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Forty-first session

SUMMARY RECORD OF THE 32nd MEETING

(First part) */

Held at the Palais des Nations, Geneva,
on Tuesday, 26 February 1985, at 3 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

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The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

*/ The summary record of the second part of the meeting is contained in document E/CN.4/1985/SR.32/Add.1.

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The meeting was called to order at 3.20 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued)
(E/CN.4/L.14, L.15/Rev.1, L.17, L.18 and L.19)

Draft resolution E/CN.4/1985/L.14 (continued)

1. Mr. KHERAD (Observer for Afghanistan) said that draft resolution E/CN.4/1985/L.14 was a flagrant violation of the Charter of the United Nations and constituted gross interference into the internal affairs of the Democratic Republic of Afghanistan; it was diametrically opposed to the legitimate interests of the Afghan people and gave a distorted picture of the situation in Afghanistan. His delegation therefore opposed it, as it had opposed similar drafts in the past. The instigators of the draft, who sought to conceal the insidious war being waged against the Afghan people and to have their hegemonistic interests prevail in the region, were using the Commission to interfere in the affairs of Afghanistan and subject its people to further trials, by diverting it from the path it had freely chosen. Such an attitude was ridiculous and unacceptable, since with the victory of the revolution in Afghanistan, the Afghan people had chosen their own social, economic and political system, in their own interest and free from all interference. No one should dispute the Afghan people that right or doubt their will to defend their revolutionary achievements and counteract any outside aggression or pressure.

2. The draft resolution, seeking to question the right of the Democratic Republic of Afghanistan to call on assistance in conjunction with its own defence, also referred to the "immediate withdrawal of the foreign troops from Afghanistan". His delegation had repeatedly stressed that the objective of the limited contingents of Soviet soldiers, whose presence had been expressly requested by the Democratic Republic of Afghanistan, was to help the Afghan army and people to repel armed aggression from outside the country. That right, which was affirmed in the Charter of the United Nations and in numerous Security Council resolutions, had been repeatedly asserted by various States, both in the distant past and in recent times. The contingents in question would go back to their country as soon as the Democratic Republic of Afghanistan received international guarantees that the intervention of imperialism and reaction in its internal affairs would not recur. Although his Government's constructive proposals held out possibilities along those lines, the withdrawal of those contingents was being delayed by ever larger deliveries of weapons and equipment by imperialist, hegemonistic and reactionary circles to counter-revolutionary gangs, and by the armed aggression from abroad.

3. The draft resolution also alluded to the so-called Afghan refugees. The contradictory and hypocritical statements which had been heard on that subject were designed to magnify out of all proportion the "problem" and to appropriate as much money as possible on the ground of refugee assistance. His delegation's statements concerning frauds, the registration of nomads and the dual registration of tribal groups residing on both sides of the frontier had been fully confirmed by United Nations sources. As far as genuine refugees were concerned, the Revolutionary Council of the Democratic Republic of Afghanistan had proclaimed a general amnesty, on 18 June 1981, for all Afghans living temporarily abroad. The President of the Afghan Revolutionary Council and the National Patriotic Front of the Democratic Republic of Afghanistan had also made statements on that subject and special legislative measures had been adopted to guarantee security, freedom and participation in the economic and political life of the country for Afghans.

returning home. It was therefore regrettable that some countries were not only attempting to prevent statements from being circulated among Afghans residing abroad, but were also creating obstacles in the way of their return. Thousands of Afghans had nevertheless returned to their homes and still more would have done so, had there not been those obstacles.

4. The adoption of such a biased draft resolution, which served the interests of forces who wished to maintain a climate of tension in the region could not lead to a solution. Those delegations which really wanted to help towards a peaceful settlement of the problem should not support such prejudicial tactics. The only way of reaching an acceptable settlement entailed direct negotiations, such as the ones suggested by the Afghan Government on 14 May 1980 and 24 August 1981. It was in that spirit that the Afghan Government had entered into negotiations with Pakistan, through the representative of the Secretary-General of the United Nations. If those negotiations were to bear fruit, the pure rhetoric which was flowing in the Commission should cease and pressure brought to bear on Pakistan and its supporters to adopt a serious and constructive attitude.

5. His delegation therefore rejected the draft resolution, which was grotesque, devoid of political realism and anti-Afghan. Even if such a biased draft was adopted, it would have no legal value and would not be binding on the Democratic Republic of Afghanistan, which would deem it to be unlawful, null and void.

6. Mr. SYTENKO (Union of Soviet Socialist Republics) stated that his delegation would vote against draft resolution E/CN.4/1985/L.14, which represented imperialistic provocation and interference in the internal affairs of Afghanistan, and which was not in keeping with either the Commission's mandate, the Charter of the United Nations, or other international human rights instruments. That unlawful draft resolution was being used to cover up the violation of the rules of international law in the form of interference in the internal affairs of Afghanistan and to justify the undeclared war being waged against a sovereign State by hegemonistic and reactionary forces. Far from leading to a settlement, that document, which was completely unrealistic and motivated by hatred of the Afghan people, could only aggravate the situation. The Afghan people had already proved and continued to prove its attachment to the ideals of human rights and to its own security.

7. Mr. Karmal himself had stressed, on 10 January 1985, that a solution to the problem entailed a political settlement and negotiations with Pakistan, through the personal representative of the Secretary-General of the United Nations. For the situation to return to normal and for the Afghan refugees to be enabled to return, the undeclared war being waged against Afghanistan by those who sought to stir up tensions must be ended.

8. The Soviet Union, which considered Afghanistan's negotiations with neighbouring States to be a step in the right direction, believed that the draft resolution under consideration would only place further obstacles in the way of any settlement. It was therefore opposed to it and asked all delegations which respected international law and human rights to take the same stand.

9. Mr. FERJANI (Libyan Arab Jamahiriya) said that the United Nations had recognized that all peoples under colonial or alien domination had the basic right to self-determination. The States Members of the United Nations should therefore respect that principle, which must not be used to serve political ambitions.

However, numerous resolutions of the General Assembly, the Security Council, the specialized agencies and many international conferences had demonstrated the duplicity of some countries, which were prepared to vote in favour of the draft resolution under consideration whereas they would oppose the resolutions concerning the accession of the Palestinian and Namibian peoples to self-determination. What was the difference? How could the right to self-determination be acknowledged in respect of some peoples and not others? His delegation, which would vote against draft resolution E/CN.4/1985/L.14, hoped that the other delegations would dispel its misgivings by their vote.

10. Mrs. BOJKOVA (Bulgaria) said that her delegation would vote against draft resolution E/CN.4/1985/L.14 for reasons it had explained on previous occasions. The draft was totally unfounded and had dangerous implications for peace and human rights, since it was being used to prolong the undeclared war against the Afghan people and aggravate tensions in the region.

11. The discussion on the so-called "question of Afghanistan" had omitted the only important point, namely the constant acts of aggression against the Democratic Republic of Afghanistan, which were encouraged and financed by some well-known imperialistic quarters. The observer for the Democratic Republic of Afghanistan, who had described in detail the nature and purposes of that undeclared war, had attested to the sincere efforts of his Government to promote social progress and social justice, despite the enormous obstacles created by those who were not interested either in social progress or self-determination. The four main components of the real present-day situation in Afghanistan were: first, the political, economic and cultural programme undertaken by the Afghan Government to combat poverty, illiteracy, disease, exploitation and social injustice; second, the unending attempts made to restore the feudal status quo through tension, armed aggression and sabotage, the perpetrators of which were encouraged and financed by some circles which had quite recently stated their will to "remove" another legitimate Government in another part of the world; third, Afghanistan's legitimate right to take, in accordance with the Charter of the United Nations, all necessary measures to defend its security and independence against external armed intervention; fourth, the proposals put forward by the Afghan Government with a view to a just political solution of the region's problems.

12. Draft resolution E/CN.4/1985/L.14, which missed all four of those points, instead contained false assertions which negated the real meaning of the right to self-determination and which were not in keeping with the task of the Commission in that field. Her delegation would vote against the text.

13. Mr. KHMEI (Ukrainian Soviet Socialist Republic) said that there was no moral or legal reason for the Commission to concern itself with the situation in Afghanistan and to adopt any measure whatsoever in that respect. His delegation would therefore vote against draft resolution E/CN.4/1985/L.14, which it deemed to be illegal and hypocritical, and considered to be a sample of international imperialistic reaction in the world. The forces of imperialism were attempting to oppose the forward movement of the April 1978 revolution in Afghanistan and to make that country revert to a feudal and anti-democratic system. It was well known that Afghanistan was the victim of an undeclared war being waged from Pakistan, a country which was harbouring hundreds of camps of mercenaries equipped and armed through the assistance supplied in dollars, German marks and pounds sterling. Those who disregarded that situation were taking sides with the imperialists.

14. That cynical draft resolution was therefore offensive to the Afghan people and Government and a violation of the principle of self-determination and the freedom of peoples. If the situation in Afghanistan was to return to normal, the undeclared war being waged against that country must be brought to an end and negotiations begun. For that reason, his delegation would vote against the draft resolution, which was based on anti-Afghan propaganda stereotypes. His delegation hoped that all who loved freedom and wished to foster social progress in Afghanistan would follow its example.

15. Mrs. KRAMARCZYK (German Democratic Republic) stated that her delegation would also vote against draft resolution E/CN.4/1985/L.14, through which the Commission was being used in an attempt to interfere in the internal affairs of a sovereign State. The draft resolution was calculated to frustrate the right of the Afghan people to self-determination and other basic principles of international law laid down in the Charter of the United Nations. During the debate on agenda item 9, the German Democratic Republic had stated that the Afghan people had taken charge of their destiny and chosen their political status and mode of economic, social and cultural development. Nothing could jeopardize their right to self-determination.

16. The CHAIRMAN stated that Costa Rica, Gambia, Haiti, Jordan, Mauritania and Paraguay had become sponsors of draft resolution E/CN.4/1985/L.14.

17. At the request of the representative of Libyan Arab Jamahiriya, a vote was taken by roll-call on draft resolution E/CN.4/1985/L.14.

18. Kenya, having been drawn by lot by the Chairman, was called upon to vote first

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Jordan, Kenya, Lesotho, Liberia, Mauritania, Mexico, Netherlands, Peru, Philippines, Senegal, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Yugoslavia.

Against: Bulgaria, German Democratic Republic, Libyan Arab Jamahiriya, Mozambique, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Congo, Cyprus, Finland, India, Nicaragua.

19. Draft resolution E/CN.4/1985/L.14 was adopted by 31 votes to 7, with 5 abstentions.

Draft resolution E/CN.4/1985/L.15/Rev.1

20. Mr. BIKOU-M'BYS (Congo), introducing draft resolution E/CN.4/1985/L.15/Rev.1 on behalf of its sponsors - Algeria, Bangladesh, Bulgaria, Byelorussian Soviet Socialist Republic, Congo, Cuba, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Morocco, Nicaragua, Pakistan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Viet Nam and Yugoslavia, said that it was obvious that the problem of the Middle East would be settled by asserting the rights of the Palestinian people, especially their right to self-determination, and by realizing their legitimate aspirations.

21. The draft resolution under consideration had that end in view. As in recent years, it drew on the action that had already been taken by the General Assembly and the Security Council. The text was similar to that of Commission resolution 1984/11 except for a new element, operative paragraph 12, under which the Commission expressed its deep regret at the negative reaction of the United States of America and Israel toward the International Conference on the Question of Palestine, and called upon the United States and Israel to reconsider their attitude so as to facilitate the convening of the Conference under the auspices of the United Nations and with the participation of the Palestine Liberation Organization on an equal footing with all parties concerned in the Arab-Israeli conflict.

22. His delegation appealed to all members of the Commission to help the Palestinian people and the peoples of the Middle East - who aspired to live in a climate of security and peace - for the benefit of the international community as well.

23. Mr. DOWEK (Observer for Israel) stated that the draft resolution under consideration was as far removed from human rights topics as the North Pole was from the South Pole. It went well beyond the clear cut mandate of the Commission on Human Rights and was, in wording and spirit, totally and exclusively of a political nature. In a less politicized body and in any normal procedure, the draft resolution would have been not only rejected but also deemed irreceivable. However, that would not happen in the Commission, which was ready to adopt it, as it had adopted similar texts in the past. Although his delegation's voice was the voice of reason, it was too weak to bring a change in the course on which the Commission had been set under the prompting of countries actively engaged in the diplomatic and propaganda onslaught against Israel.

24. There was no point in reiterating the arguments adduced by his delegation during the consideration of agenda item 9. He did believe it was necessary, however, to repeat that Israel would not heed political resolutions which were but a blatant, biased and unacceptable interference in affairs which were a question of life and death for the peoples and States of the Middle East. Israel would not heed any resolution that aimed to weaken its stand against aggression and foster war and hatred instead of peace and co-existence. It would not heed any resolution which called, implicitly or explicitly, for its destruction or invited it to commit national suicide. It therefore had no other choice than publicly and categorically to reject the draft resolution as it had, in the past, rejected resolutions of that kind.

25. Once more his delegation protested strongly against the Commission's selectivity and permissiveness when dealing with the Arab-Israeli conflict. The Commission chose, wantonly and openly, to ignore the disastrous human rights conditions and the plight of wretched minorities in 24 of the 25 States that comprised the Middle East.

26. His delegation did not understand why the Commission, which should dedicate itself to the promotion of peace and welfare, rejected, en bloc, at the instigation of extremists, the only possibilities that had arisen in recent years of fostering peaceful co-existence in the Middle East. Why did the Commission reject the only ray of hope that had illuminated that region of the world after so many years of darkness? Why should it instigate the Palestinian Arabs to turn their backs on the offer of a lasting and just peace? Why did it lead the Middle East to a deadlock? Was it because Mr. Arafat was not an "annointed" President of a State? Was it because the PLO - that federation of terrorist groups - was not given the upper hand on the fate and future of the Palestinian people and that free elections were called for? Was it

because that offer put an end to the Syrian dream of a Greater Syria and prevented outside manipulation of the Palestinians? Or was it because Jordan would have to meet its responsibilities and work towards devising and implementing a pragmatic and just solution, hand in hand with Israel and the Palestinian Arabs, most of whom were Jordanian citizens; a solution which was to be accepted and acceptable to all parties concerned including the Palestinian Arabs themselves and which would not only ensure the inherent rights of each one of the parties concerned but would also be in keeping with the French saying "Le droit de chacun s'arrête là où commence le droit du voisin"? Was it because, at long last, that solution would bring peace and regional co-operation to the Middle East, instead and in place of war and hatred?

27. The price of a refusal was a heavy one to exact, from the Israelis and Arabs alike. It was high time for demagoguery to be put aside. It was high time to bring the Arab world to desist from unattainable goals and reach with Israel practical and feasible solutions through direct negotiations, solutions that would give the Palestinian Arabs the opportunity to live in peace and to participate in the determination of their own future in close understanding and fraternal co-operation with their natural neighbours, the neighbours with whom they were bound to co-exist by virtue of history and geography.

28. His delegation once more stressed that the right to life was the first and the most fundamental human right. It applied not only to individuals but even more to States. Israel would defend its right to life with all its soul and with all its strength. Israel would reject, time and again, resolutions that aimed to bring about its destruction, but it would unwaiveringly continue to extend its hand in peace to any country or people -- including the Palestinian people -- ready to take it in good faith and march together with it, towards understanding, co-operation and peace.

29. Mr. FERJANI (Libyan Arab Jamahiriya) said that throughout the work of the Commission, his delegation had endeavoured to develop, together with other delegations, a constructive and positive method of work, which could lead to just and acceptable solutions for all the countries and all the interest groups represented in the Commission.

30. The draft resolution under consideration drew on international legality in that it referred to decisions already adopted by United Nations bodies on the question of Palestine and did justice to the struggle waged by the Palestinian people for 40 years.

31. But his delegation considered the draft to be merely the minimum acceptable. The Commission did not categorically denounce the aggression being committed against the Palestinian people, did not guarantee the exercise of the inalienable legitimate national rights of the Palestinian people, including its right to establish an independent national State throughout the Palestinian territory occupied by the Zionists for 40 years, a State where Muslims, Christians and Jews could live as equals, and the Palestinians' right to return to their homes.

32. Thus, his delegation had strong reservations concerning certain paragraphs of the draft and certain resolutions mentioned in the text which, directly or indirectly, recognized the legitimacy of Zionist aggression against the Palestinian people, and also concerning certain paragraphs and certain resolutions mentioned which, directly or indirectly, neglected the inalienable national rights of the Palestinian people.

33. Mr. BARAKAT (Jordan) said that his delegation, a co-sponsor of the draft resolution under consideration, would continue to defend the right of the Palestinian people to self-determination, including its right to set up a State. As for the Palestine Liberation Organization, it was the only legitimate representative of that people.

34. Jordan had always voted in favour of similar draft resolutions submitted to the Commission, the General Assembly and other international bodies. However, in view of the agreement between Jordan and Palestine of 11 February 1985, his delegation had wished to amend, without really changing the substance, the text of paragraph 4 of the present draft, so as to take into account the positive elements in that agreement, which in particular reaffirmed the inalienable rights of the Palestinian people to self-determination in the framework of a confederation of the States of Jordan and Palestine. His delegation regretted that for lack of time, it had not been possible to make that amendment.

35. Mr. SCHIFTER (United States of America) said that he would not repeat what his delegation had said earlier on the broad policy question posed by resolutions such as that before the Commission, and that he would instead devote himself to specific paragraphs of the draft resolution.

36. With reference to the last preambular paragraph and operative paragraphs 10 and 12, he would like to make it clear that those paragraphs did not pose the question of whether the agreement signed by his Government or the foreign policy stand taken by it was right or wrong. Any State was entitled to have an opinion on those subjects and, if it cared to do so, to express it. The issue posed was whether it was the business of the United Nations to sit in judgement on decisions taken by the United States of America in the exercise of its sovereign right to determine its foreign policy, where such decisions did not run counter to the provisions of legally binding international instruments. When the United States Government had joined the United Nations under the provisions of the Charter of the United Nations, it had viewed the Charter as a document under which the new organization would provide a forum for working in collaboration with other States for the cause of world peace and human rights, not to grant the United Nations vague and broad review powers over the acts of the United States Government which far exceeded the specific language of the Charter. That was the issue raised. In other words, the issue was not whether any particular State was or was not in agreement with the conclusion reached by the Government of the United States of America, but whether the United Nations in general and the Commission in particular had the power to review and to denounce or express regret over decisions which the United States Government had taken, where such decisions in no way violated international law.

37. Turning to operative paragraph 3, he said that repeating a historical falsity year after year did not make it any more true. Everyone knew what the real facts were. Israel's Kahan Commission, which had thoroughly investigated all relevant aspects of the tragedy of Sabra and Chatila, had fully reported on the matter, and its report had been viewed as fair and objective by all impartial observers. Repetition of that misrepresentation once again damaged the credibility of the Commission on Human Rights.

38. As for operative paragraphs 8 and 9, they spoke against the one major step towards peace in the region in 37 years.

39. For the reasons stated, the United States delegation requested that a separate vote should be taken by roll-call on the last preambular paragraph and on operative paragraphs 3, 8, 9, 10 and 12. It would vote against each of those paragraphs and against the draft resolution as a whole.

40. Mr. FIGARELLA (Venezuela), speaking in explanation of vote, said that his delegation would vote in favour of the draft resolution as a whole. However, it had certain reservations which for three main reasons would make it necessary for it to abstain in the vote on operative paragraphs 8, 9, 10 and 12.

41. Firstly, his Government was not opposed to any partial negotiations between two sovereign Governments, especially if those negotiations could lead to a comprehensive settlement of a particular conflict. In fact, the Camp David accords were considered to be part of a process and in no case as being an end in themselves. However, it was still too early to say whether those accords could lead to a better understanding among the different parties to the Middle East conflict. The history of that region of the world showed that there were several possible options and that it was not realistic to attempt to exclude any particular one. For that reason, his Government believed that the Camp David accords were still politically valid.

42. Secondly, with regard to the technical co-operation agreements between the United States of America and Israel, it was contrary to all international practice to attempt to oppose the sovereign decision of two independent States. His delegation appreciated the reservations to which such agreements might give rise in the Arab countries, but it would like to point out that States often signed technical co-operation agreements with other States if they believed that the agreements were in their national interest, and that the agreements were not interpreted as being incitement to war.

43. Thirdly, with regard to the convening of an international conference to discuss the Middle East problem, it was obvious that not only the United States of America but many other States had expressed reservations in that connection. In the light of current events - the Vienna talks between the Soviet Union and the United States of America on the problem in the Middle East, the talks between the King of Jordan and Yasser Arafat, the attitude of the Syrian Government and finally the appeal made by the Egyptian Government for an international conference - it appeared obvious that the issue was not yet sufficiently clear to allow a body which enjoyed as much authority as the Commission to condemn a particular country.

44. The CHAIRMAN gave the floor to the observer for the Palestine Liberation Organization, who wished to make a few remarks.

45. Mr. RAMLAWI (Observer for the Palestine Liberation Organization) said that he would like to clarify, for certain delegations, some of the paragraphs in the draft resolution under consideration.

46. Firstly, concerning operative paragraph 9, to which the Venezuelan delegation had made reference, the text was not new: it had been taken verbatim from paragraph 9 of Commission resolution 1984/11, since the reasons underlying that paragraph still existed. Indeed, the plan of "autonomy" within the framework of the "Camp David accords" infringed the rights of the Palestinian people, including their right to self-determination, and it was contrary to all the resolutions adopted by the United Nations on the question of Palestine. That plan, which was accepted only by the United States of America and Israel, aimed not to grant the Palestinian people

"autonomy", but rather to confirm Israel's annexation of the occupied Palestinian territories, to present the Palestinian people with a fait accompli. The Palestine Liberation Organization rejected that plan and fought against it.

47. Secondly, with regard to peace, which Israel professed to wish and which, according to the observer for Israel, the draft resolution threatened, it was important to stress that anyone who wanted peace had to accept the resolutions of the international community. Israel, however, had rejected them all.

48. Thirdly, with regard to the last preambular paragraph, to which the delegation of the United States of America had referred, he agreed that sovereign States had the right to conclude agreements, but maintained that those States did not have the right to encourage aggression or to prevent a people from exercising its rights. The Commission and the General Assembly had repeatedly condemned that type of manoeuvre.

49. Fourthly, with regard to the massacres in the Sabra and Chatila camps, it should be recalled that the Kahan Commission's report had confirmed Israel's responsibility in that instance - which had even brought about the resignation of Minister of Defence Sharon.

50. Mr. SCHIFTER (United States of America), speaking on a point of order, asked under which article of the rules of procedure the previous speaker had taken the floor. Were statements not being made in explanation of vote before the vote?

51. The CHAIRMAN replied that certain delegations which had made statements had taken the opportunity to explain their vote. For his part, however, when opening the discussion, he had not specified that the statements would concern explanations of vote. In any case, the observer for the Palestine Liberation Organization had taken the floor by the same right as the observer for Afghanistan and the observer for Israel at the current meeting.

52. Mr. SHAHABI (Observer for the Islamic Republic of Iran) said that his delegation considered that one of the worst mistakes committed by the United Nations since its establishment had been to legitimize the Zionists' occupation of Palestine by recognizing the Palestine invasion force as a State. The draft resolution under consideration merely confirmed that unpardonable error, in the sense that it legitimized once more the State known as Israel. Recognizing an invasion force as a State was contrary to the principles in which mankind had placed its faith. The only way of ending the suffering of the Palestinians and restoring the honour of mankind as a whole was to redress that deplorable error.

53. The CHAIRMAN pointed out that the United States of America had requested a separate vote by roll-call on the ninth preambular paragraph and on operative paragraphs 3, 8, 9, 10 and 12.

54. At the request of the representative of the United States of America, a vote was taken by roll-call on the ninth preambular paragraph.

55. China, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bulgaria, China, Congo, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, Philippines, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Cameroon, Colombia, Cyprus, Gambia, Kenya, Lesotho, Liberia, Mexico, Peru, Senegal, Sri Lanka, Venezuela.

56. The ninth preambular paragraph was adopted by 15 votes to 13, with 14 abstentions.

57. At the request of the representative of the United States of America, a vote was taken by roll-call on operative paragraph 3.

58. Mozambique, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Colombia, Japan, Liberia, Mexico, Peru, Philippines, Spain.

59. Operative paragraph 3 was adopted by 24 votes to 9, with 10 abstentions.

60. The CHAIRMAN invited the Commission to vote on operative paragraph 8 of draft resolution E/CN.4/1985/L.15/Rev.1.

61. At the request of the representative of the United States of America, a vote was taken by roll-call.

62. Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bulgaria, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania.

Against: Australia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, Cameroon, Colombia, Kenya, Lesotho, Liberia, Mexico, Peru, Philippines, Spain, Venezuela.

63. Operative paragraph 8 was adopted by 20 votes to 10, with 12 abstentions.

64. The CHAIRMAN invited the Commission to vote on operative paragraph 9 of the draft resolution.

65. At the request of the representative of the United States of America, a vote was taken by roll-call.

66. The Federal Republic of Germany, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bulgaria, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Japan, Netherlands, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Brazil, Cameroon, China, Ireland, Kenya, Lesotho, Liberia, Mexico, Peru, Spain, Sri Lanka, United Republic of Tanzania, Venezuela.

67. Operative paragraph 9 was adopted by 17 votes to 11, with 15 abstentions.

68. The CHAIRMAN invited the Commission to vote on operative paragraph 10 of the draft resolution.

69. At the request of the representative of the United States of America, a vote was taken by roll-call.

70. Australia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bulgaria, China, Congo, German Democratic Republic, **India**, Jordan, Libyan Arab Jamahiriya, Mauritania, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Brazil, Colombia, Costa Rica, Finland, France, Germany, Federal Republic of, Ireland, Japan, Liberia, Netherlands, Philippines, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Cameroon, Cyprus, Gambia, Kenya, Lesotho, Mexico, Peru, Senegal, Venezuela.

71. Operative paragraph 10 was rejected by 17 votes to 15, with 10 abstentions.

72. The CHAIRMAN invited the Commission to vote on operative paragraph 12 of the draft resolution.

73. At the request of the representative of the United States of America, a vote was taken by roll-call.

74. The German Democratic Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bulgaria, Cameroon, China, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Senegal, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia.

Against: Australia, Finland, France, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, Colombia, Costa Rica, Japan, Lesotho, Liberia, Philippines, Spain, Sri Lanka, Venezuela.

75. Operative paragraph 12 was adopted by 24 votes to 8, with 11 abstentions.

76. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1985/L.15/Rev.1 as amended.

77. At the request of the representative of the United States of America, a vote was taken by roll-call.

78. Senegal, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mauritania, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Costa Rica, Germany, Federal Republic of, Ireland, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Finland, France, Japan, Liberia, Mexico, Spain.

79. Draft resolution E/CN.4/1985/L.15/Rev.1, as amended, was adopted by 29 votes to 7, with 7 abstentions.

Draft resolution E/CN.4/1985/L.17

80. Mr. MTANGO (United Republic of Tanzania) introduced the draft resolution on behalf of its sponsors, to which Argentina should be added. After stressing the main features of the draft resolution, which concerned the question of Western Sahara, he pointed out that the highest body of the Organization of African Unity, the Conference of Heads of State and Government, had admitted the Saharan Arab Democratic Republic, led by the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO), as a new member of the OAU. Thus, recognition of the right to self-determination of the people of Western Sahara had been confirmed by the supreme political organ of the African continent. The sponsors of the draft resolution were therefore confident that the Commission on Human Rights would adopt the draft resolution by consensus without hesitation.

81. Mr. SKALLI (Observer for Morocco) said that the text of the draft resolution on Western Sahara (E/CN.4/1985/L.17) did not appear acceptable, being incorrect both in form and content. The draft resolution merely referred only to OAU resolution AHG/RES.104 (XIX), adopted at the nineteenth Conference of Heads of State and Government in 1983, concerning which Morocco had made the most formal reservations. It made no reference to other United Nations and Organization of African Unity resolutions on the same question in particular resolution AHG/RES.103 (XVIII), adopted in 1981. The omission of that resolution was unjustified and regrettable in several respects, since it had been adopted by consensus, with no reservation whatsoever on the part of any member State; moreover, it had been quoted in the previous Commission on Human Rights resolutions on the question of the Sahara in 1982, 1983 and 1984; finally, it had provided for the setting up of an Implementation Committee, whose decisions were essential to settling the question of the Sahara and which had worked out the arrangements concerning the cease-fire and the referendum.

82. Although in a strong position because of its legitimate rights over Western Sahara, which were recognized by the International Court of Justice, Morocco had nevertheless agreed that a referendum should be held in the territory, thus giving proof of its desire to end the tension which prevailed in North West Africa. Morocco also believed that by so doing, it was responding to the concerns of the Commission.

83. Morocco considered that the request concerning negotiations with the so-called POLISARIO was a political request not within the competence of the Commission on Human Rights, since the so-called POLISARIO had no authority to claim that it should take part in the negotiations. Most of its members and even its leaders came from various countries in the region and not from Western Sahara, and they could not therefore claim to represent the genuine inhabitants of the territory. What was more, during the Spanish administration, several political movements and parties had engaged in a genuine and valiant struggle to emancipate the population of the territory, and their representatives, who had remained in the territory, claimed no right to substitute themselves for the population, whose will they respected. The so-called POLISARIO could in no way claim to represent the population of Western Sahara, the vast majority of whom were still living in tranquility, freedom and peace and repudiated that group every day. Furthermore, the referendum so much desired by both the OAU and Morocco would make it possible to settle the dispute concerning the alleged representativity of the small group known as the "POLISARIO".

84. Noting that a number of the sponsors of the draft resolution had recognized the so-called Saharan Arab Democratic Republic, he stressed the inconsistency between recognizing a so-called republic and at the same time requesting self-determination for its population. The inconsistency was all the more irreconcilable because the very principle of self-determination did not necessarily lead to independence, but presupposed a choice among several options. In the case of the Sahara, the OAU had stated that the choice would be between independence and union with Morocco. In those circumstances, the term "independence" used in operative paragraph 1 of the draft resolution was completely inappropriate and extreme, since it prejudged the outcome of the consultation.

85. Draft resolution E/CN.4/1985/L.17 contained so many unfair and irrational elements that one concluded that its purpose was no longer to obtain the implementation of the principle of self-determination but rather to prevent it. For all those reasons his delegation regretted to say that it rejected the draft resolution.

86. Mr. MUHAISEN (Jordan), speaking in explanation of vote before the vote, said that he would abstain for he believed that the question of Western Sahara should be dealt with in the context of the neighbourly relations of the countries of the continent, in other words, in the League of Arab States and the OAU.
87. Mr. CHARRY SAMPER (Colombia) said that his delegation, in keeping with its tradition of respect for the agreements reached by regional entities, would vote in favour of draft resolution E/CN.4/1985/L.17. However, it had one reservation of a legal nature. It did not deem appropriate the use of the word "independence" in operative paragraph 1, for no one was authorized to prejudge the outcome of the consultations by which the population of Western Sahara would come to a decision, as was its right.
88. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1985/L.17.
89. At the request of the representative of the Libyan Arab Jamahiriya, a vote was taken by roll-call.
90. Brazil, having been drawn by lot by the Chairman, was called upon to vote first.
- In favour: Argentina, Australia, Austria, Brazil, Bulgaria, Cameroon, Colombia, Congo, Costa Rica, Cyprus, Finland, Gambia, German Democratic Republic, India, Kenya, Lesotho, Liberia, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Senegal, Spain, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.
- Against: None
- Abstaining: Bangladesh, China, France, Germany, Federal Republic of, Ireland, Japan, Jordan, Netherlands, Philippines, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America.
91. Draft resolution E/CN.4/1985/L.17 was adopted by 30 votes to none, with 12 abstentions.

Draft resolution E/CN.4/1985/L.18

92. Mr. SOFINSKY (Union of Soviet Socialist Republics) pointed out that his delegation had only just received the Russian text of that draft resolution. The 24-hour period stipulated by the rules of procedure for putting draft resolutions to the vote would therefore not be respected if the Commission took a decision on that text at the current meeting; his delegation requested that the draft resolution should be considered at a later date.
93. The CHAIRMAN confirmed that article 52 of the rules of procedure stipulated that there should be a period of 24-hours between the distribution of the text of a draft resolution and the decision on that text, unless the Commission decided otherwise.
94. Mr. LI Luye (China) noted that the text of draft resolution E/CN.4/1985/L.18 had been submitted to the Secretariat one week ago. It was therefore surprising that the text had not been distributed earlier. The delay was the responsibility of the Secretariat, and not of the sponsors. Under those conditions, the Commission should proceed to a vote at the current meeting. He also requested the Secretariat to explain the reasons for the delay in distributing the draft resolution.

95. Mr. PACE (Secretary of the Commission), replying to the question of the representative of China, stated that the text of draft resolution E/CN.4/1985/L.18 had been submitted on 25 February. It had been distributed on 26 February, in the different working languages, at the following times: English, 9.10 a.m.; French 9.20 a.m.; Russian, 11.15 a.m.; Spanish, 9.20 a.m.; Chinese, 9.40 a.m.; Arabic, 10.40 a.m. The Secretariat apologized for the delay in distribution.

96. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the information supplied by the Secretariat confirmed the fact that the Commission could not vote on the draft resolution at the current meeting. It was clear that the text had not been distributed sufficiently ahead of time in any language.

97. Mr. LI Luye (China), also taking account of the information given by the Secretariat, withdrew his request and agreed that the Commission should consider the draft resolution the following day at its afternoon meeting.

98. Mr. MANALO (Philippines), speaking on behalf of the sponsors of draft resolution E/CN.4/1985/L.18, thanked the representative of China and stated that the sponsors agreed that consideration of the draft resolution should be postponed until the following day's afternoon meeting.

99. The CHAIRMAN announced that draft resolution E/CN.4/1985/L.18 would be taken first at the Commission's 34th meeting.

Draft resolution E/CN.4/1985/L.19

100. Mr. TOWO ATANGANA (Cameroon) introduced draft resolution E/CN.4/1985/L.19 on behalf of its sponsors: Bangladesh, Bulgaria, Cameroon, Congo, Cuba, Egypt, Gambia, German Democratic Republic, Kenya, Libyan Arab Jamahiriya, Nigeria, Senegal, Somalia, Sudan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic and United Republic of Tanzania. He pointed out that the debate which had taken place in the Commission on agenda item 9 and also on agenda items 6, 7, 16 and 17 had clearly shown that all the members of the Commission condemned the scandalous situation of the peoples of South Africa and Namibia, who were being subjected to illegal occupation and repression by a minority of white racists. All the efforts made by the General Assembly, the Commission and the international community in general to end that situation had so far been ineffective, mainly because the Pretoria régime enjoyed the continued support of certain Powers which, however, had shown in other circumstances their devotion to the ideals of liberty, justice and equality. Internally, the racists maintained their domination thanks to a vast number of disgraceful laws and backed up by powerful military resources, to which they had added a nuclear capability that threatened the whole of Africa.

101. Fifteen years earlier, the OAU had adopted the Lusaka Manifesto, which had sought to introduce a change in South Africa through peaceful means, by giving all, regardless of race, sex or religion, equal chances of prosperity and happiness. But that outstretched hand had been rejected by the racist minority, which refused to understand any language but that of force. In 1984, the Pretoria régime had adopted constitutional reforms whose real goal was to divide the black population, the Indian population and the coloured population while strengthening the hold of white power over the political and economic structures of the country and attempting to make the oppressed into foreigners in their own land. The demonstrations which had taken place since showed that the oppressed peoples of South Africa were opposed to those manoeuvres.

102. He then made a few remarks on the text of draft resolution E/CN.4/1985/L.19, pointing out that the preamble largely recalled the provisions of the Charter and those of numerous resolutions and declarations adopted by the General Assembly on the right of peoples to self-determination. The tenth preambular paragraph, which was linked to operative paragraph 6, reaffirmed the rejection of the so-called "new constitution" of November 1983.

103. Operative paragraph 3 reaffirmed the legitimacy of the struggle of the oppressed people of South Africa, including armed struggle. The sponsors were aware of the aversion felt by certain delegations in that respect; they would ask those delegations to understand that recourse to violence was not the free choice of the liberation movements, but was imposed on them by the intransigence and brutality of the supporters of apartheid. The recent arrests of some of the leaders of the United Democratic Front, advocates of peaceful change, further confirmed that no dialogue was really possible with the white racists in power in Pretoria. Operative paragraph 5 again called for implementation of sanctions against South Africa. That recommendation was in keeping with those of the General Assembly and several international conferences, and reflected the views of the true leaders of the oppressed peoples of southern Africa.

104. Operative paragraph 2 reaffirmed the inalienable right of the people of Namibia to self-determination, and paragraph 11 condemned the continuing activities of foreign interests in Namibia. In that connection, he pointed out that the United Nations Council for Namibia had held sufficiently convincing hearings on the illegal exploitation of the uranium and other mineral wealth belonging to the Namibian people. Paragraph 13 stated that the illegal occupation of Namibia continued to constitute an act of aggression against the Namibian people and a threat to international peace and security. He concluded by expressing the hope that the members of the Commission would unequivocally support draft resolution E/CN.4/1985/L.19 and thereby show that they cherished the values which were being flouted in southern Africa.

105. Mr. SOLEY SOLER (Costa Rica) and Mr. de PIEROLA (Peru) stated reservations in respect of operative paragraphs 2 and 3 of draft resolution E/CN.4/1985/L.19, which referred to the use of armed struggle against the illegal occupation of Namibia and for the elimination of the apartheid system in South Africa, and they requested that a separate vote should be taken on those two paragraphs.

106. Mr. CHARRY SAMPER (Colombia) stated that his delegation also had some difficulty in reconciling the use of armed struggle with the principles of peace enshrined in the Charter of the United Nations. It would, however, vote in favour of the draft resolution as a whole, including paragraphs 2 and 3, but it regretted the fact that the sponsors had not consulted other delegations further in order to achieve a text that was more generally acceptable.

107. Mr. MAHONEY (Gambia) requested that, if a separate vote was taken on operative paragraphs 2 and 3 of the draft resolution, it should be by roll-call.

108. The CHAIRMAN said that, in view of the requests just made, the Commission would take a vote by roll-call on operative paragraphs 2 and 3 of draft resolution E/CN.4/1985/L.19, and then on the text as a whole.

109. A vote was taken by roll-call on operative paragraph 2 of draft resolution E/CN.4/1985/L.19.

110. Bulgaria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Finland, France, Germany, Federal Republic of, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Costa Rica, Ireland, Japan, Peru, Philippines.

111. Operative paragraph 2 was adopted by 29 votes to 8, with 6 abstentions.

112. A vote was taken by roll-call on operative paragraph 3 of draft resolution E/CN.4/1985/L.19.

113. Peru, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: Australia, Finland, France, Germany, Federal Republic of, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Costa Rica, Ireland, Japan, Peru, Philippines.

114. Operative paragraph 3 was adopted by 28 votes to 8, with 6 abstentions.

115. A vote was taken by roll-call on draft resolution E/CN.4/1985/L.19 as a whole.

116. The Libyan Arab Jamahiriya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, Cameroon, China, Colombia, Congo, Costa Rica, Cyprus, Gambia, German Democratic Republic, India, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mauritania, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Venezuela, Yugoslavia.

Against: France, Germany, Federal Republic of, United Kingdom of
Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Finland, Ireland, Japan, Netherlands, Spain.

117. Draft resolution E/CN.4/1985/L.19 as a whole was adopted by 32 votes to 4, with 7 abstentions.

118. The CHAIRMAN gave the floor to the delegations wishing to make statements in explanation of vote on the resolutions which had been adopted.

The summary record of the second part of the meeting is contained in document E/CN.4/1985/SR.32/Add.1.