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SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. KABORE (Burkina Faso)

CONTENTS

AGENDA ITEM 89: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued)

AGENDA ITEM 100: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

AGENDA ITEM 105: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (continued)

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The meeting was called to order at 3.15 p.m

AGENDA ITEM 89: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (A/44/240 and Corr.1; A/44/409-S/20743 and Corr.1-2; A/44/477, 574, 575, 595, 617; A/C.3/44/L.3; E/1989/42 and Add.1-4)

AGENDA ITEM 100: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/44/18, 171, 190 and Corr.1, 238 and Corr.1, 240 and Corr.1, 271 and Corr.1, 300, 310, 327, 330 and Corr.1, 336, 342, 346, 348, 360; A/44/395-E/1989/128; A/44/405, 409 and Corr.1-2, 411, 412, 442, 593, 617 and 618)

AGENDA ITEM 105: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (continued) (A/44/526 and 548)

1. Mr. AYALA LASSO (Ecuador) said that his country's position on the items under consideration had always been based on the nature of Ecuadorian society and the legal principles set out in its Constitution. Ecuador joined the universal condemnation of racism and all forms of racial discrimination and firmly supported the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. In addition, it appealed to States which had not yet done so to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination and, likewise, the International Convention on the Suppression and Punishment of the Crime of Apartheid.
2. Sanctions including the suspension of trade and assistance of any kind to Governments that applied the detestable system of apartheid must be imposed effectively, without conditions of any sort. Ecuador supported the demand for the cessation of the state of emergency in South Africa and for the immediate and unconditional release of all political leaders and prisoners. The encouraging steps that had been taken in that direction were not enough, because as long as a single person was a victim of racial discrimination, the problem was still there in its entirety. He concurred with those who had said, rightly, that the policy of apartheid could not be reformed: it must simply disappear.
3. There were other subtle forms of racial discrimination that unfortunately seemed to be gaining strength in some parts of the world. The inhuman or unequal treatment to which migratory workers were subjected must be corrected. All forms of xenophobia stemmed from the same outlook as did racial discrimination and that reprehensible attitude could still be found in various developed areas of the globe.
4. Ecuador had supported and would continue to support any measure recognizing the right of peoples to self-determination and facilitating their access to independence through the elimination of colonial systems. During the general debate in the plenary assembly at the current session, Ecuador's Minister for Foreign Affairs had stated that the independence of Namibia would be a monumental

(Mr. Ayala Lasso, Ecuador)

achievement by the international community in its struggle to eliminate colonialism.

5. The Special Rapporteur on the question of the use of mercenaries was to be congratulated for the important preliminary report he had submitted on the matter. Note should be taken of his statement that the current easing of international tensions had led mercenaries to seek contacts and activities connected with subversion and drug trafficking, which had given rise to a new and frightening situation that should draw the international community and convince it to act rapidly to bring it under control.

6. Mr. WILENSKI (Australia) said that the exercise of the right to self-determination had found its principal inspiration in the process of decolonization which, however, despite the successes achieved had not yet drawn to a close in such widely removed countries as Cambodia, Afghanistan and Namibia. Australia supported the right of Israel to exist within secure and recognized borders and it also supported the right to self-determination of the Palestinian people, including their right, if they so chose, to independence and an independent State.

7. Realization of the right to self-determination was not limited in time to the process of decolonization but rather entailed the full participation in the political process of all peoples and individuals within each State. In Australia, the name "multi-culturalism" had been given to the effort to allow all Australians to participate fully in every aspect of national life, irrespective of their cultural and linguistic background.

8. For much of the past 200 years, many Australians had thought of themselves as living in a transplanted British society. But Australia had changed. Its current population was drawn from 140 countries and that major demographic change had brought with it a corresponding change in attitude. It was essentially a matter of social justice. As a government policy, multi-culturalism recognized the right of all Australians to express their cultural heritage, to practice their religion and to take pride in their language, as well as their right to equality of treatment and opportunity regardless of race, religion, language or birthplace. In June 1989, the Australian Prime Minister had launched a national agenda for a multi-cultural Australia, based on the premise that diversity was a source of strength for the country and that it was prejudice and intolerance, and not, as some had argued, diversity itself, that sowed the seeds of tension and conflict.

9. A year earlier, his delegation's statement under the cluster of items currently under consideration had focused on what was being done to redress the history of discrimination and oppression that Australia's original inhabitants had suffered for the last 200 years. When the British had settled in Australia, for instance, no treaties had been made with the Aboriginal people inhabiting the Territory. To redress that injustice, his Government was committed to negotiating a treaty with the Aboriginal people and had allocated funds in the current year's budget to promote the process of consultation.

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(Mr. Wilenski, Australia)

10. The Australian Parliament was currently considering legislation to establish an Aboriginal and Torres Strait Islander Commission, the preamble to which acknowledged the prior ownership of Australia by its indigenous peoples. The Commission would comprise 60 regional councils made up of locally elected representatives, a structure which represented a major advance towards Aboriginal self-determination. Consultation with Aboriginal and Islander people and their participation were an integral part of the Government's efforts to tackle the severe economic and social disadvantages under which they laboured.

11. At the previous session, the delegation of Australia had described the establishment of a Joint Federal-State Royal Commission to examine and report on the problem of the high incidence of Aboriginal deaths in custody. The Royal Commission had released an interim report with a range of recommendations, including improvements to custodial practices. Funds had been made available to put those recommendations into practice. Also, Aboriginal issues units had been created in all the States and Territories, directed by Aborigines, to further investigate the underlying causes of those problems.

12. Regarding the Second Decade to Combat Racism and Racial Discrimination, he welcomed the efforts to achieve better co-ordination of activities undertaken in the different areas of the United Nations system and believed it would be useful to have a consolidated description of those activities. Appropriate laws and government practices were the foundation of the fight against racial discrimination, but priority should also be given to training and education and to the consolidation of changes in attitudes that had been achieved.

13. Australia continued to regard the Convention on the Elimination of All Forms of Racial Discrimination as an invaluable element of the network of human rights instruments. It was disturbing that many States parties had still not met their obligation to pay assessed contributions, which hindered the work of the Committee on the Elimination of Racial Discrimination. His delegation was prepared to examine specific proposals to solve the problem of arrears with other delegations at the meeting of States parties to be held early in 1990. It also called on the Secretary-General to do everything in his power to make it possible for the first scheduled meeting of the Committee to be held in March 1990 to mark its twentieth anniversary.

14. All Governments should commit themselves to the elimination of the abhorrent practice of institutionalized racism in South Africa. Australia had taken many legislative and policy measures designed to increase pressure on the apartheid system and bring about fundamental political change. The Government of Australia had shown that it was prepared to support comprehensive mandatory economic sanctions against South Africa. Yet, in order for those sanctions to be truly effective, it was imperative that they be adopted by all countries. In particular, the Australian Government believed that the financial sanctions being applied against South Africa had proven to be among the most effective forms of pressure. That had been evident at the recent meeting of the Commonwealth Committee of

(Mr. Wilenski, Australia)

Foreign Ministers on Southern Africa held at Canberra at the beginning of August, which had highlighted the vulnerability of South Africa to international financial pressure.

15. Mr. MOORE (United States of America) said that over 40 years ago, in article 2 of the Universal Declaration of Human Rights, the international community had clearly stipulated that racial discrimination was unacceptable. The majority of nations represented in the Third Committee observed those norms, although there might be instances where they were not fully adhered to. The Declaration of Independence of the United States proclaimed: "All men are created equal", but that ideal had not become reality in the United States until the abolition of slavery in 1865, which had by no means signified the end of racism in the United States. But in the last few decades considerable progress had been achieved in that area, and other democratic Governments also were attempting to eradicate racist practices.

16. In South Africa, on the other hand, the Government sponsored and enforced systematic discrimination. The perpetrators of South African apartheid asserted that their skin color made them superior beings and that persons of another race were automatically inferior. That assertion was entirely inhuman. There could be no justification for the oppressive practices of apartheid, a racist system that must be ended. The United States was firmly committed to achieving that goal, and the international community must also make efforts in that direction.

17. The United States had imposed some of the most severe restrictions on trade with South Africa. In private diplomatic contacts it had also repeatedly made known its total rejection of apartheid and had urged the South African Government to abandon that appallingly immoral system. The United States Government supported the unconditional release of Nelson Mandela and other political prisoners and had called for an end to the ban on opposition political parties. It agreed with the comments made by the President of the General Assembly on the occasion of the Day of Solidarity with South African Political Prisoners.

18. The United States would like to see the Government of South Africa establish a new constitutional order recognizing equal political, economic and social rights for all South Africans; a democratic electoral system with multi-party participation and universal franchise for all adult South Africans; effective constitutional guarantees of basic human rights for all South Africans; a constitutional allocation of powers between the central Government and regional and local governments, in keeping with the traditions of South Africa; and an economic system which would guarantee economic freedom for all South Africans, leading to an equitable distribution of government social and economic services that would allow all South Africans to enjoy the fruits of their labour, to acquire property and achieve a decent standard of living.

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(Mr. Moore, United States)

19. The abolition of apartheid in South Africa was of the utmost importance to the United States and to the world community. The encouragement of peaceful change was the most practical and productive path. Trade restrictions and other measures implemented by the United States had helped to promote the new atmosphere of accomodation in Pretoria, but it was highly doubtful that it would be useful for the United States to intensify those limited sanctions. The United States was convinced that the total isolation of South Africa would be counterproductive and that the imposition of comprehensive, mandatory and punitive sanctions by the entire international community would not be sufficient to achieve the abolition of apartheid. Nor did the United States support resolutions that contained inaccurate characterizations and inflammatory rhetoric, such as the texts that over a number of years had been adopted by the General Assembly but had proved ineffective in promoting constructive change.

20. Referring to the decolonization process, he said that the United States, which had been the first republic in the western hemisphere to establish independence from the mother country, was proud to have encouraged decolonization in the post-war world. Regarding the question of self-determination, he mentioned the example of his country, where earlier that year Mr. George Bush had taken the oath of office as the forty-first President. That orderly transfer of executive power, according to the will of the people expressed through elections, was a key element of the exercise of self-determination in the United States.

21. Referring to the situation in Afghanistan, he said that, despite the withdrawal of the occupying army, the Afghan people still had not been able to enjoy true self-determination. The Kabul régime must be replaced by a permanent, legitimate Government truly representative of the Afghan people. That was a matter to be worked out by the Afghan people themselves in exercise of their right to decide their own form of government and to choose their own economic, political and social system without outside interference. The United States supported the efforts aimed at establishing a broad-based Government.

22. With respect to the Baltic region, his delegation welcomed the Soviet Union's acknowledgement -- after almost half a century -- of the existence of secret agreements in the treaty signed in 1939 by Soviet Minister for Foreign Affairs Molotov and Nazi Minister for Foreign Affairs von Ribbentrop. His delegation hoped that greater official tolerance for the expression of individual views, together with greater willingness to consider new economic and political relationships, would eventually lead to true self-determination for the peoples of the Baltic States.

23. The question of the self-determination of the territories occupied by Israel was a complex issue that must be understood in the context of the pressing need for an overall peace settlement in the Middle East. The United States had proposed, as a measure leading to an overall peace settlement that responded to the legitimate desires of the Palestinian people for self-determination, that agreements should be worked out between the parties that would enable elections to be held in the occupied territories.

(Mr. Moore, United States)

24. His delegation welcomed the proposal put forward in the General Assembly on 27 September 1989 by the Italian Minister for Foreign Affairs to rescind resolution 3379 (XXX) adopted in 1975, equating zionism with racism. Because of the adoption of that resolution, the United States had ceased to participate in the implementation of the First Decade to Combat Racism and Racial Discrimination, and was not participating in the debate on the Second Decade.

25. With respect to the conflict in Kampuchea, his delegation was disappointed that a comprehensive settlement had not been reached at the International Conference on the situation in Cambodia, held in Paris. That conflict must be resolved politically, not on the battlefield. The failure of the Paris Conference must be attributed to the intransigence of Hanoi and the Phnom Penh régime. The international community must persist in its efforts to help work out interim arrangements that would enable the people of Kampuchea to choose their political leadership through free and fair elections. His delegation welcomed the announced withdrawal of Vietnamese troops, but both the Vietnamese Government and the Phnom Penh authorities must permit the attainment of a comprehensive settlement, based on national reconciliation, and they must guarantee a peaceful transition process.

26. Mrs. VARGAS (Nicaragua) stressed the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination. Her delegation believed that the term mercenary could apply to both those recruited to participate in international armed conflict and those used to commit acts of violence in armed conflicts which were not international or in situations which did not constitute armed conflicts. Nicaragua was an example of a country whose citizens were recruited by a foreign country and used massively to engage in mercenary activities from the outside against their country of origin with the aim of overthrowing its legitimately constituted Government. The International Court of Justice, in its judgement of 27 June 1986, had indicated that outside assistance to the counter-revolution had been essential to its survival and continuity. The Court had thus agreed with Nicaragua's contention that those forces were not a national liberation movement, but rather a mercenary organization, armed and financed by a foreign country, whose activities depended essentially on funds provided by that country.

27. With regard to the preliminary report of the Special Rapporteur on the question of the use of mercenaries (A/44/526) her delegation was interested in the efforts being made by the Special Rapporteur to verify reports that he had received on the existence of private organizations operating in the United States which offered paid work that involved using mercenaries or training nationals of other countries and taking part in armed or other conflicts. Her delegation also appreciated the fact that on his visit to the United States Congress, the Rapporteur had received the report on the Iran-Contra affair and other congressional documents mentioning American assistance to the contras and analysing the diversion of funds and covert operations to recruit and train mercenaries who subsequently served in a military capacity in Nicaragua. Her delegation also shared the Special Rapporteur's concern over the presence of mercenaries in

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(Mrs. Vargas, Nicaragua)

Colombia and in particular the fact that those mercenaries trained citizens linked to drug trafficking with the aim of forming armies that constituted a threat to the security and national sovereignty of that State. Her delegation therefore believed that an appropriate legal framework must be established for the term "mercenaries". Her delegation had sponsored and would continue to sponsor the resolution on that question and trust that the Special Rapporteur's mandate would be strengthened within the framework of the Assembly, in view of the importance of the task assigned him.

28. Her country had experienced 10 full years of revolution, and they had been 10 years of battle without any truce, shattering the economy and nourishing the soil with the blood of its sons. Nicaragua and its revolution were a symbol of the determination of peoples to attain their full independence and sovereignty and of their right to self-determination. Lastly, her delegation expressed its satisfaction at the process of détente which had begun in Central America and which had been possible because of the express and concerted political will of the Central American Presidents. Her delegation urged the international community to condemn any activity aimed at perverting or preventing the successful and full implementation of the agreements reached at Esquipulas and Tela. The state of war and the mercenary activities against Nicaragua must be ended.

29. Mrs. KING-ROUSSEAU (Trinidad and Tobago) said that recent improvements in the international political climate had not been reflected in substantial achievements in the field of human rights. In that connection, she quoted the 1989 report of the Secretary-General on the work of the Organization (A/44/1), in which the Secretary-General stated: "Nothing that has been done can lighten the burden on the human conscience imposed by the frequent, sometimes massive, violations of human rights in different parts of the world ... The year under review has brought little relief."

30. Referring to the improved prospects for a solution to certain regional conflicts, she recalled that, in certain instances, peace processes had not yet reached the decisive stage beyond which they would cease to imply a serious threat to regional security and international peace. Such was the case of Namibia. Her delegation was gravely concerned by reports on widespread activities of intimidation and harassment against the Namibian people which, in September 1989, had culminated in the assassination of a prominent member of one of the political parties that would be participating in the forthcoming general elections. Her country was also distressed that efforts were being made to introduce legislation whose provisions would be an obstacle to the holding of free and fair elections in Namibia. Those laws did not conform to the provisions of Security Council resolution 435 (1978), which constituted the sole universally accepted plan for Namibian independence.

31. The United Nations should take practical action to demonstrate its rejection of the abhorrent apartheid system, and the international community should apply comprehensive and mandatory sanctions against South Africa in accordance with

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(Mrs. King-Rousseau, Trinidad
and Tobago)

Chapter VII of the United Nations Charter. The Pretoria régime had organized sham elections in order to set up a parliament divided according to race, once again excluding the African majority. Trinidad and Tobago joined the other States Members who demanded the lifting of the state of emergency and the immediate and unconditional release of all political prisoners in South Africa, including Nelson Mandela. Her delegation agreed that priority should be given to the elimination of apartheid in the Second Decade to Combat Racism and Racial Discrimination, and generally endorsed the plan of activities for the period 1990-1993. She believed that the study on the treatment of political prisoners and detainees in South Africa and Namibia would be more timely if it was conducted during the biennium 1990-1991, rather than during the period proposed in the Secretary-General's report (A/44/595). She hoped that her suggestion would be included among the Committee's recommendations to the General Assembly, and that inter-agency consultations would be held concerning the implementation of that and other projects for the Decade.

32. Mr. PHAM NGAC (Viet Nam) said he agreed with other delegations that if the basic international human rights instruments were to be effective and viable, the States Members, and above all, the members of the Security Council, must accede to them and apply them. In 1990, UNESCO and the people of Viet Nam would celebrate the centenary of President Ho Chi Minh as "Vietnamese hero of the national liberation and a distinguished representative of Vietnamese culture". More than 60 ethnic nationalities in Viet Nam were indebted to him for his great contribution to the promotion of the long-standing tradition of national unity. During the early days of the revolution, his appeal to the nation had led the people of Viet Nam, regardless of nationality, religion or social class, to unite and withstand all ordeals.

33. Self-determination was an aspiration cherished by all nations, large and small. Since the Second World War, the awakening of national consciousness had given rise to the struggle for independence. As a result, more than 100 countries had broken free from colonial rule, joined the United Nations and played an increasingly important role in international political life. None the less, past and present experience had shown that the forces of colonialism had never stopped using any means at hand to preserve their colonial interests. Today, economic means were being used more frequently and intensively to exert political pressure and maintain domination. Viet Nam, a country which had struggled for decades for its self-determination, stood by the peoples of Palestine, Namibia, South Africa and all others that were fighting for their inalienable national rights.

34. In Namibia the transition to independence had begun, although with some difficulties. If the international community was soon to welcome an independent and sovereign Namibia, it must ensure South Africa's compliance with Security Council resolution 435 (1978). All acts of intimidation and violence against SWAPO and its supporters must cease. The Koevoet death squads must be disbanded without delay. Effective measures must be taken to guarantee free and impartial elections in Namibia.

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(Mr. Pham Ngoc Viet Nam)

35. In South Africa, apartheid remained the fundamental cause of instability in the region. The people of South Africa had been deprived of all their basic national rights. They had been subjected to unwarranted arrests, mass detention and brutal torture because of their struggle to live in freedom, equality and dignity as human beings. Now more than ever there was an urgent need to impose comprehensive and mandatory sanctions against the racist régime. The General Assembly Special Session on apartheid and its destructive consequences would undoubtedly help mobilize world efforts to eliminate apartheid once and for all.

36. In the Middle East, the intifadah had demonstrated the indomitable will of the Palestinian people to achieve its self-determination and independence. In order to achieve a just and lasting solution of the Middle East question, the Palestinian people must be guaranteed its inalienable rights, including the right to return to its homeland and to create a State there. The Viet Nam delegation supported the early convening of an international conference on the Middle East, with the participation of all parties concerned and of the State of Palestine on an equal footing.

37. The international community had welcomed the signing of the Geneva Agreements on Afghanistan. Nevertheless, attempts to interfere in the internal affairs of the Republic of Afghanistan and to impede the process of national reconciliation had not ceased. It was therefore necessary that all parties concerned should abide fully and conscientiously by the Geneva Agreements so as to bring peace and stability to Afghanistan and the region.

38. In South-East Asia, there had been positive developments over a year ago in the search for a comprehensive political settlement to the question of Cambodia. The total withdrawal of Vietnamese volunteer troops, which had been successfully completed on 26 September 1989, had resolved one of the two key issues of a comprehensive political solution. The remaining problem was to prevent Pol Pot's genocidal clique from continuing the civil war and re-imposing its genocidal rule. All countries concerned must conscientiously honour their commitments to terminate military aid to all Cambodian parties and refrain from interfering in the internal affairs of that country. Only the Cambodian people, through internationally supervised free and democratic elections, could choose the political régime they wanted. The recent International Conference on Cambodia, held in Paris, had laid the foundation for a political settlement of the Cambodian question. One constructive contribution to the momentum generated by that Conference had been the initiative taken on 23 September 1989 by the Prime Minister of Thailand, calling for a cease-fire and for the convening of an informal meeting on Cambodia.

39. Mr. MENON (India) said that throughout its history, India had been committed to the struggle against racism and racial discrimination and in favour of self-determination. A year before its independence, i.e., in 1946, India had proposed that the United Nations should take up the problem of racism, and had tabled a resolution that called for an immediate end to racial persecution and discrimination. Today, the most unbridled manifestation of that phenomenon was

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(Mr. Menon, India)

apartheid, Pretoria's malevolent State policy that, despite successive condemnations by the United Nations, continued to violate the code of civilized conduct and the basic tenets of human relations.

40. India had reiterated on a number of occasions that unless peaceful change could be ushered in in South Africa, there could be a bloodbath. As Prime Minister Gandhi had said, the only way of forestalling that dreadful bloodbath was dialogue between Pretoria and the authentic representatives of the people of South Africa. Two conditions had to be met before such a dialogue could begin: first, a climate conducive to dialogue had to be created by lifting the state of emergency, an end to censorship, the release of all political prisoners and the termination of all other repressive measures and of violence; secondly Pretoria had to agree to the only possible outcome of the negotiating process, namely, the dismantling of apartheid and the establishment of majority rule. The system of apartheid was being adamantly maintained, for financial profit and to protect alleged strategic interests. It was therefore ironic that some should counsel that compromise with apartheid was a more effective way to deal with the problem. On the contrary, comprehensive mandatory sanctions, to which the Government of South Africa had proved vulnerable, would be the least costly option.

41. At the mid-point of the Second Decade to Combat Racism and Racial Discrimination, some progress had been made in the struggle against those evils. But like an infectious disease, new outbreaks could occur, as for example in Fiji, as a result of a change in State policy. The international community should attempt to ensure that racism did not find fertile soil in any country, no matter what arguments were adduced to justify it.

42. The Indian delegation shared the concern exposed about the financial crisis facing the Committee on the Elimination of Racial Discrimination. It was unfortunate that the Committee had had to cut back its valuable activities for lack of funding. His delegation had also noted with interest the preliminary report of the Special Rapporteur on the question of the use of mercenaries. That problem was now taking an even more serious form with the increasingly close links between mercenaries and drug traffickers. It was a development which had to be examined more closely so that it could be fought more effectively.

43. Mr. HENNESSY (Ireland) said that the fact that today the United Nations had 159 members bore witness to the power of a lofty ideal: the principle of self-determination. But the exercise of the right to self-determination was not an end in itself. It was a continuing and evolving process which made it possible to enjoy other human rights and was itself strengthened by respect for those rights.

44. For the first time since the question of Namibia had been on the agenda there was reason for optimism. The Namibian people's unshakeable demand for freedom, backed by the steadfast commitment of the United Nations, had proved irresistible: independence for Namibia was now in sight. Ireland was honoured to participate by contributing personnel to the United Nations Transition Assistance Group and reaffirmed its full support for the Secretary-General and his Special Representative in the discharge of their important roles. It was essential that

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(Mr. Hennessy, Ireland)

between now and the November elections nothing should be done to impede the full implementation of resolutions 435 (1978) and 640 (1989).

45. In South Africa the black population continued to be denied the exercise of its human rights. Black political organizations were unable to function freely. Notwithstanding the release of political prisoners, Nelson Mandela was still being detained. The recent elections had demonstrated the concentration of legislative and executive power in the hands of a small and unrepresentative minority. The present Government in Pretoria was said to be set on a course of change, but the only satisfactory measure would be the abolition of the hateful system of apartheid. For its part Ireland would continue to assist in the efforts of the international community to bring effective pressure to bear on the South African authorities.

46. Like all oppressed peoples the Palestinian people of the occupied territories aspired to self-determination. Over the past two years its resistance to occupation had exacted a heavy toll of dead and injured, the majority of them very young. His Government had lost no opportunity to register its dismay over the methods used in attempts to quell the disturbances and its conviction that only a political solution could yield results.

47. The Irish Government had consistently identified two principles which should form the basis for a political solution: the right of all the countries of the region, including Israel, to exist within secure, recognized and guaranteed borders; and the right of the Palestinian people to self-determination with all that that implied. It hoped that the independent Palestinian State proclaimed unilaterally on 15 November 1988 would become a reality as a result of an international peace conference under United Nations auspices, in which all the parties concerned, including the Palestine Liberation Organization, must participate. Together with the other members of the European Economic Community Ireland was deeply committed to the search for a durable solution to those problems. Over the past year progress towards that goal had been significantly enhanced by the assurances offered by the leadership of the Palestine Liberation Organization in recognizing Israel's right to exist and in renouncing terrorism.

48. Ireland welcomed the efforts undertaken under the auspices of the League of Arab States to secure a settlement guaranteeing the sovereignty, unity and territorial integrity of Lebanon, another people being prevented from exercising its right to self-determination. To that end the introduction of political reforms and the withdrawal of all non-Lebanese troops, except for the United Nations Interim Force in Lebanon (UNIFIL), were essential. In that context mention must be made of the plight of the innocent people still held hostage in Lebanon in violation of all human rights norms, among them an Irish citizen, Mr. Brian Keenan. The Irish delegation appealed to all those who could assist in any way to end the nightmare endured by the hostages and their families to do so.

49. Together with its partners in the Twelve Ireland had welcomed the decision by Viet Nam to withdraw its troops from Cambodia, for it believed that the move would lead to progress towards an overall political solution of the conflict. Respect

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(Mr. Hennessey, Ireland)

for the Cambodian people's right to self-determination required that it should be allowed to choose its own destiny through participation in free elections under international supervision. But in order to secure an overall settlement guaranteeing the independence, sovereignty, territorial integrity and neutrality of Cambodia it would be necessary to ensure that those responsible for universally condemned policies and practices were not restored to power, for that would clearly be against the interests of the Cambodian people.

50. The withdrawal of foreign troops had removed an important obstacle to self-determination in Afghanistan, but the continued fighting and the absence of an internal political solution still impeded progress. His delegation urged the Secretary-General to continue his efforts to find ways to unblock the impasse. For its part Ireland, together with its partners in the Twelve, remained committed to work for the emergence of an Afghanistan which was non-aligned, independent and democratic and in which human rights were fully respected, and it urged the whole international community to embrace those objectives.

51. Thanks to the co-operation extended to the Secretary-General by the parties concerned, the prospects for a settlement of the problem of Western Sahara had greatly improved. Ireland hoped that the proposed referendum under United Nations auspices would soon take place, providing an opportunity for the people of Western Sahara to participate fully in a genuine act of self-determination.

52. Mr. RICHTER (German Democratic Republic) said that it must remain a top priority for the United Nations to enhance the effectiveness of instruments of international law designed to combat racism, and in particular to obtain universal respect for and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, and the International Convention on the Suppression and Punishment of the Crime of Apartheid, as called for in the latest documents of the Commission on Human Rights (resolution 1989/8) and in the report of the Group of Three (E/CN.4/1989/33).

53. The point made by the Secretary-General of the Congress of South African Trade Unions that the number of persons participating in actions against racial segregation was higher than the number who had participated in the apartheid elections clearly indicated that the attempts of the Government of South Africa to give apartheid a more attractive look were doomed to fail. It went without saying that only the total elimination of apartheid would guarantee a fundamental change in South Africa and that the most effective peaceful means to that end was the imposition of comprehensive and mandatory sanctions by the Security Council pursuant to Chapter VII of the United Nations Charter. The German Democratic Republic's foreign policy as a long-standing member of the Special Committee against Apartheid clearly reflected its position.

54. Racism and racial hatred often emerged also when national arrogance coincided with the people's real fears of a deterioration in their living conditions and those of their families. In such a situation it was not just a few who were willing to hold persons of different beliefs, nations or races responsible for

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(Mr. Richter, German Democratic Republic)

their own social misery. The millions of votes currently won by extreme-right groups in elections in a number of places in the world were also an expression of nationalist or racist thinking or of hostile feelings towards foreigners; at the same time they reflected a reaction of social defence and protest. That was why his delegation favoured not only more effective international co-operation in fighting racism, racial discrimination and the increasing hostility towards foreigners in a number of countries but also an intensified struggle against social deficiencies and inequities, as well as effective improvement of the intellectual and cultural standards in order to prevent racism and nationalism from flourishing.

55. There was no doubt that one of the fundamental human rights embodied in international law was the right of peoples to determine their own political, economic, social and cultural development. Although the old colonial empires had vanished, peoples were still being oppressed and attempts were still being made to secure positions of hegemony in international relations. If States continued to be subject to outside interference, if peoples still had to suffer national or social oppression, or if countries remained trapped in economic dependence and became the financial debtors and political slaves of international creditors, then it was not by chance that violent internal conflicts were generated, undermining economic, social, cultural, political and civil human rights and the right of peoples to determine their own development was drastically restricted. Today's increasingly interdependent world in which global problems could be solved only by joint efforts required comprehensive solutions involving all peoples, and the United Nations was the right body to undertake that task.

56. The independence process taking place in Namibia demonstrated clearly the increasing ability of the United Nations to participate in bringing about fundamental change in southern Africa. It was important that the accords should be strictly observed so that the Namibian people would be able to determine the future of its country.

57. Drawing on the experience gained in the course of implementing Security Council resolution 435 (1978), the United Nations should use the full weight of its influence to bring about a comprehensive political settlement in the Middle East. His country supported the holding of an international conference on the Middle East with the participation of all parties concerned, including the permanent members of the Security Council, Israel and the Palestine Liberation Organization. The unshakeable strength of the intifadah proved that the right of the Palestinian people to self-determination was one of the essential prerequisites for a just settlement of the situation in the Middle East.

58. The recruitment, use, financing and training of mercenaries was in total disregard of the principles of the sovereign equality, political independence, and territorial integrity of States and such actions were in violation of the right of peoples to self-determination. His delegation therefore supported wholeheartedly the conclusions contained in General Assembly resolution 43/107 and in the report of the Special Rapporteur and favoured rapid completion of the convention on the matter. Moreover, the International Law Commission, in its elaboration of a code

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(Mr. Richter, German Democratic Republic)

of crimes against peace and the security of humanity, should define the use of mercenaries as an international crime.

59. Mr. SAAD (Syrian Arab Republic) said that the apartheid régime supported by the white minority in South Africa was the most odious and flagrant form of racism and racial discrimination and had been declared by the General Assembly as a crime against humanity. For that reason, his country had always sought to assist the front-line African States and would continue to adopt every possible measure to combat apartheid. Furthermore, his country requested the release of the African freedom fighters, in particular Nelson Mandela, imprisoned for their struggle for liberty and equality. His country supported the people of Namibia and hoped that country would soon attain its independence.

60. In that context, he wished to recall another racist system which was based on the most abject form of racial repression: the régime of the Zionist entity in occupied Palestine. Israel had intensified its racist policies against the Palestinian Arabs, attempting above all to crush their resistance movement, the intifadah. The representative of Israel had implied that the world was hesitant to equate zionism with racism, an equivalence which nevertheless was obviously true. No clarification was needed concerning the Zionist massacres of Arabs: those practices were well-known, causing a universal reaction of outrage and condemnation. The representative of Israel had also forgotten to say that before the beginning of the twentieth century, Jews living in Palestine had constituted only 8 per cent of the population. Later on, Israel had begun to expropriate the lands of the Palestinians and to expel them from their territory, in an outrageous campaign which had resulted in the mass exodus of the population. The representative of Israel had not concealed his belief that the Arabs should leave the West Bank and the Gaza Strip and settle in neighbouring and other countries.

61. In its resolution 3379 (XXX), the General Assembly had determined zionism to be a form of racism and zionism had been included in the Programme of Action for the period 1990-1993. In addition, the racist nature of zionism had been affirmed in resolutions of the conferences of the non-aligned countries, the Organization of African Unity and the Islamic Conference.

62. His delegation believed that mandatory sanctions against apartheid should be implemented and that any form of co-operation - covert or open - with that régime should be prohibited. In that connection, he wished to point out the link between South Africa and Israel, particularly with respect to nuclear material. Such an alliance came as no surprise since those régimes were mutually connected by their racist tendencies. His country condemned that alliance and called on any countries co-operating with South Africa to cease their assistance, which only nourished the racist régime, allowing the continued occupation of Namibia and further aggression against the neighbouring African countries.

63. In his statement, the representative of the Holy See had mentioned the Islamic Sharia and racism in the same paragraph. Islam was a religion of tolerance in which no one was privileged, neither whites nor blacks nor Arabs nor non-Arabs. If

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(Mr. Saad, Syrian Arab Republic)

the representative of the Holy See had a specific country in mind, he should reveal its name and the issues in question. Similarly, in discussing anti-Semitism, the representative of the Holy See had spoken of the Jewish people and the attacks to which they were subjected during the Second World War. Yet, Arabs were also Semites and were under attack by Israel. He wondered if justice was perhaps being applied in one case and not in the other. In the same statement, the representative of the Holy See had also expressed his support for the rights of the Israelis and those of the Palestinians, thus placing the victims and the oppressors on the same level. Everyone desired peace, but in the Middle East that would only be possible when Israel had withdrawn from the territories occupied since 1967, including Jerusalem, enabling the Palestinians to exercise their right to self-determination and to establish a State in their own territory. His delegation wished to voice its support for the intifadah, which would end only when independence had been attained, and for the national resistance in Lebanon, which was daily making greater efforts to bring about liberation.

64. Mr. SLABY (Czechoslovakia) said that racial discrimination did not exist in his country. The national legislative bodies had established a set of guarantees so that racial discrimination could never take root. Similarly, the necessary political and legal machinery had been set up to eliminate any form of discrimination. None the less, full integration had not yet been achieved for the gypsy population which, as an ethnic group, was not covered by the provisions governing the rights of various national groups; however, that population certainly enjoyed the same civil rights as other citizens as well as the same obligations. By virtue of bilateral agreements on technical, scientific and economic co-operation, his country was host to 36,000 foreign workers whose access to work and training was equal to that of Czechoslovak nationals.

65. His country considered the complete elimination of all forms of racism to be of capital importance and had signed many relevant international instruments, whose provisions had been embodied in Czechoslovak law.

66. In spite of the enormous efforts made thus far, apartheid in South Africa had not yet been eradicated because not all countries had recognized the need for mandatory sanctions. The total isolation of the régime was the only way to effectively bring about the elimination of apartheid. His country, which had broken off relations with South Africa in 1962, had during the Second Decade to Combat Racism and Racial Discrimination approved concrete measures designed to combat apartheid and had supported the activities of the international community in that sphere. His Government was providing fellowships through the AFRICA Fund and had just participated in an international conference, held at Oslo in August, on the problem of southern African refugees. His delegation wished to endorse the work of the Under-Secretary-General for Human Rights, who had implemented broad measures aimed at involving non-governmental organizations in the valuable activities being carried out in that area. It was the hope of the international community that the near future would bring the complete decolonization of Namibia, through the implementation of Security Council resolution 435 (1978), which should serve as the basis for the political and practical solutions to that problem.

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(Mr. Slaby, Czechoslovakia)

67. Certain positive changes had taken place in the Middle East; however, owing to Israel's inflexibility, the comprehensive solution of the problem continued to be only a wish of those aspiring to self-determination. The holding of an international conference on the Middle East with the participation of all the parties directly concerned would help to resolve the problem in an equitable fashion. Considering the attitude of the Soviet Union toward Afghanistan to be praiseworthy, his country regretted that all the countries involved had not adopted a similar positive attitude. With respect to the situation in Cambodia, the international community had high hopes that the conflict would be resolved with the withdrawal of Vietnamese troops from the country. It was to be hoped that a free, neutral and non-aligned Cambodia would soon exist.

68. The right to self-determination had not only political but also economic aspects. Czechoslovakia supported the legitimate demands of the developing countries for an end to their economic dependence. What was happening all over the world demonstrated that peace, development and disarmament were becoming more closely linked. The norms of international law and the Charter of the United Nations should therefore be respected. Many countries were currently resorting to the services of mercenaries in order to limit the exercise of the right to self-determination. That was taking place both in southern Africa and in Central America. His delegation called on all States to take the necessary steps to prohibit the activities of their citizens who acted as mercenaries in the territory of other States.

69. Miss FUNDAFUNDA (Zambia) said that apartheid in South Africa was an affront to the international community. The South African racist régime had recently tried to convince the international community that the Government of Mr. de Klerk was ready to change the current situation. Her delegation reiterated its conviction that apartheid was a system which could not be reformed but must be completely dismantled. It was important for the Pretoria régime to establish serious dialogue with the genuine leaders of the black majority. In that connection, she drew attention to the demands made by the Ad Hoc Committee of Heads of State and Government on Southern Africa of the Organization of African Unity (OAU), which had met in August 1989 in Harare, Zimbabwe. Zambia fully supported those demands, which included the unconditional release of all political prisoners, including Nelson Mandela; the repeal of the ban on the African National Congress (ANC), the Pan Africanist Congress of Azania (PAC) and all other political organizations in South Africa, and guarantees for the return of all political exiles; the lifting of the state of emergency; the halting of political executions and detentions; and the withdrawal of the army from the townships.

70. Zambia, which considered that the imposition of mandatory sanctions against South Africa was the only peaceful way to change the situation in that country, wished to express its gratitude to the countries which had imposed such sanctions, and appealed to those countries which were opposed to sanctions to reconsider their stand.

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(Miss Fundafunda, Zambia)

71. The apartheid system was also responsible, both directly and through its surrogate UNITA and RENAMO bandits, for the loss of approximately 1.2 million lives. Zambia reiterated its appeal to the international community to provide increased assistance to the front-line States and to other independent neighbouring States in order to enable them to withstand the effects of South Africa's aggression and destabilization. Zambia also urged all countries, in particular the United States, which had been supporting UNITA, and South Africa, which supported RENAMO in Mozambique, to end such support so that the peace efforts could proceed without external interference.

72. With regard to the situation in Namibia, she pointed out that, although the beginning of the process of implementing Security Council resolution 435 (1978) gave rise to the hope that the colonial situation in that country would come to an end, there were still a number of outstanding issues which needed to be resolved before the elections to be held in November 1989. Regrettably, South Africa had so far not complied fully with the requirements of Council resolution 435 (1978), thus creating an atmosphere of uncertainty and uneasiness which was not conducive to the conduct of free and fair elections in Namibia. That was a deliberate action by the Pretoria régime, which was desperately trying to prevent a SWAPO victory and ensure for itself a chance to influence the constitutional process for the new State of Namibia. Zambia appealed to the Secretary-General to take effective measures to put an end to the larger-scale intimidation of SWAPO supporters by Koevoet elements, particularly in northern Namibia. The recent assassination at Windhoek of a prominent SWAPO member, Mr. Anton Lubowski, underscored the need to ensure the security of the leaders of that organization. On 11 October 1989, the Zambian Minister for Foreign Affairs had said that the failure to implement Council resolution 435 (1978) in its original and definitive form could seriously tarnish the image of the United Nations.

73. With regard to Western Sahara, Zambia supported the efforts of the United Nations and OAU to organize a referendum in which the Saharan people would be given a chance to exercise their right to determine the destiny of their country.

74. Zambia believed that, through their heroic intifadah, the Palestinian people had demonstrated to the world their determination to attain freedom, dignity and their right to a homeland. Peace would not come to the Middle East until the legitimate rights of the Palestinian people were seriously addressed. Her delegation fully supported the convening of an international conference on the Middle East, in which all parties to the conflict, including the PLO, would participate on an equal footing.

75. With regard to the use of mercenaries, Zambia expressed its gratitude to the Special Rapporteur for his report in document A/44/526.

76. Ms. MEHTA (India) said that, in her statement at the current meeting, the representative of Pakistan had referred to Jammu and Kashmir. Jammu and Kashmir was an integral part of India, and the right to self-determination could not be applied to the integral parts of an independent State. Moreover, India's position was well known and required no further explanation.

77. Ms. POC (Democratic Kampuchea), speaking in exercise of the right of reply, said that, in its statement at the current meeting, the representative of Viet Nam had once again attempted to cover up Viet Nam's heavy responsibility and, at the same time, to blame other countries for the threat to peace, security and stability in South-East Asia, which in fact had been caused by its war of aggression against Cambodia. Viet Nam had the arrogance to invoke the principle of non-intervention, despite the fact that it had invaded Cambodia and had occupied it for the past 11 years, and reserved for itself the right to intervene again. The time had come for Viet Nam to realize that the only honourable way out was to heed the call of the 122 States Members of the United Nations which had voted in favour of the resolution on Kampuchea. It must cease its campaign of disinformation, the purpose of which was to force the international community to recognize the puppet régime set up in Phnom Penh.

78. The international community would not believe Viet Nam's claim regarding "unilateral total troop withdrawal" as long as Viet Nam continued to reject the establishment of an international control mechanism under United Nations auspices to supervise the withdrawal of all its forces of aggression from Cambodia. Only the withdrawal of all Vietnamese forces, including Vietnamese settlers, from Cambodia under the supervision of the United Nations international control mechanism and the United Nations peace-keeping force would enable the Cambodian people to exercise its right to self-determination through free and fair elections supervised by the United Nations.

79. Viet Nam continued to harp on the "Pol Pot and Khmer Rouge danger" and the "prevention of their return to power" as one of the fundamental aspects of the so-called "problem of Kampuchea". If Viet Nam was so concerned about that issue, why did it not allow the international control mechanism and the United Nations peace-keeping force to help the Cambodian people prevent the Khmer Rouge from returning to power? The truth was that Viet Nam needed a pretext to invade and occupy Cambodia, to weaken the unity of the Cambodian people, to sow discord within the Cambodian national resistance and to spread confusion in the international community. Her delegation was confident that all countries committed to peace, justice and independence would continue to put pressure on Viet Nam until it agreed to withdraw genuinely all its forces from Cambodia and to enable the Cambodian people to exercise their right to self-determination and achieve genuine national reconciliation through the formation of a quadripartite provisional government under the leadership of His Royal Highness Norodom Sihanouk. Only then would Cambodia recover its independence, peace and security.

80. Mr. GOLEMANOV (Bulgaria), speaking in exercise of the right of reply, said that only one thing was accurate in the statement made by the representative of Turkey concerning Bulgaria. In recent months, some 300,000 Bulgarian citizens had exercised their right to leave their country, to remain abroad or to return. What the representative of Turkey had not said was that most of them had done so because Turkey had manipulated their feelings for decades and had made promises which it could not have kept even if it had wanted to. The representative of Turkey had also failed to say that 40,000 of those citizens had already managed to return to Bulgaria despite the difficulties and physical and psychological abuse which they

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(Mr. Golemanov, Bulgaria)

had suffered at the hands of the Turkish authorities, and that many other Bulgarian citizens were currently on their way back to their homeland.

81. As to Turkey's so-called concern for human rights, he referred the representative of that country to the tens of volumes published around the world by intergovernmental and non-governmental organizations, including Amnesty International, that exposed Turkey's dismal record in that field. It sufficed to give one example: currently about 15 million Kurds, constituting between one fifth and one fourth of the present population of Turkey, were victims of the same policy. The mere mention of the word "Kurd" was a criminal offence in that country. In official parlance Kurds were referred to as "mountain Turks". He asked how a "mountain Turk" differed from a "Turk" in the strict sense. Was it simply because he lived in the mountains? Or was it rather that a "mountain Turk" spoke one of the languages that article 26, paragraph 3, of the Turkish Constitution qualified as "legally banned" languages? The representative of Turkey should clarify for the Committee those provisions of his country's Constitution since they were unique in the world, and should give an example of languages that were "legally banned".

82. Another, no less alarming, facet of the pan-turkic philosophy was the theory, which was so fashionable in present-day Turkey, about the 150 million so-called "outer Turks", who inhabited territories extending from Central Europe to Northern Africa and Asia. The illegal military occupation by Turkey of much of the territory of Cyprus had been going on for 15 years. The presence of tens of thousands of Turkish citizens made possible the continuing artificial alteration by Turkey of the demographic character of the Republic of Cyprus. That and many other examples could serve as a warning about the long-term objectives of Pan-Turkism and the real motives behind the current campaign by Turkey against his country.

83. Bulgaria would continue to expose any attempts to turn back the clock of history. The rights and freedoms of all Bulgarian citizens were fully guaranteed. The Bulgarian Constitution did not ban any language or prevent anyone from professing his religious beliefs. Bulgaria sought to maintain responsible relations of co-operation and understanding with all its neighbours, including Turkey, and had time and again confirmed its readiness to conduct a direct dialogue with Turkey, without any pre-conditions, in order to resolve any real problems between the two countries. He hoped that sooner or later Turkey would muster the political will, courage and realism necessary for such a dialogue and the development of relations between the two countries in the mutual interest of their peoples.

84. Miss ZEB (Pakistan), speaking in exercise of the right of reply, noted that the delegation of India had expressed its position on the question of Jammu and Kashmir. Since Pakistan's position in that regard was well known, there was no need to provide further details.

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85. Mr. AKSIN (Turkey), speaking in exercise of the right of reply, said that he was surprised at the indignant statements made by the representative of Bulgaria, who had said that 300,000 persons had fled Bulgaria apparently because they had been manipulated by Turkey. The representative of Bulgaria had gone too far in that regard and there was no need to respond to such statements. The representative of Bulgaria had said that he was concerned about the way in which Bulgaria's ethnic Turks had been treated in Turkey; but he ought rather to concern himself about the treatment which those persons were receiving in Bulgaria. His delegation wondered how they were being treated, given that they decided to flee their country.

86. The concern expressed by the representative of Bulgaria was only crocodile tears and they were out of place. Turkey was a developing country and the Bulgarians arriving in that country had lost their homes, jobs, property and rights. Obviously, some of them would be disappointed. Many of them had been forced to return to Bulgaria because the passports of their relatives had been withheld and they had to return in order to be with their loved ones. Those that returned were not given jobs and were sent to other towns. He cited an article published in The Economist on 25 January 1986, which referred to the claim by the Government of Bulgaria that the 800,000 ethnic Turks living in that country were of Bulgarian blood. According to that article, the results of anthropological studies carried out in the past 30 years indicated that the Bulgarian nation was pure and uncontaminated and had not undergone any change since the Middle Ages. It was inferred from that that the members of the Turkish minority were simply Bulgarians who happened to speak Turkish. The article in question concluded with the statement that the Bulgarians should begin to consider the validity of the type of research on racial purity that had become outmoded since the days of Nazi Germany.

87. He also referred to the statement made by the Turkish delegation in the plenary Assembly two weeks earlier in which it had reminded Bulgaria that Turkey was an open society where, if shortcomings came about, the press provided information on them and discussed them. Turkey was a State based on the rule of law where all citizens were equal before the law and enjoyed the same rights regardless of their ethnic origin or creed. He urged the representative of Bulgaria to take a look at the Turkish press and see that for himself. Turkey sought to maintain harmonious relations with all its regions and the delegation of Bulgaria was not in a position to teach it how to maintain harmonious relations with all Turkish citizens. Three hundred thousand Turkish citizens had not suddenly fled Turkey in a period of three months. The facts spoke for themselves.

88. Mr. GOLEMANOV (Bulgaria), speaking in exercise of the right of reply, said that, although 300,000 persons had left Bulgaria, to date 40,000 had already returned and more would follow. If they had left because their rights allegedly had not been respected, then it was easy to imagine what they had seen in Turkey in order to decide to return to their homeland.

89. The article in The Economist must be very useful for the Turkish delegation since they had been referring to it year after year since 1986. The Economist should verify its sources since everything it stated was false. Furthermore,

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(Mr. Golemanov, Bulgaria)

instead of citing an article published three years earlier, the representative of Turkey should bother to take a look at the recent press and read the reports on the international conference being held in Paris on the suffering of Turks in Turkey. He also urged the other delegations to look into that matter.

90. With regard to the allegations concerning Bulgaria's human rights record, he said that Bulgaria had made available to all Member States a number of documents (the latest of which was A/44/618), circulated in connection with the cluster of agenda items currently under consideration. He did not feel it was necessary to refer to them again since all Member States were acquainted with them. Those documents contained the replies to Turkey's allegations and he urged the representative of Turkey to give them due attention.

The meeting rose at 6 p.m.