



SUMMARY RECORD OF THE 49th MEETING

Chairman: Mr. ABULHASAN (Kuwait)

later: Mr. JATIVA (Ecuador)

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/43/3; A/C.3/43/1 and 7; A/43/170-E/1988/25, A/43/305-E/1988/26, A/43/328, A/43/375 and Corr.1, A/43/478, A/43/534, A/43/535, A/43/536, A/43/592, A/43/593, A/43/594, A/43/595, A/43/624, A/43/630, A/43/705, A/43/706, A/43/736, A/43/739, A/43/742, A/43/743 and Add.1, A/43/770, A/43/122, A/43/165, A/43/214, A/43/235-S/19674, A/43/273-S/19720, A/43/361, A/43/370, A/43/393-S/19930, A/43/435-S/19974, A/43/446, A/43/457-E/1988/102, A/43/460-E/1988/104, A/43/544, A/43/587, A/43/590, A/43/604, A/43/617 and A/43/759)

General discussion

1. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) recalled that the United Nations Voluntary Fund for Indigenous Populations, established under General Assembly resolution 40/131, had become operational in 1988 after the receipt of the first contributions and the appointment of a Board of Trustees. In 1988, the Fund had been able to award travel grants to 27 representatives of the indigenous populations of 19 countries to attend the sixth session of the Working Group on Indigenous Populations.

2. Regarding the proposal to proclaim an international year of the world's indigenous populations, he recalled that in 1987 the Sub-Commission on Prevention of Discrimination and Protection of Minorities had suggested that 1992 should be declared the International Year of the World's Indigenous Populations. The Commission on Human Rights and the Economic and Social Council had endorsed the recommendation but substituted "when appropriate" for 1992. In 1988, the Sub-Commission had taken the matter up once again and had decided to declare 1993 as the International Year, since it coincided with the end of the Second Decade for Action to Combat Racism and Racial Discrimination.

3. Regarding regional arrangements for the promotion and protection of human rights in Asia and the Pacific region, he said that contacts between regional bodies and commissions and the United Nations had been pursued through the organization of advisory services and technical assistance activities, particularly training courses in the field of human rights, such as that held in 1987 at ESCAP headquarters in Bangkok, or the subregional training course organized by the Centre for Human Rights in collaboration with the Latin American Institute for the Prevention of Crime and the Treatment of Offenders, at San José, Costa Rica. Another subregional training course, on the preparation and submission of national reports under the various international human rights instruments, had been held in 1987 for English-speaking African countries in Lusaka, and a similar one for French-speaking countries in Luanda. In addition, various regional or subregional seminars and workshops had been held during the year in Lomé, Lisbon, Milan, Tunis, Guatemala City and Moscow.

4. Regarding measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror, he recalled that the Commission on Human

(Mr. Nyamakyé)

Rights had considered the question in 1981 and 1983 and had emphasized that such activities were incompatible with the purposes of the Charter and all human rights instruments. The report prepared pursuant to resolution 41/160 contained the relevant information received by the Secretary-General and details of the action taken by the Commission on Human Rights.

5. Regarding measures to improve the situation and ensure the human rights and dignity of all migrant workers, he said that the General Assembly had expressed its deep concern at their situation on various occasions. The open-ended Working Group that had been set up to draft an international convention on the protection of the rights of all migrant workers and their families had held two sessions in 1988, at which it had completed the second reading of parts V and VI of the draft convention, with the exception of a few articles, and begun consideration of part VII (documents A/C.3/43/1 and A/C.3/43/7).

6. Regarding human rights in the administration of justice, he recalled that, in resolution 42/143 of 7 December 1987, the General Assembly had encouraged the continuing development of strategies for the practical implementation of United Nations standards and norms on human rights in the administration of justice. The Commission on Human Rights at its forty-fourth session and the Sub-Commission at its fortieth session had made progress in that direction, in particular in the consideration of a draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, a draft declaration on the protection of all persons from enforced or involuntary disappearances, a draft second optional protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty, the question of persons deprived of their liberty for seeking peacefully to exercise those rights and freedoms or to promote and defend them, international standards for the adequate investigation of suspicious deaths in detention, and the situation of human rights during states of emergency.

7. He recalled that over the past year the General Assembly had paid close attention to the right to development and in 1986 had adopted a declaration on it. The Economic and Social Council, at the suggestion of the Commission, had decided at its last session to transmit the report of the Working Group of Governmental Experts on the Right to Development to the Assembly. The Group would hold its next session in January 1989 and would submit a report to the Commission on Human Rights at its forty-fifth session.

8. The report on the situation in South Africa and Namibia (document E/CN.4/1988/8) should help to increase the international community's awareness of the situation and to mobilize world public opinion against apartheid. He also drew the Committee's attention to the reports of the Secretary-General on the situation of human rights in southern Lebanon (A/43/630), the question of human rights and fundamental freedoms in Afghanistan (A/43/742), the situation of human rights in the Islamic Republic of Iran (A/43/705), the situation of human rights and fundamental freedoms in El Salvador (A/43/736), the situation of human rights and fundamental freedom in Chile (A/43/624) and the use of mercenaries as a means of

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impeding the exercise of the right of people to self-determination (A/43/632 and E/CN.4/1988/14).

9. Mr. ESSAAFI (United Nations Disaster Relief Co-ordinator), introducing the report in document A/43/375, said that the primary purpose of all disaster relief and prevention activities was in addition to mitigating the grave consequences of such disasters for economic and social development, to reduce to the minimum the human suffering and misery they caused, an aspect which was not always taken duly into account in assessing the damage. Expressions of international solidarity were not enough: effective steps must be taken covering the human, material and financial aspects. When situations of that kind arose, therefore, the international community must be ready to provide rapid, appropriate and sufficient relief. It should be emphasized that those three aspects sometimes came into conflict. The requirement of speed implied the immediate availability of supplies appropriate to the needs of the survivors and to their way of life, in quantities that while not overwhelming distribution arrangements at the same time provided for estimated needs. A generally appropriate, but rarely sufficient, response to an appeal for international assistance after a sudden disaster could be the provision of funds for the local purchase of supplies. In that connection, the capability of UNDR0 and UNDP to respond quickly was particularly important. The funds could also be used for the transport of supplies from the UNDR0 warehouse in Pisa, Italy, where stocks of essential relief items were kept.

10. Another essential requirement for the provision of effective humanitarian aid were arrangements with the authorities of the countries concerned for immediate access and delivery of emergency relief. In that connection, he wished to emphasize the resolution adopted by the Inter-Parliamentary Conference held recently at Sofia and other similar approaches taken by the European Economic Community and the Organization of American States. That subject had also received attention from the United Nations Centre for Human Rights in connection with its study on human rights in states of emergency.

11. He was pleased that in 1988 many countries, and not just the traditional donors, had responded generously to appeals for humanitarian assistance. That served to refute statements which were sometimes made about the "compassion fatigue" of the international community. In the last 10 months, cash assistance amounting to \$22 million had been channelled through UNDR0, and the total value of all bilateral and multilateral contributions for relief assistance reported to the Office was close to \$1 billion. Those figures spoke for themselves.

12. If supplies in kind were to be sent, they must be appropriate and sufficient; for that, it was necessary to know what was needed and in what quantity, which required a reliable flow of information from the disaster-stricken country to the donors, through appropriate channels such as UNDR0. The country concerned also needed an administrative organization to gather and transmit information, and to arrange the distribution of supplies, which was dependent on an adequate transport network. Such preparedness required a level of organization which many countries could not attain without assistance in the form of funds, technical expertise and equipment.

13. Mr. BALLESTEROS (Special Rapporteur on the Question of the Use of Mercenaries as a Means to Violate Human Rights and to Impede the Exercise of the Right of Peoples to Self-Determination) introduced the report he had prepared in pursuance of General Assembly resolution 42/96 of 7 December 1987. The report was mainly about the situation in southern Africa with a particular focus on Angola, which the Special Rapporteur had personally visited in order to gather information at first hand about the consequences of mercenary activities for the enjoyment of human rights. All of those interviewed - representatives of UNHCR, the United Nations Council for Namibia, the Government of Angola, the African National Congress and SWAPO - had given accounts of the participation of mercenaries in all types of attacks. The United Nations Commissioner for Namibia had indicated the presence of mercenaries in Angola and Namibia, resulting in loss of human life and acts of sabotage, such as those carried out in January 1986 in Cabinda, Angola, where a European mercenary had been arrested. The Government of Angola had referred to the trials of various mercenaries in 1975 and 1976 and to the existence of the 31st and 32nd battalions, 40 per cent of which were mercenaries. Based in Namibia, those battalions were launching attacks against the civilian population of Namibia and against the territory of Angola.

14. He also emphasized that the various sources mentioning mercenary practices in southwestern Africa had agreed on the characteristic features of those practices. Mercenaries were individuals from Europe, North America and Africa who were recruited, financed, trained and transported for the purpose of carrying out various attacks for third parties. All of the available information on mercenary practices pointed to the Government of South Africa as bearing the main responsibility for the persistence of such condemnable acts. In spite of the fact that UNITA and South Africa denied both the existence of and their participation in mercenary practices, the information gathered provided irrefutable proof of the presence of mercenaries. The responsibility of South Africa in the recruitment and use of mercenaries did not seem inconsistent with the policies of hegemony and intervention applied by that country throughout southern Africa in violation of the relevant United Nations resolutions. Specific examples of those policies were the financing of UNITA, the use of Namibian territory for interventionist operations and the presence in the 31st and 32nd battalions of mercenaries, as defined in article 47 of the Additional Protocol I to the Geneva Conventions of 1949.

15. Only a few weeks earlier the world had been shaken by the news of a mercenary attack against the Government of the Maldives. It was clear that the serious problem of mercenaries affected not only the populations subjected to their aggression but also humanity as a whole, which could not accept any interference with substantive rights such as the right to self-determination and the right to life. In consequence, the report recommended that the General Assembly should reiterate its condemnation of mercenary practices and that it should suggest to the Member States the need to adopt specific measures against mercenary activities.

16. Mr. POHL (Special Representative on the Situation of Human Rights in Iran) introduced the interim report on the situation of human rights and fundamental freedoms in the Islamic Republic of Iran (A/43/705) and expressed the hope that the report would facilitate the work on the subject under consideration. The interim report contained all the information on and allegations of possible human

(Mr. Pohl)

rights violations, the communications sent, and the official comments and replies of Iran. Information received between October and January, observations on current matters, and recommendations and conclusions would be included in the final report. Naturally, both reports were conceived as a whole.

17. Referring to the section of the report on communications with the Government of Iran, he emphasized that he had denied that Government's request for him to interview witnesses wishing to testify about the use of chemical weapons in Iraq, since the allegations related to events which had apparently taken place in Iraq. Under the terms of his mandate from the Commission on Human Rights, he was not authorized to examine that situation. Those communications also provided an opportunity to consider the advisability of Iran providing detailed and substantiated replies to the allegations of human rights violations and to bring to Iran's attention the serious concern about the repeated and coinciding reports regarding a surge in summary executions between July and September of 1988. Many of the existing problems must be considered in the light of their deeper causes, including the war with Iraq.

18. There were continuing reports of summary executions, specifically in Teheran, Tabriz, Karaj, Arah and Rodsar. Whatever had motivated those incidents, summary executions constituted in themselves a violation of international norms and a breach of the provisions of the International Covenant on Civil and Political Rights.

19. Such developments notwithstanding, he wished to stress the importance of the recent statements of the Government of Iran, summarized in section IV of the report. Those statements contained various positive points and gave grounds for hoping that Iranian theory and practice might be brought into line with international human rights norms. At the same time, obstacles to co-operation between Iran and the Special Representative continued to exist. For example, Iran objected to the resolutions of the Commission on Human Rights identifying the Baha'is as a religious minority and to the use of information coming from the group known as Mojahedin-e Khalq. In that connection, he drew attention to the relevant explanations contained in paragraphs 60 to 65 of document E/CN.4/1988/24 and in paragraph 60 of the interim report.

20. In any event, the Iranian authorities had pledged to provide detailed responses to the allegations of human rights violations and had announced that those responses were already being prepared. One way to speed up compliance with the international reporting obligation - an objective even more important as it coincided with the cease-fire between Iran and Iraq - might be to submit a series of partial replies, on the understanding that, in the end, explanations would have been provided for all the cases communicated.

21. Mr. ERMACORA (Special Rapporteur on the situation of human rights in Afghanistan) introduced the report on the situation of human rights in Afghanistan (A/43/742) prepared in accordance with Commission on Human Rights resolution 1988/67 and Economic and Social Council decision 1988/136.

(Mr. Ermacora)

22. During the period under consideration, important political developments had occurred, inter alia, the conclusion on 14 April 1988 of the Geneva agreements on the settlement of the situation in Afghanistan and the start of the withdrawal of Soviet troops from that country. The information which he had received on the evolution of the human rights situation in Afghanistan following the signing of the Geneva Agreements indicated that military activities continued to cause heavy losses among the civilian population. He reiterated that the Geneva agreements, which laid down the conditions for the exercise of the right to self-determination, did not take into account all the important human rights issues.

23. While the situation had improved in government-controlled areas, that did not mean that it was in full conformity with the international human rights instruments to which Afghanistan was a party. For example, allegations of torture and ill-treatment of prisoners had been received. He had raised the matter of torture with high-ranking officials in the Afghan Government and had received assurances that measures would be taken to ensure those responsible for such acts would be punished in accordance with domestic law and pursuant to provisions of the the Convention against Torture, to which Afghanistan was a party. However, despite the announced intention of the Afghan Government to put an end to such acts, shocking cases of torture had been reported. As of September 1988, the number of political prisoners had diminished to around 2,125.

24. The existence of minefields was particular cause for anxiety and concern in connection with the return of refugees and was the major impediment to reconstruction efforts in Afghanistan. Reports had also been received of the continued use of booby traps and of cases of persons wounded following mine explosions.

25. As for the human rights situation in combat areas, all sources of information indicated that military engagements continued, despite the Geneva agreements. During the withdrawal of Soviet troops, the bombardment of Afghan villages and houses had continued. Several such incidents, including attacks on convoys by opposition movements and acts of retaliation, had occurred following the conclusion of the Geneva agreements.

26. Acts of terrorism were another feature of the conflict. Many innocent civilians had been killed in that way outside the area of hostilities, in Pakistan as well as Afghanistan, particularly in Kabul. In Afghanistan, terrorist acts were imputed to opposition movements; in Pakistan, they were imputed to the armed forces. Recent information showed that, in October 1988, 230 civilians had been killed and 580 people had been wounded as a result of rocket attacks on Afghan villages. Following combats on the outskirts of Kunar, nearly 5,000 civilians had become refugees and had been unable to return to their homes.

27. As for the situation of human rights in areas not under Government control, he had been unable to visit such areas. The report of the Swedish Committee for Afghanistan on the Panshir valley and the consolidated report of the United Nations co-ordinator on the economic and social situation in Afghanistan provided valuable information on the subject.

(Mr. Ermacora)

28. As far as the situation of refugees was concerned, the Geneva agreements had so far not solved the problem. The situation of the more than 5 million refugees who had been forced to leave Afghanistan, owing to political persecution and the effects of war, had not changed. Despite continued efforts by the Afghan Government to persuade refugees to return home and to facilitate their reintegration into Afghan society, at the time of his visit to Afghanistan the guest houses built in the provinces to accommodate returnees had been empty. According to the Government, 30,000 refugees had returned to Afghanistan since the signing of the Geneva Agreements. Some of the people he had interviewed in Afghanistan had told him that they had returned because they believed in the reconciliation process. He had been able to speak with many refugees in Pakistan, who had confirmed their willingness to go back on the following three conditions: the complete withdrawal of Soviet troops; the abolition of the current Government; and the clearing of minefields, which represented a significant threat to their personal safety.

29. In post-war Afghanistan, it would be essential to adopt concrete measures aimed at ensuring the observance of human rights. In the prevailing situation, human rights violations must stop at all levels regardless of the ideological priorities of the various parties concerned. The human rights enshrined in the Constitution of Afghanistan and in the various international human rights instruments must be guaranteed regardless of the type of government which might be established in the country.

30. Mr. VOLIO JIMENEZ (Special Rapporteur on the situation of human rights in Chile) introduced the report on the protection of human rights in Chile (A/43/624), which referred to the most important developments in Chile during the first half of 1988 and to some developments which had occurred up to September 1988. The conclusions of the report recalled some of the more salient factors undermining the exercise of human rights in Chile, at the time when he had first received his mandate, such as the state of siege, the mass banishments and the large number of people exiled, and took stock of the favourable and unfavourable developments. The recommendations included, in particular, the relevant measures which the Government could adopt in order further to improve the situation of human rights. His comments on the 5 October 1988 plebiscite were given in an appendix.

31. Currently, the state of siege and the states of emergency had been lifted; political parties had been legalized; the practice of administrative banishments had ended; the military rectors of the universities had been replaced; there were no more Chilean exiles; and the various constitutional fundamental acts had taken effect. A genuine, open plebiscite had also taken place to determine the people's wishes concerning a phase in the transition to representative democracy, which should ultimately culminate in the establishment of a system of government with an appropriate legal and political framework for the protection of human rights.

32. However, Chilean military justice was violating the rules of due process of law and there were special laws which gave rise to repressive measures which were unduly harsh and counterproductive from the standpoint of democracy and which should be studied in the light of the recent political opening. In any event, those laws

(Mr. Volio Jimenez)

in and of themselves required urgent, albeit careful, reform. The Code of Military Justice also exceeded the reasonable limits established in democratic societies to protect the armed forces as an institution without infringing public freedoms and placed the military and police forces in a privileged and discriminatory position. He was increasingly concerned about that situation. However, he had received information from the Government that his recommendations in that connection would be carried out.

33. Notwithstanding information to the contrary, the number of cases of illegal coercion, including torture, appeared to have declined. Nevertheless, it was important to remain vigilant until such repugnant practices against the physical and psychological integrity of detainees ceased. The signing and ratification by the Government of Chile of the conventions against torture of the United Nations and the Organization of American States was an encouraging development.

34. It was essential that the Government of Chile co-operate effectively with the police authorities in order to identify those responsible, said to be members of the armed forces, for a number of very grave human rights violations, such as the cases of the people found with their throats cut, the burn victims, "Operation Albania" or the "Corpus Christi massacre", and the murders on the night of 15 September 1987. It was also necessary to identify the cowardly and irresponsible individuals who intimidated anyone who did not agree with Government policy.

35. The restoration of representative democracy on 14 December 1989 would be the final step towards achieving a substantial improvement in the human rights situation and enabling the Chilean people freely to determine its destiny. In 1989, the year in which the bicentennial of the French Revolution would be commemorated, all Chileans must find a way of joining forces, in pursuit of higher goals, to repudiate sectarianism, extremism and radicalism, which advocated illusory goals and heightened conflicts instead of resolving them.

36. Mr. MAUTNER MARKHOF (Chief, Special Procedures Unit, Centre for Human Rights), introducing the report (A/43/736) prepared by Mr. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador, said that reports of previous years had reflected an improvement in the human rights situation in that country since Mr. Napoleón Duarte had become President, an event that had resulted in a substantial reduction in the number of attempts on people's lives. In 1988, however, the situation had been reversed and there had been an increase in the number of summary executions and disappearances attributable to government agents, particularly members of the armed forces or the so-called "death squads" said to be linked to the State apparatus, an assumption which, although investigations had not been able to verify it, seemed credible and likely.

37. The criminal justice system in El Salvador was also cause for concern because, despite the efforts made by the Attorney-General of the Republic and a number of judges to investigate and punish serious human rights violations, it had not been possible to hand down sentences within reasonable periods of time. The assassination of the military judge Serrano Panameño showed the risks run by

(Mr. Mautner-Markhof)

magistrates who wanted to work honestly and independently. On the whole, the criminal justice system was not working properly, a situation which encouraged a harmful climate of impunity which had been reinforced by the promulgation and implementation of the Amnesty Act of October 1987.

38. With regard to the armed conflict, the regular forces continued to cause casualties among the civilian population, not in any systematic or widespread manner but occasionally, as a result of bombardments, mortar-fire and the explosion of mines. Generally speaking, the civilians did not die in combat, but were victims of summary executions carried out by the army.

39. The Special Representative believed that President Duarte was still concerned about respect for human rights but that his government policy was not producing the desired effects, particularly with regard to respect for the right to life. It had already been clear in previous years that the Government did not control all parts of the State apparatus, but in 1988 that lack of control was even greater. That new situation was apparently due to the changed balance of political forces resulting from the March legislative elections. President Duarte's serious illness, the climate of impunity brought about by the promulgation of the Amnesty Act and the intensification of the activities of guerrilla organizations, which were executing, abducting and murdering civilians and continuing to attack the country's economic infrastructure.

40. The situation described was discouraging and confirmed the need to find a peaceful, negotiated solution to the conflict, but the current resurgence of violence did not help create the conditions needed for dialogue. It was essential that the parties concerned, namely, the Government, all the country's political powers, authorities and forces and the guerrilla organizations take measures conducive to the complete elimination of attacks on the life and integrity of persons.

41. Mr. TIRADO MEJIA (Colombia) said that the defence of human rights, to which all humanity aspired, had gradually been transformed from a set of minimum rights that must not be violated by States under any pretext into an instrument by which the most vulnerable segments of society might realize their aspirations to equality, justice and development.

42. One way to guarantee the universality and the exercise of human rights was to recognize that they could also be violated by private entities or individuals. Colombia had therefore enthusiastically welcomed the communiqué adopted at the Conference of the Movement of Non-Aligned Countries held in Cyprus in September 1988, to the effect that special attention should be given to the growing pernicious link between terrorist groups and drug traffickers.

(Mr. Tirado Mejia, Colombia)

43. That expansion of the scope of the binding nature of human rights did not absolve States of their responsibilities as the main guarantors of those rights; in fact, their legitimacy and their ability to enforce the law depended on acceptance of the absolute ban on violating those rights. Furthermore, it was necessary to adapt States' institutional structure so that they could implement human rights in all their diversity and prevent conflicts from exceeding the bounds of social control.

44. Mindful that the growth of terrorism and drug trafficking was a direct cause of violence in many societies, Colombia would continue to urge concerted action against those scourges. His Government had made concrete proposals aimed at enabling the international community to confront the conflict in third world countries and to co-operate more effectively in the struggle to consolidate their democracies, something which required an ongoing, multifaceted effort at all levels of society.

45. The factor which most seriously threatened the situation of citizens faced with violence or abuses of power was the inability of society as a whole to defend itself against the impact of underground economies and other forms of illegal enrichment. It was therefore essential to promote a culture based on coexistence and respect, in opposition to the ideologies of violence, intolerance and aggressiveness. That was what was being done in Colombia, where campaigns reaching out to more than 25 million Colombians were helping to teach democracy, denounce abuses, render public activities more open and show the destruction caused by all forms of violence.

46. Fortunately, the United Nations and other multilateral organisations helped in the essential task of monitoring respect for human rights and providing preventive assistance in the fields of education. Dissemination of information and the strengthening of the bodies responsible for ensuring the full implementation of such rights. In its efforts, Colombia had received considerable support from the United Nations Centre for Human Rights and the United Nations Development Programme (UNDP).

47. Mr. ARAMBURRI (Argentina) said that his delegation wished to join in the celebration of the fortieth anniversary of the Universal Declaration of Human Rights, which represented a landmark in the process of consolidating human rights and a universally recognized norm of international law that had made it possible to overcome differences among the various legal, cultural and political systems and to give individuals and peoples greater protection against abuses of power.

48. The body of international human rights instruments, one of the major advances in international law in the twentieth century and one of the most important contributions of the United Nations to mankind, currently constituted a substantial corpus of law which served as a framework for action by the community of nations. The Latin American countries were among the conceptual precursors in the areas of human rights and fundamental freedoms, which were enshrined in their constitutions.

(Mr. Arambarri, Argentina)

49. The Declaration on the Right to Development as a basic human right, contained in General Assembly resolution 41/128, was one of the international human rights instruments; it was therefore regrettable that it had not been adopted without a vote and that it continued to be merely an aspiration for some. His country also attached importance to the drafting of a convention on the protection on the rights of all migrant workers and their families, and was pleased to see that the relevant Working Group had made great strides towards concluding its work as soon as possible.

50. His delegation was further convinced that there were no human rights, whether civil, political, or economic, which were more important than others, and that the failure to realize certain rights could not serve as a pretext for denying the exercise of other rights. Indeed, the prospects for building a world of peace and prosperity for all were largely dependent on the full realization of all human rights. Thus, the duty to solve existing problems in that area was incumbent on the entire international community, particularly the nations with greater resources, which should make greater efforts to find a solution to the economic crisis of the developing world; the developing countries were particularly harmed by the current condition of the world economy and by the reverse transfer of resources to the developed countries.

51. It was necessary to analyse the economic difficulties facing the developing countries as a consequence of the unjust international economic situation. That situation was characterized, *inter alia*, by protectionism, low prices of raw materials, fiscal imbalances among the large economies and the external debt burden, which threatened the future of the highly indebted countries. It was sufficient to mention that as a result of the internal policy measures of some industrialized countries, the average real interest rate had risen from approximately 2 per cent from 1963 to 1980 to approximately 7 per cent from 1981 to 1986. That situation explained the paradox of the Latin American debt: in 1980 it had amounted to \$250 million dollars, and despite the payment of \$150 million, it was currently estimated to be more than \$400 million. Moreover, owing to the annual subsidies of from \$60 billion to \$70 billion which some industrialized countries allocated to the agricultural sector, agricultural prices on the world market had fallen to the lowest levels since 1930. For his country, an agricultural exporter, that had meant annual losses of revenues similar to the amount of the annual service on its external debt.

52. Overall, in the words of President Alfonsín, "It is sometimes surprising to observe the contrast between the concern which the developed world expresses for the freedom of the South and its lack of interest in the welfare of the South".

53. Furthermore, in an increasingly interdependent world, the development of the South was becoming both an imperative and a convenience for the countries of the North, since the expansion of their trade increasingly depended on the growth of the economies of the South. If it was not understood that the question of the

(Mr. Arambarri, Argentina)

external debt required a political, not an economic solution, if the sharing of responsibilities between debtor and creditor countries was not seen as a necessity, and if it was not understood that those problems directly affected the quality of life of their peoples, it would not be possible to attack the true causes of the impoverishment from which the developing countries were suffering.

54. Mr. ZEPES (Greece), speaking on behalf of the 12 States members of the European Community, said that 40 years had elapsed since the adoption of the Universal Declaration of Human Rights, which had laid the foundation for the existing system of international protection of human rights. It was beyond doubt that during those 40 years there had been important progress in that domain. An increasing number of States had adhered to the principles set forth in the international instruments on human rights; others had established more rigorous provisions at the national and regional levels. However, the process of protecting and promoting human rights was far from complete. The Twelve found it deplorable that the fundamental principles set forth in the Universal Declaration, the International Covenants on Human Rights and the other related instruments were still being flagrantly violated in various parts of the world. The violation of human rights in any part of the world was a legitimate concern of States, the United Nations and world public opinion. Such concern and its concomitant activities could not be construed as unwarranted interference in the internal affairs of States; that point had been made clear by the International Court of Justice.

55. It was worth remembering the experience of several States which had returned to civil rule and pluralism. The representatives of such States had almost invariably claimed that the involvement of third States and international organizations had been salutary for their people's struggle for human rights and democratic civil rule.

56. The establishment of universally accepted human rights standards had been a major achievement of the United Nations. Their implementation should now be the primary task. The existing machinery for monitoring the implementation of the International Covenants on Human Rights and other human rights instruments must be used to the best effect. It was essential that the necessary resources should continue to be made available in order to maintain and strengthen the United Nations machinery for the protection of human rights. It should be recalled that human rights programmes constituted less than 1 per cent of the overall expenditures of the United Nations. Past experience had shown that cuts in those resources jeopardized the whole system and its important objectives.

57. It was worth pointing out that over the past decade the United Nations had adopted a far more dynamic profile in the field of human rights. The Commission on Human Rights had established, together with country rapporteurs, specialized thematic mechanisms which addressed specific categories of human rights violations. Those mechanisms included the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteurs on torture, summary and arbitrary executions, and religious intolerance. The Twelve appealed to all Governments to co-operate fully with those groups and Special Rapporteurs, and underlined the

(Mr. Zepos, Greece)

importance of the Working Group on Enforced or Involuntary Disappearances, which, since 1980, had asked some 45 Governments to justify more than 15,000 cases of "disappearances". Unfortunately, only 7 to 8 per cent of such cases had been formally "clarified"; however, the publicity given to them through the intervention of the Working Group had prevented more disappearances from occurring. The Twelve welcomed the extension for another two years of the Working Group's mandate and urged all Governments concerned to co-operate more actively with the Working Group.

58. In many countries there continued to be instances of summary or arbitrary executions, in violation of the right to life stipulated by the Universal Declaration and the International Covenant on Civil and Political Rights. The Twelve commended the Special Rapporteur's efforts in that area and welcomed the renewal of his mandate for two more years. However, they regretted that of the 27 Governments which had been asked by the Special Rapporteur, in his report to the Commission on Human Rights at its forty-fourth session, to reply to his communications about alleged summary and arbitrary executions, only 8 had responded. In addition, the Special Rapporteur had issued an urgent appeal to 11 Governments (8 of which had not been among the original 27) in an effort to forestall "imminent" summary executions, and only 3 States had responded. States must co-operate with the Special Rapporteur and take his recommendations into consideration.

59. The Twelve reiterated their support for the work of the Special Rapporteur on torture, and welcomed the extension of his mandate. They also welcomed the extension of the mandate of the Special Rapporteur on religious intolerance and commended the efficient manner in which he had advanced the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

60. In line with their commitment to promote human rights, the Twelve were also parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Convention, which brought together the countries of Western Europe, was far-reaching not only in its scope but in its enforcement machinery. The judicial framework of the Council of Europe provided for compulsory jurisdiction. It was within that framework, for example, that complaints of violations of human rights and fundamental freedoms in the Republic of Cyprus were being dealt with. An additional mechanism of great importance was the optional procedure involving the right of individual petition, to which all twelve States members of the European Community had acceded.

61. The Twelve underlined the particular importance they attached to the right to set up free and democratic trade unions, a matter of fundamental significance in the establishment and preservation of a democratic society. Further, they supported the launching, in 1989, of a world public information campaign on human rights. Such a campaign should be carefully focused and practically oriented. The Twelve intended to participate actively in the campaign.

62. The Twelve welcomed developments in the Soviet Union and in some Eastern European countries which had led to the opening up of their political systems. In

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particular, the Twelve welcomed, in the Soviet Union, the release of a large number of prisoners of conscience, the indications of a new attitude towards emigration, and greater religious freedom. The European Community also noted with interest the major review of criminal law that was taking place in the Soviet Union and the public discussion of the death penalty. Furthermore, the Twelve welcomed the Soviet Union's ratification of the Convention against Torture and Hungary's accession to the Optional Protocol.

63. There remained a few situations that continued to give rise to grave concern. Thus, for example, Romania had recently been the subject of a number of disturbing reports regarding human rights violations. The Twelve expressed their serious disquiet at the policy of "systematization" being pursued by the Romanian Government, a policy that had negative consequences for the preservation of the cultural heritage of the country and for respect for human rights. The Twelve renewed their appeal to the Romanian Government to take into account their preoccupations in that matter and urged the Romanian authorities to respect the status of United Nations Special Rapporteurs.

64. Mr. Jativa (Ecuador) took the Chair.

65. The Twelve continued to pursue their common policy designed to contribute to the total dismantling of apartheid by peaceful means. The European Community had repeatedly appealed to the South African authorities to release Nelson Mandela and other political prisoners. Everything seemed to indicate that the South African régime was unwilling to introduce real and significant changes, in view of which the Twelve would continue to work for a situation in which South Africa could become a fully democratic country, where all citizens could exercise their human rights.

66. The Twelve remained committed to independence for Namibia and had repeatedly called for implementation of the United Nations plan for Namibia without further delay or conditions. The Twelve welcomed the recent understanding reached in Geneva by Angola, Cuba and South Africa, with United States mediation, and trusted that those developments would bring about the early implementation of Security Council resolution 435 (1978), so that the people of Namibia could exercise their right to self-determination and enjoy their human rights and fundamental freedoms.

67. The European Community was concerned by reports indicating an increasing climate of tension and a serious deterioration in the situation in the Arab territories occupied by Israel since 1967. The Twelve were also disquieted by Israel's decision to continue its policy of deportation and administrative detentions. The Twelve deplored the repressive measures taken by Israel and reiterated that the fourth Geneva Convention of 1949 relative to the Protection of Civilian Persons in Time of War was applicable. The chronic unrest in the occupied territories was a spontaneous reaction based on the legitimate aspirations of the Palestinian people.

68. With regard to Afghanistan, the European Community was also concerned by the continuing allegations of torture and ill-treatment of prisoners on remand and of

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political prisoners, although the number of political prisoners had fallen significantly as a result of various measures taken since February 1988. Moreover, conditions of detention in some prisons had improved. The Twelve demanded respect for international humanitarian law by all parties. The unchanged situation with regard to human rights violations revealed in the Special Rapporteur's report left no doubt that the General Assembly should retain the question on its agenda. It was gratifying that the Afghan authorities had improved their co-operation with the specialised agencies of the United Nations system, with the Office of the United Nations High Commissioner for Refugees and with the International Committee of the Red Cross.

69. The European Community urged Viet Nam to withdraw all its troops from Cambodia promptly and unconditionally and commended the efforts of the ASEAN countries to devise a political solution to the conflict that would result in the establishment of an independent, democratic, neutral and non-aligned Kampuchea. The Twelve were also concerned, on the basis of continuing reports that the police and public security forces were maltreating political prisoners, over human rights violations in Viet Nam. Further, the European Community was disquieted by the dramatic levels of violence reported in Burma, and reiterated its appeal to all parties concerned to initiate without delay a meaningful dialogue aimed at restoring democracy and organizing free multiparty elections. Continued reports of human rights violations in East Timor also gave cause for concern. In that connection, it was to be hoped that respect for the human rights and fundamental freedoms of the people of East Timor would be restored and fully guaranteed.

70. The European Community was particularly concerned by reports of an increased number of executions in Iran, largely of prisoners who had been members of various opposition groups, and by the persecution of the Baha'is. The Twelve called upon the Government of Iran to discharge its obligations under the International Covenant on Civil and Political Rights and to extend its full co-operation to the Special Representative. The situation of the Kurdish population was preoccupying, particularly in Iraq, a country which should respect the fundamental human rights of that population.

71. There was little progress in the peace process in Central America, and the continuing violations of human rights and fundamental freedoms threatened peace as a whole. In that connection the fundamental importance of a genuine process of democratization must be underlined once again. The European Community urged the Central American countries to give a decisive new impetus to the peace initiatives. With respect to the human rights situation in El Salvador, the Twelve stated their grave concern over the reports of strong psychological pressure on political prisoners and of the inability of the criminal justice system to investigate and punish serious human rights violations. The Twelve strongly encouraged the Government of El Salvador to ensure the effectiveness of the judiciary as soon as possible. The Twelve also called for the immediate implementation by the interested parties of the measures recommended by the Special Representative.

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72. With regard to Guatemala, the Twelve condemned the assassination of a leading trade unionist, Carlos Martínez Godoy, on 14 October, and urged the Government to spare no effort in bringing the murderers to justice. The Twelve also urged the Government of Guatemala to discharge fully the commitments it had undertaken in the field of human rights. With regard to Chile, the Twelve welcomed the results of the plebiscite as a first step towards the return to democracy and took note of the assurances of the Government that it would fully respect the will of the people. The Twelve paid special tribute to the courage and tenacity of the Chilean people in their endeavour to secure a return to democracy. None the less, the Twelve deplored the continuing reports of violations of the right to life, liberty and security of the person and of the right to a fair trial, as well as reports of torture of detainees.

73. He emphasized the significant service performed for the world community by Amnesty International, the International League for Human Rights, the International Commission of Jurists, and other organizations which brought continuing human rights violations throughout the world to public attention. The Third Committee could not remain indifferent in the face of the tyranny, oppression and indiscriminate violence which persisted in many countries. The Twelve would continue to do their utmost to ensure that the United Nations was capable of responding rapidly and effectively to human rights violations whenever and wherever they might occur.

74. Mrs. MUKHERJEE (India), supported by Mr. GALAL (Egypt) and Miss AIQUAZE (Nigeria), asked the Chairman not to allow any speaker to exceed the 10 minutes permitted for a statement.

AGENDA ITEM 105: NEW INTERNATIONAL HUMANITARIAN ORDER (continued)
(A/C.3/43/L.38/Rev.1)

Draft resolution A/C.3/43/L.38/Rev.1

75. Mr. BOUTET (France), introducing the draft resolution, said that his delegation, wishing to reach a consensus, had tried to take into account the views of all parties concerned. Brazil had made important suggestions, on which consultations had been held; that had led to a compromise solution, consisting in the insertion of the word "the initiation" before the words "the organization" in paragraph 2 of the draft resolution. That amendment had made it possible to achieve a consensus.

76. He announced that eight countries had joined the sponsors of the draft resolution: Burundi, Gabon, Jamaica, Morocco, Senegal, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

77. The CHAIRMAN informed the Committee that Sierra Leone had also joined the sponsors of the draft resolution. If he heard no objection, he would take it that draft resolution A/C.3/43/L.38/Rev.1 would be adopted without a vote.

78. Draft resolution A/C.3/43/L.38/Rev.1, as orally amended, was adopted without a vote.

79. Mr. WHITAKER-SALLES (Brazil) expressed his gratitude for the effort made by the delegation of France to take account of his Government's concerns and his satisfaction at the amendment made to the text. Emergency assistance in cases of disaster, which was of unquestionable importance, could be considered, not as an obligation of States and non-governmental and international organisations, but rather as a moral duty of international solidarity which was demonstrated regardless of political positions. Nevertheless, it should be kept in mind that that type of assistance could not be given without the approval of the country concerned. The affected State alone should decide whether it wished to receive such aid and from whom it wished to receive it; otherwise, even humanitarian assistance could be interpreted as interference in a country's internal affairs.

80. Mr. HELLER (Mexico) said that his delegation had voted in favour of the draft resolution because it felt that the text responded to a humanitarian concern and referred solely to victims of natural disasters and not to other emergency situations. Unfortunately, there had been cases in which, under the description of humanitarian assistance, aid had been given to armed groups with a view to destabilising the situation in a country. He would have liked the draft resolution to contain a clear definition of the type of assistance with which it was concerned.

81. Ms. SINEGIORGIS (Ethiopia) expressed appreciation for the efforts made by the delegation of France to conduct consultations in order to accommodate her country's point of view. Nevertheless, the final text of the draft resolution was ambiguous and it was not clear what it was intended to achieve. Furthermore, it stated the obvious with regard to a practice which all societies had throughout the centuries accepted as a moral obligation. The draft resolution did not deal only with humanitarian assistance but also involved the sovereign rights of States within their own territories and inter-State relations. As could be seen from paragraph 6, there were three parties involved, namely the State which requested transit, the State which authorized it and the receiving State. The lack of clarity in that paragraph could have been avoided if a clear reference had been made to the need for the States concerned to make the request and give consent. Her delegation interpreted paragraph 6 to mean that the request and consent were indispensable before neighbouring States could take the measures which the draft resolution seemed to call for. In any event, the draft resolution would require further consideration with the participation of the Second and Sixth Committees of the General Assembly.

82. During the devastating droughts of 1984-1985 and 1986-1987, Ethiopia had received generous assistance and co-operation from Governments and intergovernmental and non-governmental organizations. Although that aid was valuable to affected countries, it should be absolutely clear that all relief activities carried out by expatriates in any country must be governed by domestic law and not by resolutions or decisions of bodies or institutions which were inconsistent with the sovereignty, territorial integrity or security interests of the affected country. In that respect, the draft resolution left much to be desired. That should be underscored because there had been instances when some had considered humanitarian activities to be above both national and international law. Ethiopia had never countenanced that type of behaviour and would not do so in the future.

(Ms. Sinegiorgis, Ethiopia)

83. Notwithstanding the reservations expressed, her delegation had joined the consensus and emphasized its commitment to all efforts in the area of assistance undertaken for purely humanitarian purposes.

84. Mr. RODRIGUEZ (Peru) said that his delegation had participated in the consensus because it supported the objective and thrust of the provisions of the draft resolution. Nevertheless, because of some ambiguities, it was his understanding that the assistance referred exclusively to cases of natural disasters or similar situations and that it could never be used as an instrument for interfering in the internal affairs of States. The existence of rights or obligations with regard to assistance should not be inferred from the draft resolution and all its paragraphs should be interpreted in accordance with the principles and norms of international law and with full respect for the internal laws and regulations of the receiving State.

85. Mr. HASSAN (Sudan) said that, as a result of the amendment introduced orally by the sponsors, his country had been able to join the consensus, because the new text responded to a large extent to its concern that aid should never be used as a means for interfering in the internal affairs of other States.

86. Mrs. VARGAS (Nicaragua) said she had some reservations concerning the draft resolution because it lacked clarity and did not fully guarantee the application of the norms of international law. It should be stressed that the draft resolution referred exclusively to natural disasters, because in some cases disasters had been caused by certain countries' policies of aggression and interference in the internal affairs of other States. Furthermore, it was for the receiving State to accept the aid offered and to play a basic role in its distribution. The role of the United Nations, and particularly of UNDR0, in that regard, in co-operation with national authorities, should also be made clear.

87. Mr. DAMM (Chile) said that, although his delegation had participated in the consensus, the provisions of the draft resolution should not be interpreted as allowing interference in the internal affairs of States.

The meeting rose at 1.45 p.m.