

UNITED NATIONS
General Assembly

FORTY-FOURTH SESSION

Official Records

THIRD COMMITTEE
55th meeting
held on
Monday, 27 November 1989
at 10 a.m.
New York

SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. KABORE (Burkina Faso)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (continued)

This record is subject to correction.
Corrections should be sent under the signature of a member of the delegation concerned
within one week of the date of publication to the Chief of the Official Records Editing Section, Room DC2/180,
2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session as a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/44/SR.55
5 December 1989
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 10.25 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/44/3, A/44/402, A/44/403, A/44/404, A/44/426, A/44/440, A/44/462, A/44/482, A/44/573, A/44/600, A/44/620, A/44/622, A/44/635, A/44/657, A/44/669, A/44/671, A/C.3/41/1 and 4; A/44/67, A/44/68, A/44/71, A/44/99, A/44/119, A/44/153, A/44/171, A/44/238, A/44/320, A/44/325, A/44/355-S/20704, A/44/367, A/44/377, A/44/378, A/44/381, A/44/466, A/44/504, A/44/580, A/44/706, A/44/728 and A/C.3/44/8)

AGENDA ITEM 109: EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (continued) (A/44/98, A/44/539, A/44/668, A/44/171, A/44/409-S/20743 and Corr.1 and 2, A/44/551-S/20870 and A/44/689-S/20921)

1. Mrs. ILIC (Yugoslavia) noted with satisfaction the development of the situation in Namibia, where the results of the election represented a historic achievement and a great victory for the Namibian people in their decade-long struggle, under the leadership of SWAPO, for self-determination and independence. The international climate was now favourable and it was to be hoped that the regional conflicts still in progress would soon be resolved.
2. Human rights and fundamental freedoms were becoming the essential basis of Yugoslav society. To comply with its obligations as a Member of the United Nations and as a party to the numerous instruments adopted under its auspices, as well as the obligations undertaken under the Final Document of the Conference on Security and Co-operation in Europe held at Vienna, Yugoslavia had taken steps to change provisions of its criminal code which might be misinterpreted. Special provision would also be made with regard to crimes against humanity and international terrorism as well as grave violations of the security of air transport and crimes linked to drug abuse. The most important of the changes envisaged were the abolition of capital punishment and of expropriation. To complement the reform of criminal legislation, the law on criminal procedure was also being amended. The reforms also envisaged the strengthening of the independence of the judiciary.
3. As a non-aligned and European country, Yugoslavia was participating actively in the efforts being made to solve the crucial problems of the present world, including those of human rights. At the Ninth Conference of Heads of State or Government of the Non-Aligned Countries held at Belgrade in September 1989, the question of human rights had been given priority. In addition, many other subjects with a direct bearing on human rights, such as the struggle against racial discrimination and apartheid, support for self-determination, development and the improvement of standards of living, the struggle against drug trafficking, preservation of the environment and protection of children had been given great attention in the documents of that meeting. Yugoslavia was actively co-operating in building the common European house, which for it implied unity in diversity and the acceptance of differences among nations, countries and regions.
4. Her delegation attached great importance to the activities of the United Nations aimed at the protection and promotion of the rights of migrant workers and

/...

(Mrs. Ilic, Yugoslavia)

national, ethnic and other minorities. It was pleased to note the progress achieved in the Working Group on migrant workers and hoped that the General Assembly would be able to adopt the draft Convention on the Protection of the Rights of All Migrant Workers and Their Families at its forty-fifth session. Such an instrument would further contribute to the protection and promotion of rights that had not been so comprehensively addressed in any other document.

5. The preparation and adoption of the Draft Declaration on the Rights of Persons Belonging to National, Ethnic, Religious or Linguistic Minorities would also represent an important step in the promotion and protection of minorities all over the world and contribute to better understanding among peoples and States.

6. Yugoslavia was a multinational, multiconfessional and multilingual State. It guaranteed all its citizens, nationalities and minorities included, equality, non-discrimination and participation in the country's political, economic, social and cultural life. All the nationalities and minorities living on Yugoslav territory were proportionally represented on a basis of parity in all organs and bodies at local, provincial, republican and federal levels as well as in the armed forces, foreign service and other institutions of the system. Elementary and secondary education was provided in all the languages spoken in the country and an effort was made to preserve the culture of the various ethnic groups. For instance, the citizens of Albanian nationality had their own university and academy of science, providing education in their own language, which was an example unique in the world. Yugoslavia also guaranteed its nationalities and minorities greater rights than those provided for by the standards of international law relating to minorities. That attitude entitled it to expect and request in its bilateral contacts that all the rights of its national minorities living in neighbouring countries should be ensured as well. Unfortunately, that was not always the case. Yugoslavia made a continuous effort to ensure respect for the rights of Yugoslav minorities living in other countries through strict respect for territorial integrity and non-interference in the domestic affairs of States, for it was convinced that the guarantee and promotion of the rights of national minorities could contribute considerably to good neighbourly relations and co-operation.

7. Her delegation supported the recommendations of the Meeting of Chairpersons of the Human Rights Treaty Bodies aimed at streamlining, rationalizing and otherwise improving reporting procedures, as well as the efforts of the treaty bodies and the Secretary-General within their respective spheres of competence. In order to alleviate the current financial difficulties of those bodies, the Secretary-General should be requested to allocate the necessary funds temporarily by means of advances out of the regular budget of the United Nations until such time as a permanent solution could be found. With respect to the functioning of those bodies, her delegation preferred that the Committee on Human Rights established under the Covenant on Civil and Political Rights should continue to meet alternatively in Geneva and New York. The States parties would thus be able to choose where to present their reports. That solution also had the advantage of meeting the need for publicity associated with the question.

/...

8. Mrs. KALMYK (Union of Soviet Socialist Republics) said that there was every reason to be satisfied by the recent adoption of the draft resolutions submitted to the Third Committee by the African countries on the questions relating to the situation in southern Africa. The free elections which had taken place in Namibia with the direct intervention of the United Nations were an important milestone on the way to the independence and sovereignty of the last colony of the African continent.

9. With regard to the question of the Middle East, she noted that the position of many States seemed to be developing in the right direction. A dialogue had been begun and there was a clear recognition of the need for a quick political solution to the problems of the Middle East. The international community could play an important part in that respect, as was shown by the efforts made to settle the Lebanese conflict, which had unfortunately been darkened by the recent cowardly assassination of the just-elected president of Lebanon, Mr. René Moawad. Her delegation hoped that the citizens of Lebanon would demonstrate a sense of national responsibility in the present difficult times and would not allow themselves to be drawn into bloody internal conflicts which would put an end to the process of peaceful settlement that had just been embarked on. All Lebanese should rally around the legislative and executive institutions re-established in accordance with the charter of national reconciliation.

10. As many delegations had observed, human rights continued to be violated in Chile, and the General Assembly should keep that matter under constant review.

11. With all due deference to some, the Government of the Republic of Afghanistan was a reality. It had support from sufficiently broad segments of the society to make it a factor to be dealt with. Afghanistan was co-operating actively with the Special Rapporteur of the Commission on Human Rights. The Soviet Union unreservedly supported the Special Rapporteur's conclusion that the Afghan conflict must be resolved only by political means. The Geneva Agreements on the Settlement of the Situation Relating to Afghanistan, which the Soviet Union had always respected, were the main instruments for such a settlement. Her Government was actively participating in the special programme of assistance to Afghanistan, especially in the financing of administrative expenses. It was clear from many of the statements on the question that good sense prevailed and that other countries, particularly those neighbouring on Afghanistan, were following its example.

12. One of the positive aspects of the current session was unquestionably the consideration of the effective implementation of international instruments on human rights. It was not yet universally acknowledged that it was of concern to all peoples or that the implementation of the International Covenants on Human Rights was linked to the prevention of human rights violations in all regions of the world. Yet when, as at the current session, entire groups of States could be seen coming out in favour of the universalization of the Covenants, that considerably reinforced a united approach to human rights by the members of the international community. What was more, many States had at the current session recognized the obligation to respect social, economic and cultural rights as well as civil and political rights. On all questions relating to human rights, a moral consensus

(Mrs. Kalmyk, USSR)

among Member States was taking hold. It would be the Committee's responsibility in future to deal in greater depth and detail with the urgent problems. The debates on questions such as the situation of refugees and displaced persons, human rights in the medical field and humanitarian aid had been debated more thoroughly and in a more interesting way than before. In all, positive work had been done at the current session that boded well for the future. What remained to be improved was the effectiveness of the United Nations bodies responsible for combating human rights violations.

13. As States took on expanded international obligations, it was important to perfect the implementation machinery and verification methods utilized by the international community. Greater openness by States in the humanitarian field could wipe out decades of mutual distrust, make it easier to foresee State actions and stabilize international relations. Confidence could be established only if ideological and political diatribes were forsworn, if a genuine dialogue was established among States. One of the cornerstones of such a dialogue must be a mutual respect for objectivity. World opinion was one and indivisible, and it was unacceptable to classify States into avant-garde and reactionary groups from the point of view of respect for individual rights. As the Gospel said, let him who was without guilt cast the first stone. It was time to abandon such classifications because in the area of human rights no State had yet achieved perfection.

14. Confrontation was a sterile tactic that most often served to increase tension, which could only jeopardize the rights one claimed to be defending. Paternalistic and messianic attitudes must be abandoned for they were incompatible with civilized exchanges of view. Naturally, it was not a question of indulging in mutual glorification but of making effective use of all the United Nations humanitarian bodies so that States could co-operate to combat human rights violations wherever they occurred.

15. All States must begin by bringing their own legislation into line with international norms. That meant that discrepancies between law and practice must be eliminated and the road towards democratization taken, that being the only solid guarantee of the civil, political and social protection of the individual. That was precisely what the Soviet Union was doing. Her delegation would report to its Government on all the work done at the current session, which would make it possible to improve the nation's laws and practice in the area of human rights. All other delegations were invited to draw upon the work of the current session to compare their own national experience and that of other States in order to improve the human condition. While it could not be denied that every State and every region possessed its own particular characteristics, it would be far more dangerous not to take account of the fundamental unity of all States. In the human rights area, there was a common factor, that of international humanitarian law laid down in a number of fundamental instruments. The application of the provisions of those instruments by all States was a basic requirement of the times because it sprang from the common destiny of countries and peoples all belonging to the same human family, regardless of any differences that might exist between their social, economic or other régimes.

16. Mr. PICKERING (United States of America) said that the United States was encouraged by the progress of freedom in a number of countries of Central and Eastern Europe. It congratulated the Government and people of Hungary on the adoption of a new law regarding the registration and operation of political parties and on their recent elections. It also congratulated the Government and people of Poland for their dramatic achievements leading to true parliamentary democracy. Furthermore, it was pleased that the Berlin Wall and other border areas of the German Democratic Republic were no longer rigid barriers to the freedom of movement. The United States also warmly welcomed the improvements currently taking place with respect to human rights in the Union of Soviet Socialist Republics. The Soviet Union had undertaken far-reaching reforms, and the Soviet leaders were committed to creating a society governed by the rule of law. His Government looked forward to revisions of the Soviet legal codes so that each citizen would have complete freedom of expression, association and assembly. It encouraged the Soviet leaders to carry out all the provisions of the Helsinki Final Act and the Concluding Document of the Vienna Meeting and welcomed the significant increase in the number of Soviet citizens given permission to emigrate. It hoped that the legislative changes by the Supreme Soviet would allow all those previously unable to do so to travel abroad. His Government and the Soviet Government had developed a productive dialogue on human rights questions and the United States firmly intended to continue that co-operation.

17. Bulgaria had new leaders who had expressed their commitment to democratic change. The United States hoped that those reforms would ensure respect for the rights of ethnic minorities. It was regrettable that Muslims of Turkish origin and other Muslims in Bulgaria had been subjected to a series of official policies that threatened their religious beliefs and ethnic identity. The United States welcomed the bilateral negotiations currently under way between Bulgaria and Turkey regarding the exodus of Muslims from Bulgaria.

18. The Romanian Government had resisted the recent trend of increased respect for human rights and there were no basic freedoms in Romania. Romanians who spoke out against government policy, or merely sought to leave the country, risked imprisonment. The disastrous social and economic policies of Romania had sharply reduced living standards and brought widespread shortages of food and other essentials. The programme of redevelopment could lead to the demolition of thousands of traditional villages, many of which had been occupied for centuries by ethnic minorities. Educational and cultural opportunities for those minorities had been steadily eroded.

19. The systematic racial discrimination sponsored and enforced by the South African Government was innately inhuman. The United States was firmly committed to work towards an end to apartheid. The objective was to have the Government of South Africa establish a new constitutional order founded upon equality, a democratic electoral system based on a universal franchise and constitutional guarantees of fundamental human rights for all.

20. The question of the violation of human rights in the occupied Arab territories of the West Bank and Gaza was part of the whole context of an overall peace

(Mr. Pickering, United States)

settlement in the Middle East. The United States considered Israel's occupation of those territories to be governed by the Hague Regulations of 1907 and the 1949 Geneva Convention concerning the protection of civilian populations under military occupation. Israel was therefore responsible for maintaining order in the occupied territories in accordance with broadly accepted standards of human rights. The United States deplored the violence committed in the occupied territories by all sides, opposed the use of excessive force for the purpose of maintaining order, as well as other practices such as administrative detention, deportation and the destruction of dwellings, urged the reopening of educational institutions and called on all parties to show restraint and contribute to a peaceful negotiated settlement of the dispute.

21. There had been many political changes in Iran during the year. Nevertheless, the Iranian authorities continued to commit serious abuses of human rights. Many reliable sources reported the widespread use of torture and summary executions, the denial of due process and the continuing incarceration of thousands of political prisoners.

22. The United States remained concerned over the hardships imposed on hundreds of thousands of Kurdish and Assyrian villagers in Iraq. Citing security reasons, the Iraqi Government had destroyed hundreds of villages and relocated the inhabitants to large cities in the northern part of the country. The United States noted that Iraq was drafting a new constitution which would incorporate guarantees for basic human rights and urged the Iraqi Government not to restrict itself to a theoretical recognition of those rights.

23. In Afghanistan, the Government continued to commit massive violations of human rights (political assassinations, disappearances, torture, summary executions, arbitrary arrests and imprisonment under unacceptable conditions). Millions of mines had been scattered throughout the country and were preventing more than five million Afghan refugees from returning to their homes. It was imperative that the international community should continue to denounce human rights abuses in Afghanistan. Only when all Afghans were able to exercise genuine self-determination could peace return to that land.

24. The United States had deplored the acts of violence used to suppress the demonstrators in Beijing in June 1989 and had taken specific measures in that regard. It urged the Chinese authorities to allow the peaceful expression of differing political opinions and to respect universally recognized human rights standards and hoped that China would continue the political and economic reforms which had enabled it to take its place within the international community and had been of benefit to the Chinese people. It also deplored the continuing trials in Tibet of those who had taken part in independence demonstrations in March 1989 and urged the Chinese Government to lift martial law in Tibet and permit visits by diplomats, journalists and representatives of international human rights organizations.

(Mr. Pickering, United States)

25. In Myanmar, the Government's recent actions cast doubt on the holding of truly fair elections in May 1990. The opposition leaders remained under house arrest and thousands of opposition party members had been arrested over the past few months. His Government and other Governments had offered to supply electoral experts and monitors, but the Government of Myanmar had given no indication that it would permit neutral or international observers to monitor the elections. According to reliable sources, the Myanmar authorities had employed torture and political prisoners were frequently mistreated. The United States hoped that at its next session the Commission on Human Rights would consider in detail those charges of human rights abuses in Myanmar.

26. At its winter session in 1988, basing itself on the report of an ambassadorial-level Working Group which had visited Cuba in September 1988, the Commission on Human Rights had conducted an extensive debate on the question of human rights in Cuba. After assuring the Commission that no reprisals would be taken against witnesses who had testified before the Working Group, the Cuban Government had intensified its crackdown on human rights activists. Overall, Cuban citizens continued to be denied equal protection before the law, freedom of expression, freedom of assembly and association and freedom to travel to and from their country. The United States welcomed the initiatives of the Secretary-General pursuant to decision 1989/113 of the Commission on Human Rights and looked forward to perusing all aspects of human rights in Cuba in the Secretary-General's report to the Commission.

27. The establishment of true democracy in Nicaragua was a crucial element of the Central American peace accords. It was therefore extremely important that the forthcoming elections in Nicaragua in February 1990 should be free and fair. The United States welcomed the electoral reforms carried out by the Nicaraguan authorities, but was concerned about the persistence of significant obstacles, such as the failure to declare an amnesty, the Government's monopoly over television, the ruling party's widespread use of Government resources for political purposes and the lack of a system which would permit exiles to participate in the vote.

28. At a time of notable progress towards peace throughout Central America, it was intensely depressing that the FMLN in El Salvador should have recently launched a large-scale military offensive. That offensive had brought numerous charges of human rights violations, and innocent civilians had borne the brunt of the FMLN's violence. The United States applauded the decision of the President of El Salvador to investigate immediately the murder of the Jesuit priests at the University of Central America. The United States was glad to learn that democratic elections were to be held in Chile in December 1989 but was concerned about continuing abuses by police, security and prison authorities, and regretted the continued activities of terrorists. He urged the Chilean Government to resume co-operation with the Special Rapporteur. The United States, where respect for human rights and fundamental freedoms had deep historical roots, was intensely committed to the world community's efforts to enhance individual freedom.

/...

29. Ms. HERCUS (New Zealand) said that the two International Covenants on Human Rights, for which the Universal Declaration of Human Rights provided the fundamental framework, were widely recognized as one of the major achievements of the United Nations. Her country had always accorded considerable importance to its commitment to those instruments and had, earlier in the year, acceded to the Optional Protocol to the International Covenant on Civil and Political Rights. Soon, it expected to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

30. There had been further important standard-setting achievements in the field of human rights during 1989. Her country had strongly supported the adoption of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and legislation had been passed a week ago abolishing capital punishment in New Zealand. Then, a few days ago, the General Assembly had adopted an all-important Convention on the Rights of the Child.

31. Apart from the ongoing work on the draft declaration on the rights of indigenous peoples, the Organization's work of standard-setting had largely been completed, and it was to implementation that energies must now be directed. Since the treaty bodies had a particularly significant role to play in that regard, their working methods must be rationalized and they must be provided with the necessary resources. New Zealand called upon States parties to honour their obligations in that respect.

32. Her country attached a great deal of importance to the role of the advisory services programme in helping countries translate the general principles in the treaties into their own domestic legislation, and it contributed willingly to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights. Moreover, conscious of the role played by public information in promoting human rights, it congratulated the Secretariat on the progress it had made in that field.

33. The international community must have the means to deal meaningfully with human rights violations. New Zealand therefore supported the system of working groups, special rapporteurs and special representatives of the Commission on Human Rights, which had the vital role of ensuring that the international community had access to detailed and reliable information on such topics as torture, summary or arbitrary executions, and disappearances, as well as on the situation in a number of countries accused of flagrant violations of human rights.

34. The progress of democratization in Chile was most welcome, as was the greater respect for human rights that could be noted. The Government of El Salvador had pledged itself to work for human rights, and it was to be hoped that the Government of Iran would extend its full co-operation to the Special Representative of the Commission on Human Rights. In Eastern Europe, particularly the Soviet Union, Hungary, Poland and the German Democratic Republic, tremendous changes were taking place and, in 1989, the power and will of the people had been manifest in the most remarkable and exceptional way. Unfortunately, some Governments had intervened in

(Ms. Hercus, New Zealand)

a repressive manner, and the tragic images of the June events in China would not be quickly forgotten.

35. New Zealand called upon all countries to comply with existing universal standards without invoking claims of national sovereignty and non-interference. New Zealand would maintain its active commitment to the shared endeavour of achieving universal respect for human rights.

36. Mr. SEZAKI (Japan) said that it was deeply regrettable that flagrant violations of human rights and fundamental freedoms still persisted in every corner of the world, particularly where there were regional or internal conflicts. There was a great discrepancy between the standards set in legal instruments and the reality with regard to respect for human rights. The Commission on Human Rights must focus the attention of the international community on specific aspects of human rights, such as the free flow of objective information and the free expression of views. It was not, however, intended to serve as a court pronouncing sentence on or condemning the practices of certain countries. His delegation commended the Commission's practice of appointing special representatives and special rapporteurs, and their task of collecting factual data was of crucial importance to efforts to enhance respect for human rights at a time when the situation in several countries continued to be of concern to the international community.

37. Despite the withdrawal of Soviet forces from Afghanistan, armed conflict had continued. As a result, there continued to be reports of human rights violations, including allegations of torture and ill-treatment on the part of both the Afghan authorities and the opposition forces. The number of refugees fleeing from the combat areas, of whom there were already more than 5 million, was a matter of great concern. All the parties concerned, in co-ordination with UNHCR, must see to it that effective measures were taken to enable the refugees to return and thus create the necessary conditions for the free exercise by the Afghan people of their right to self-determination.

38. His delegation hoped that the Government of the Islamic Republic of Iran would allow the Commission's Special Representative to visit the country in order to make an accurate assessment of the allegations of serious violations of human rights there.

39. Despite the progress made in democratization in Chile, human rights violations continued to take place and to be attributed to various government bodies or groups associated with government forces.

40. While his country welcomed the agreement reached by the Government of El Salvador and FMLN to engage in periodic dialogue, it was nevertheless profoundly disturbed by the renewed violence, which jeopardized the human rights situation and undermined the momentum for peace achieved as a result of the 1987 Guatemala Agreement and the Joint Declaration of the Central American Presidents. Japan appealed for a reopening of the dialogue and reiterated that all parties concerned in Central America should continue to seek a political solution to the conflicts in the region.

/...

(Mr. Sezaki, Japan)

41. Despite the recent grave developments, his country's expectations for China's policy of reform and opening up to the outside world remained unchanged, and Japan hoped that the Chinese Government would strive to regain the confidence of the international community.
42. His Government welcomed recent developments in Eastern Europe. It hoped that human rights and fundamental freedoms would be fully respected by the Governments concerned and that the movement towards freedom of peaceful assembly and freedom of opinion and expression would be allowed to continue. In contrast, his delegation wished to express its deep concern at the situation prevailing in Romania and urged the Government of that country to afford the Special Rapporteur all the necessary facilities.
43. The Government of Japan would spare no effort to promote respect for human rights and fundamental freedoms.
44. Mr. NIETO (Colombia) said that while it was proper to speak of actual cases of human rights violations, a number of very important political and sociological aspects should not be ignored. Some of the remarks made in the course of the debate had been based on information provided by groups or private individuals who often refused to reveal their sources. Some of those groups had been misled or had received incomplete information, thereby encouraging the belief that there was no respect for human rights in countries which had internal problems. Respect for human rights rested on a dual foundation: genuinely democratic institutions; and freedom of opinion and information. Allegations made by certain entities against democratic Governments could destabilize them and damage that foundation, which could lead to even more serious violations of human rights. Human rights were frequently if not systematically violated by States themselves. They were also violated inadvertently by countries which had a reputation for respect of human rights, as the international human rights forums could demonstrate. They were, moreover, violated by private individuals, by groups of individuals and by institutions, but such cases, although frequent in all countries, had not been mentioned in the course of the debate.
45. Some reports, for example, gave many details about the deaths of insurgents in fighting with Government troops, but said nothing about the human rights of innocent people killed in terrorist attacks or those of peasants murdered by bands of outlaws. A large number of the reports referred to cases of violations involving the State security forces but ignored cases such as had occurred in Colombia in which rebel forces had murdered hundreds of their own members to preserve the authority of their chiefs. That showed that human rights were not being protected with conviction and were being used as a political weapon. The same was true when a State advocated respect for human rights but did not comply with the international instruments adopted in that field or refused to be subject to the international courts which protected those rights.
46. Colombia believed that human rights violations were to be condemned wherever they occurred and urged the international community to base its analysis on a

/...

(Mr. Nieto, Colombia)

universal legal, and not political, criterion. The Presidential adviser on human rights, referring to Colombia's struggle against insurrection and drug trafficking over the past decade, had recognized that the security forces had on occasion committed violations of human rights. The members of the armed forces and police responsible had been brought to trial and some had been convicted. Colombia requested the support of the international community to uphold those principles for combating subversion without affecting democratic institutions. Colombia had ratified the international and regional human rights conventions and had accepted the jurisdiction of the Inter-American Court. Substantial progress towards equality, democracy and respect for human rights had been achieved since the end of the Second World War. The politicization of the question sometimes obscured the fact that some States were striving courageously, in very unfavourable circumstances, to ensure that those fundamental principles were respected in their territories. An appreciation of those efforts was, however, essential to gain a complete picture of the situation.

47. MR. ZIADA (Iraq) said that while, during the eight years of war his country had just experienced, it had been obliged to protect itself by taking measures, in accordance with article 4 of the International Covenant on Civil and Political Rights, which might have led to violations of human rights, the situation now permitted it to observe those rights and to uphold the principle of democracy. He complained, on the other hand, of the hypocrisy of some Western countries which readily accused Iraq of not respecting human rights when they themselves were far from irreproachable. In that regard, he cited the 1989 report of Amnesty International, which noted several cases of police brutality, particularly in Austria (pp. 212 and 213). There were also reports of ill-treatment by the police forces in France (p. 218) and of degrading treatment of Spanish Basques. Nineteen Kanaks had been killed in one confrontation, and four of them were said to have been executed after surrendering (p. 219). The French Ministry of Defence had recognized in that regard that acts contrary to military honour had been committed. His delegation wished, furthermore, to refer to the controversy currently raging in France over the wearing of the chador by the pupils of some schools, a controversy which in its view was fostered by attitudes of racial discrimination.

48. In Berlin, a number of people attending peaceful demonstrations had been victims of ill-treatment and some political prisoners had been killed.

49. In Italy (p. 226), after having been severely beaten in a police station, one person was reported to have committed suicide in very suspicious circumstances. In addition, a 15-year-old adolescent had lost an eye after a shot was reported, most implausibly, to have been fired accidentally by a police officer. Emigrants from North Africa had also been victims of ill-treatment and one member of the Red Brigades had been severely beaten.

50. According to the same report (p. 240), members of the police in the United Kingdom had conspired to obstruct the course of justice, yet no action had been taken against them for reasons of national security. Furthermore (p. 241), some

(Mr. Ziada, Iraq)

persons had been subjected to ill-treatment during questioning. It therefore appeared that the United Kingdom Government did not hesitate to ignore the provisions of international conventions which it had officially undertaken to respect, when it was convenient to do so.

51. He referred to the remarks made recently by former United States President Carter on television concerning the upsurge of racism and to similar information given by The New York Times of 5 November 1989.

52. His delegation therefore believed that those Western countries were in no position to criticize his country on the question of human rights, especially as they had voted against the draft resolution condemning apartheid.

53. Mr. ANSAY (Observer for the Organization of the Islamic Conference) said that the Organization of the Islamic Conference, guided by the principles of Islam, had since its foundation opposed violations of human rights. Despite the growing realization by the international community of the need to protect those rights, hundreds of millions of people in the developing world were being denied their fundamental right to the basic necessities of life. It was ironic that the same countries which preached the observance of human rights continued to devote colossal sums to weapons of all kinds and to pollute and threaten the environment, when they could utilize their resources to alleviate the plight of their brothers in humanity.

54. The Organization of the Islamic Conference once again condemned the refusal by the racist minority régime of Pretoria to recognize the fundamental rights of the black majority population of southern Africa and Namibia to equality, dignity and self-determination.

55. It paid a tribute to the intifadah of the Palestinian people in its resistance to the massive violations of human rights committed by the Israeli usurper in order to attain its inalienable right to self-determination, to return to its lands and to establish a State in its own territory, Palestine, under the leadership of the Palestine Liberation Organization, its sole legitimate representative.

56. After 10 years of brutal intervention by a neighbouring super-Power, Afghanistan, an independent Islamic country, had through its heroism and resistance succeeded in obtaining the withdrawal of the foreign troops. Unfortunately, that war had caused more than one million casualties, had led to the departure of over five million refugees and had resulted in many forms of human rights violations, as indicated in the latest report of the Special Rapporteur of the Commission on Human Rights (A/44/669). The Organization of the Islamic Conference had always emphasized the need for an intra-Afghan dialogue with a view to replacing the existing régime, which was the legacy of foreign intervention and totally unrepresentative. It urged the adoption of a comprehensive political solution which would enable the Afghan refugees to return voluntarily to their country and allow the rest of the population once again to enjoy their fundamental human rights.

/...

(Mr. Ansay)

57. The Organization of the Islamic Conference was gravely concerned by the situation of the Turkish minority in Bulgaria. Towards the end of 1984, the Bulgarian authorities had launched a systematic campaign of assimilation aimed at destroying the ethnic, cultural and religious identity of the Turkish Muslims. Having advocated a positive approach favouring dialogue and negotiation since the beginning of that conflict, the Islamic Conference of Foreign Ministers at its sixteenth session held at Fez (Morocco) in 1986 had decided, in its resolution 30/16/-P, to set up a Contact Group to intercede with the Government of Bulgaria with a view to improving the situation of the Turkish Muslim community in Bulgaria. After a fact-finding mission in June 1987, the Contact Group had confirmed that the conditions of life of that community were precarious, unjust and inhuman and had called upon the Bulgarian authorities to restore religious and cultural rights and fundamental freedoms. The Bulgarian authorities had pursued their campaign of assimilation and the Turkish Muslim minority had chosen to abandon all their belongings and embark on the road of exile. The Emir of Kuwait, who was currently presiding over the Fifth Islamic Summit Conference, had visited both Turkey and Bulgaria with a view to bringing the two parties to the negotiating table. On 4 October 1989, the Islamic Conference of Foreign Ministers, at the end of its fourth extraordinary session, had adopted a Declaration (A/44/700) in which it expressed its grave concern over the continuing campaign of assimilation conducted by the Bulgarian Government against Turkish and other Muslim minorities and over the plight of the 300,000 people seeking refuge in Turkey. Noting Turkey's sincere readiness to enter into meaningful negotiations with Bulgaria, the Conference had urged the Bulgarian Government to adopt a similar position with a view to concluding an agreement that would ensure the reunification of divided families and the emigration to Turkey of those wishing to leave for that country, without prejudice to their rights in Bulgaria.

58. The Organization of the Islamic Conference noted with satisfaction that the Turkish and Bulgarian Ministers for Foreign Affairs had met in Kuwait on 30 October 1989 at the invitation of the Minister for Foreign Affairs of Kuwait in order to discuss those issues, and that positive developments had recently occurred in Bulgaria. In that connection, it welcomed the statement made on 15 November 1989 by the Turkish Minister for Foreign Affairs, to the effect that his country was preparing for the forthcoming meeting in Kuwait and that it was determined to do its utmost to revive relations with Bulgaria in all fields.

59. Mr. HASHI (Somalia), speaking in exercise of the right of reply, said that Norway had deliberately misrepresented the human rights situation in Somalia. Norway seemed to overlook the fact that representatives of Amnesty International had in fact visited Somalia at the invitation of the Government.

60. His country was concerned to note that Norway was failing to protect its own population against drugs, AIDS and other social evils, and was indignant that Norway was engaged in the massacre of whales. Somalia was prepared to bring its Islamic values to bear on behalf of Norway in order to assist that country to combat human rights violations in its own territory.

(Mr. Hashi, Somalia)

61. As a member of the Special Committee against Apartheid, his country invited Norway to join in the struggle against apartheid in South Africa. It recalled that the Intergovernmental Group to Monitor the Supply and Shipping of Oil and Petroleum Products to South Africa mentioned in its report (A/44/44) that Norwegian companies had supplied oil to South Africa, and it wished to point out that the apartheid régime would long since have disappeared had Norway put an end to that practice.

62. Mr. TANASIE (Romania), speaking in exercise of the right of reply, said that he had already had the occasion, two years previously, to point out what value could be placed on freedom of opinion, expression and association in the United States. How could one speak of freedom of association when the Government subsidized the trade unions, and what could freedom of expression represent in such circumstances?

63. The statement by the representative of the United States merely offered the usual distortions of Romanian reality which were part of the hostile propaganda campaign against his country. The United States delegation would do better to dwell on the situation in its own territory, where unemployment, inflation, drug trafficking, crime, racial discrimination and growing poverty affected millions of individuals who were being deprived of their human rights. Such phenomena were unknown in Romania. The United States had spoken of the socio-economic development of Romania without being prepared to take into account the transformation which the country had undergone in the transition from underdevelopment to the status of an industrialized country. The process of modernization and infrastructural development, although in conformity with the development and rural planning programmes approved by the United Nations, was described as a process of demolition in Romania, while everywhere else it counted as progress. In addition, the United States delegation had failed to mention the fact that Romania was repaying its external debt.

64. He pointed out that ethnic minorities enjoyed full rights and opportunities in all fields.

65. The allegations made by the United States delegation were merely a manifestation of the policy of destabilizing Romania, and his country categorically rejected any attempt to tell it how to organize its life and what model of development it should choose.

66. Mr. SAAD (Syrian Arab Republic), speaking in exercise of the right of reply, pointed out that the Western countries (most recently Norway) usually put his country at the head of the list of countries they condemned for violating human rights. For its part, the Syrian Arab Republic considered that the African and Asian countries should in future draw attention to the human rights violations committed by the Western countries, and particularly by those which had a colonial past and which dared to set themselves up as defenders of human rights when they had left countries in Asia and Africa ravaged by the murder and plundering in which they had engaged.

/...

(Mr. Saad, Syrian Arab Republic)

67. His country reaffirmed that there were no arbitrary arrests in the Syrian Arab Republic and that every citizen's rights were protected: the citizen could bring a complaint against any person, including a Minister and win his case if he had right on his side. Penalties were provided for the punishment of all criminals. The allegations against the Syrian Arab Republic were aimed at sullyng the image of that country, which had major economic and social achievements to its credit.

68. The Commission on Human Rights in Geneva had refused to consider such allegations, noting that they formed part of a campaign of provocation and slander against the Syrian Arab Republic.

69. Mr. SCHERK (Austria), speaking in exercise of the right of reply, said that Iraq had referred to certain cases of ill-treatment of prisoners by the police, which were mentioned in the report of Amnesty International. Austria was aware that the protection of human rights began for each country in its own territory. Austrian legislation provided elaborate legal remedies which were available to all those who considered themselves to be victims of human rights violations, including recourse to the European Court of Human Rights. His country had carried out a detailed investigation: a number of cases had been declared unfounded, while others had led to the prosecution of the police officers involved.

70. His country wished, however, to reaffirm that individual cases of human rights violations in certain countries in no way justified large-scale violations of human rights in other countries, such as those mentioned by Amnesty International in its report concerning Iraq.

71. Mr. WALLDROP (United States of America), replying to the representative of Romania, said that the Romanian delegation's comments were not such as to merit a reply.

72. Mr. BARKER (Australia), speaking in exercise of the right of reply, said that Iraq had on several occasions referred to Australia. His delegation was pleased to note that Iraq was currently basing its comments on the report of Amnesty International, and he hoped that it would respond appropriately to the comments on Iraq to be found in that report.

73. His delegation recalled that the main purpose was to work together, within the United Nations, to improve the human rights situation throughout the world, and not to indulge in confrontation in an atmosphere of animosity. No country had a perfect record in the field of human rights, and no Government could regard itself as beyond reproach.

74. Mr. ZIADA (Iraq) said that he fully agreed with that point of view, but he considered that, in that case, countries should not make use of the issue of human rights for their own political ends.

75. The report of Amnesty International mentioned cases of violations occurring in war zones. He said that there could be no possible comparison between those which