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at 10 a.m.  
New York

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SUMMARY RECORD OF THE 51st 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*)

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The meeting was called to order at 10.30 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.3/44/1 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 and Corr.1, 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 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 A/44/689-S/20921)

1. Mrs. RICO (Spain), speaking of the role of working groups and rapporteurs assigned to specific questions, said that both should be employed increasingly and that the work carried out by the rapporteurs dealing with certain specific questions (religious intolerance, summary and arbitrary executions, cases of torture) or by the working group on enforced or involuntary disappearances had been excellent. It should not be thought that the role of the special country rapporteurs would thereby be diminished, as the two activities were complementary. The role of "thematic" activities should be enlarged in the future and the resources available to the rapporteurs and working groups already in existence should be enlarged.

2. Her delegation welcomed the great transformations now taking place in Central and Eastern Europe. The representative of Hungary had recently emphasized the efforts made by his country to adapt its national legislation to Hungary's international obligations with regard to human rights. In addition to Hungary, and of course Poland, mention should be made of the Soviet Union, which had embarked on a very interesting process of reform; the steps taken by the Government of the German Democratic Republic, including recognition of the fundamental right to leave one's country and return to it, were also to be welcomed.

3. Unfortunately, there were places in that part of Europe where the situation was less bright. Her delegation was concerned at the situation in Romania, where the denial of fundamental rights and freedoms was commonplace and the situation of the Turkish minority in Bulgaria, a problem which it hoped would be resolved by the negotiations which Bulgaria and Turkey had already begun.

4. In Latin America, the situation with regard to human rights had improved considerably in recent years and it was to be hoped that that progress would continue. In Chile, the number of violations of human rights had decreased considerably according to the Special Rapporteur, but much remained to be done. The continuance of the military courts, the persistent activity of the political police, and the practice of torture were all serious matters for her Government, which also deplored the fact that the Chilean Government had suspended all co-operation with the Special Rapporteur. It was nevertheless to be hoped that the

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(Mrs. Rico, Spain)

will shown by the Chilean people would enable Chile to restore its traditional democratic institutions.

5. Her Government, which had been outraged by the assassination in El Salvador a few days past of two women and six priests, five of whom had been Spanish, had asked the Salvadorian Government to carry out an immediate and thorough investigation in order to identify and punish those responsible for that act of barbarism. It was absolutely imperative that the Salvadorian authorities should prevent the recurrence of such crimes.
6. In his report (A/44/671), the Special Representative had drawn attention to many violations of human rights attributable to all the parties taking part in the conflict ravaging El Salvador. Her Government had been encouraged by the agreement reached in September between the Government and the FMLN, which had seemed promising for the development of the human rights situation. Unfortunately, nothing had come of it and in view of the confrontations of recent days her Government appealed to both the Salvadorian Government and the FMLN to end the fighting, renew the dialogue and respect the basic principles of human rights with regard to the civilian population as well as combatants and prisoners.
7. Her delegation also deplored the increased number of human rights violations in Guatemala, as was shown by the recent death or disappearance of several students. The steps taken by the Guatemalan Government to improve the situation had apparently been ineffective. Her delegation therefore considered it essential for the United Nations to continue to follow the human rights situation in Guatemala closely.
8. Mr. CAINGLET (Philippines) emphasized the significance of resolution 1989/51 of the Human Rights Commission on enhancing the effectiveness of the principle of periodic and genuine elections. The Universal Declaration of Human Rights had established the principles that everyone had the right to take part in the government of his or her country and that the will of the people, which was the basis of the authority of the government, should be expressed in periodic and genuine elections.
9. In accordance with those principles, his country had very recently ratified a constitution which took a number of important steps in that respect.
10. That constitution ensured that the sovereignty of the people should function at all times and not only during elections. To achieve that goal it was imperative to link the people's power to elect its representatives with its power to remove them if they showed that they were unworthy of the mandate entrusted to them. An important provision of the constitution provided for a shorter period of service for the members of the House of Representatives, who would now be elected for a period of only three years (instead of the previous five years). Furthermore, elected representatives as well as officials could be called on at any time to account to the people for their actions.

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(Mr. Cainglet, Philippines)

11. The constitution recognized the right of the people and its organizations to effective participation at all levels of social, political and economic decision-making. The State would facilitate the establishment of an adequate consultation mechanism. The Congress of the Philippines had recently enacted a law implementing that principle of the constitution.

12. An unprecedented provision in the Philippine Constitution allowed the people directly to propose amendments to the constitution on petition of at least 12 per cent of the total number of registered voters.

13. He noted further that the Congress of his country was now in the process of enacting a local government code under which it would be possible to remove all local elected officials (including governors and mayors) for loss of confidence by the people and to hold mid-term elections for their successors.

14. The same principle had been adopted in the lower echelons of government. An election law recently enacted provided for the establishment of a collegial system for the election of more than 300,000 local officials in the country's villages and gave the people of the villages the power to recall or remove their elected representatives for loss of confidence. He noted that the recent elections in his country had been the most peaceful and honest in the history of the Philippines.

15. Mr. ZIADA (Iraq), speaking in exercise of the right of reply, deplored the recent statement by France which, speaking on behalf of the 12 States members of the European Community, had referred to human rights violations in Iraq in a way that constituted genuine interference in the internal affairs of a country. The Twelve, which had voted in October 1989 against the resolution on the elimination of racial discrimination and thus did not have any lessons to give regarding human rights, had specifically referred to the Kurdish problem. Kurdish communities existed in several countries. In Turkey, they accounted for 15 per cent of the population, in Iran, 28 per cent, in Syria and in the Soviet Union, 5 per cent and in Iraq, 16 per cent. Iraq was the only country that had recognized the Kurds in its Constitution and had granted them autonomy since 1963. They were free to speak their language and were represented in the Iraqi Parliament. Several high-ranking officials and ministers were Kurds.

16. Why then did the Twelve single out Iraq? Why did the Barzani and Talabani gang, which had collaborated with enemy forces, foreign Powers and intelligence services, including the Israeli Mossad, receive foreign assistance and support? The answer was that some countries wished to destabilize and dismember Iraq. He quoted various excerpts from Mr. Kissinger's memoirs showing that foreign Powers had incited the Kurds to rebel. Iraq had treated those collaborators as any self-respecting country reacted to traitors.

17. Moreover, he pointed out to the representative of France that, in France, collaborators had been executed at the end of the Second World War and that Marshal Pétain had died in dishonour.

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(Mr. Ziada, Iraq)

18. As to the process of normalization, about which some countries spoke condescendingly, it should be noted that Iraq was emerging from a long war and consequently normalization and the elimination of all restrictions stemming from the war could only take place gradually.
19. Iraq was determined to fight those who sought to interfere in its internal affairs. It would, however, co-operate fully with those who truly believed in human rights, who were working to eliminate racism and who supported the self-determination of peoples living under foreign occupation.
20. Mr. ALFARO (El Salvador), speaking in exercise of the right of reply, wished to clarify a few points concerning the assassination of several Spanish priests, to which the representative of Spain had referred. The Government of El Salvador was carrying out an investigation and would punish the culprits. In that regard, he noted that in a recent press interview, one of the assassinated priests, the Rector of the University, had spoken favourably of the situation in El Salvador. He said that, while, admittedly, everything was not yet perfect, the Government of Mr. Christiani had, on the whole, consolidated its position, was established on a solid foundation and a general improvement could be noted in several areas. While he would refrain from accusing anyone, he believed that such a statement might not have been appreciated by the Frente Farabundo Martí para la Liberación Nacional (FMLN) which, judging from an interview granted by one of its members to the American press, was invariably quick to condemn anyone who was not on its side.
21. Mr. AL-MASRI (Syrian Arab Republic), speaking in exercise of the right of reply, refuted the false allegation made by some delegations, particularly by France on behalf of the Twelve. He pointed out that his country had duly informed the Centre for Human Rights about the national situation with regard to human rights and had submitted the reports required under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. In the Syrian Arab Republic there were no forced disappearances; the laws prohibited torture and punished torturers; there were no arbitrary arrests and those accused were protected by the law; and there was no discrimination, as the rights and duties provided for by law were the same for all citizens.
22. It was regrettable that some non-governmental organizations made misleading statements in order to discredit a country that had made considerable progress in the field of human rights. Moreover, the Commission on Human Rights had refused to examine some of those allegations as being without foundation; that tended to prove that the Syrian Arab Republic was the victim of a deceitful campaign serving political purposes.
23. Mrs. QUISUMBING (Philippines), speaking in exercise of the right of reply, disputed the statement made the previous day by the delegation of Sweden, which had affirmed that in several countries, including the Philippines, human rights violations appeared to stem from instability and sometimes from a lack of

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(Mrs. Quisumbing, Philippines)

determination on the part of the Government to maintain control over its own forces in the face of internal strife and unrest. She criticized the representative of Sweden for trying to act as judge and jury in the matter.

24. Her delegation wished to explain that, as it had informed the Human Rights Committee in its initial report submitted in March-April 1989, the attempts of communist insurgency movements and separatist groups to destabilise the newly restored democracy in the Philippines had been overwhelmingly rejected by the people. The country now had a Constitution, popular elections at all levels, an independent judiciary and a constitutionally mandated Commission on Human Rights which was reinforced by a President dedicated to the protection of human rights. In spite of the problems that it must face, including foreign debt service which still absorbed 40 per cent of the national budget, the Government of her country was determined to work for a better future for the people.

25. Her delegation cited the conclusions in the report of the Human Rights Committee (A/44/40), which had commended her country on the quality and faithfulness of the report on the national situation with regard to human rights and the commitment of the Government of the Philippines to fulfil its obligations under the International Covenant on Civil and Political Rights.

26. The Government of the Philippines was working unceasingly to establish a climate of peace and development in which human rights could thrive and be fully enjoyed and in May 1989 had ratified the Optional Protocol to the International Covenant on Civil and Political Rights. The international community should therefore seek to assist it in its efforts, rather than simply criticize it. Her delegation suggested that the representative of Sweden should read the report submitted by her country to the Human Rights Committee (CCPR/C/50/Add.1/Rev.1) in order to have a clear picture of the situation prevailing in the Philippines.

The meeting rose at 11.20 a.m.