally condemned the continuing crimes of the Israeli militarists, whose senseless and aggressive policy was a constant threat to peace in the Middle East.

(Mrs. Pankova, Byelorussian SSR)

30. For 11 years, the Chilean people had been subjected to atrocities by the bloody dictatorship which, not without outside help, had overthrown the duly-elected Government of Salvador Allende. The tragic sequence of events which started in September 1973 had outraged the entire world. The report on the subject (A/39/631) revealed that there was no category of human rights which the Chilean authorities did not violate consistently and massively, and that far from improving, the human rights situation in Chile had worsened. People continued to be beaten and subjected to electric shock treatment, psychological torture and intimidation. The practice of describing those who had been arrested for political reasons as "disappeared" was an inhuman tactic designed to sustain an atmosphere of fear in the country. The international community's frequent appeals for investigations into the fate of those who had disappeared had never been heeded by the Chilean authorities. In recent years, legislative acts had still further restricted the already limited exercise of social and economic rights and had exacerbated the intolerable living and working conditions of the disadvantaged in Chile.

31. Her delegation condemned the continuing violations of the basic rights and freedoms of the Chilean people and demanded that they be stopped. Until the Chilean authorities ceased their repressive acts, the United Nations and its organs must keep the question under the closest scrutiny and most systematic review.

32. The gross violations of human rights and fundamental freedoms in El Salvador were the direct result of imperialist intervention in that country's affairs. The military junta was waging a full-fledged war against the people of El Salvador and the patriotic forces were fighting all forms of oppression. After the presidential electoral farce, the fascist groups which used terror to achieve their goals had become even stronger. In five years, over 50,000 citizens had been annihilated by the murderous Salvadorian régime. Approximately 100 people were killed every week, many of them after provocation and torture. Unfortunately, the report of the Special Representative did not fully expose that situation. Her delegation unequivocally condemned the continuing violations of human rights in El Salvador, particularly the most basic of them: the right to life.

33. The human rights situation in Guatemala warranted the strongest possible condemnation. As a result of the bloody terror in that country, over 100,000 people had already died. The report of the Special Rapporteur did not make the true situation clear, yet it was obvious that the violence-addicted Guatemalan authorities committed atrocities against the patriotic and democratic forces and pursued a policy of genocide against the Indians.

34. The gross and massive violations of human rights in South Korea, where the dictatorial régime, propped up by American fire-power, was engaging in genuine terrorism against all democratic forces, could likewise not be passed over in silence.

35. The problem of preserving human dignity was more relevant now than ever: the Byelorussian SSR would continue to work towards the day when human rights and fundamental freedoms were fully respected.

36. Mr. ROSALES-RIVERA (El Salvador) emphasized that his Government attached high priority to respect for human rights. It was mandated by the Salvadorian Constitution, relevant international treaties and conventions, and strengthened by his Government's conviction that respect for human rights would lead to social harmony among the people of El Salvador. His Government further recognized that peace and respect for human rights must go hand in hand and were prerequisites for economic development and social justice.

37. As the international community had acknowledged, the human rights situation in El Salvador had improved substantially, particularly with regard to respect for the right to life. That improvement reflected a deliberate policy of the Duarte Government. His delegation therefore took exception all the more strongly to the report of the Special Representative of the Commission on Human Rights on the situation of human rights in El Salvador (A/39/636). His delegation rejected the Special Representative's subjective assessments based on testimony that was false or that had emanated from sources biased against the Government. Yet, the report clearly acknowledged that progress was being made in the field of human rights. He drew attention in that connection to section VII, entitled "Concern of the Government of El Salvador for Human Rights", in particular, paragraphs 140 and 153. Indeed, his Government believed that the political, economic and social benefits of living in a State where the rule of law prevailed could not be enjoyed unless human rights were respected, and it was prepared to take whatever measures were needed to promote that respect.

38. Nevertheless, groups of leftist guerillas and extreme rightists continued to operate outside the control of the Government, which therefore could not be held responsible for the human rights violations which they committed. He noted, inter alia, that the economic sabotage to which the guerillas subjected the country was detrimental to all Salvadorians, without distinction as to social class. Notwithstanding all the difficulties posed by the actions of such groups, there was a clear determination, from the highest levels of Government on down, to pursue the campaign to improve the human rights situation in his country.

39. A new political reality had emerged in El Salvador as a result of far-reaching economic and social reforms, setting in motion a genuine process of democratization. Anyone who claimed that democracy - exemplified by the free elections held in 1984 - had not made great strides in his country was denying the truth for ideological reasons.

40. His delegation had hoped for a constructive draft resolution on the situation, one supportive of the new Government's efforts to improve the human rights situation and of its progress towards democratization and peace. However, draft resolution A/C.3/39/L.43/Rev.1 sought to disparage his Government, represented an interference in its internal affairs and ran counter to the desire of the Salvadorian people for peace, democracy and social justice.

41. The talks between the Government and the armed opposition, first announced to the General Assembly on 8 October 1984 by President Duarte, as well as public debate on the situation, clearly demonstrated his Government's desire for peace. His delegation had criticized the discriminatory approach by certain Latin American

(Mr. Rosales-Rivera, El Salvador)

countries in the Committee and in other United Nations bodies and had hoped that selectivity would not be compounded at the current session by partiality and bad faith.

42. Mr. GLAIEL (Syrian Arab Republic), speaking in exercise of the right of reply, said that the representative of the racist Zionist entity had attempted to evade the charges levelled against his country. He could not accept the suggestion that God could have been so unjust as to have promised to give the territory of one people to another people, who had then expelled and dispersed the original inhabitants.

43. In asserting that emigration was a human right, that representative had failed to mention the right of the Palestinians to return to the land from which they had been expelled, or the rights of Oriental and coloured Jews who had been lured to occupied Palestine and now suffered in that land. He had also failed to mention what had happened at Sabra and Shatila, the plight of the native Arabs under the yoke of occupation in Palestine, or the destruction by the occupying forces of their places of worship, homes and universities. Perhaps the Zionist entity was pursuing an expansionist policy aimed at engulfing even more Arab territory.

44. The representative of the Zionist entity had devoted his statement to defending a heresy, namely, that the Zionist entity had a right to speak on behalf of Jews throughout the world. He noted in that connection that in 1978 a number of Syrian Jews who had emigrated had ultimately decided that they did not wish to settle in Israel and had returned to Syria. Similarly, studies by United States journalists had concluded that Jews in Syria were in an enviable position.

45. It was insolent on the part of the representative of the racist Zionist entity to incite Jews of the world to betray the countries where they were born to go to a country which was not rightfully theirs and from which the native population had been expelled. It was time for the international community to end its silence. The international community condemned zionism as a form of racism and it was time to put an end to that ideology. The lamentations of the Zionist representative would have no effect other than to intensify the struggle against that ideology, which, ironically, was inspired by ideologies that had victimized Jews in the past.

46. Mr. AHMED (Democratic Yemen), exercising his right of reply, rejected the baseless charge by the representative of Israel that Jews in Democratic Yemen were deprived of their right to emigrate. Most Jews had left the country during the 1940s and 1950s, following its accession to independence, because they had been lured away by Zionist publicity. The representative of Israel had no right to speak about human rights because the most atrocious crimes were being perpetrated by Israel against the citizens of the occupied Arab territories. He appealed to the international community to reaffirm the right of the people of the occupied territories to self-determination and to their fundamental freedoms.

47. Lastly, he said that there was no discrimination in Democratic Yemen based on religion.

48. Mr. NETANYAHU (Israel), speaking in exercise of the right of reply, said that the indignation expressed by Syria regarding the alleged treatment by Israel of Palestinian Arabs was remarkable, coming as it did from a representative of a régime that had recently bombed Palestinian Arabs in Tripoli, had repeatedly warned leaders of the Palestine Liberation Organization (PLO) against holding a conference in Amman, and that, according to a PLO leader, did not support the idea of an independent Palestinian state. Given Syria's expansionist policy vis-à-vis Lebanon, Jordan and the occupied territories, the alleged interest of the Syrian representative in his Palestinian Arab brothers was, to say the least, suspect.

49. It was ironic that a country like Syria should speak of human rights when its régime - one of the world's most reactionary and violent - had slaughtered many of its own citizens, suppressed every freedom, including freedom of the domestic and foreign press, and had disenfranchised and waged campaigns of persecution against all of its minorities.

50. He could not take the remarks by the representative of Democratic Yemen seriously, for in his view, that country could hardly be considered "democratic".

51. Regarding the curious challenge to his right to speak for oppressed Jews around the world, he said that in the light of the lesson the world had learned during the past century, when Jewish communities had been persecuted by horrendous dictatorial régimes before the establishment of Israel and before any representative of Israel could speak for them, no decent-minded person would object when he said "never, ever again".

52. Mr. GLAIEL (Syrian Arab Republic), exercising his right of reply, said that the representative of the Zionist entity had not answered his questions regarding the violations of human rights in the occupied Arab territories.

53. Mr. AHMED (Democratic Yemen), speaking in exercise of the right of reply, said that his country was proud of being democratic, and that repression, discrimination, murder and genocide were not practised there, as they were in Israel.

54. Mr. NETANYAHU (Israel) said that there could be no better demonstration of an Orwellian perversion of truth than the attempts by the representatives of Democratic Yemen and Syria to portray themselves as the champions of human rights.

55. Mrs. DOWNING (Secretary of the Committee) read out a correction to paragraph 14 of document A/C.3/39/L.43/Rev.1 and said that a corrected version of the document would be issued.

The meeting rose at 12.50 p.m.