



SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. ABULHASAN (Kuwait)

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The meeting was called to order at 3.05 p.m.

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

1. Mr. SERRANO CALDERA (Nicaragua) said that the war that Nicaragua had been enduring for the past seven years was a flagrant violation of human rights on the part of the current United States Administration, which was generating financing and directing it. For a number of years, his Government had been striving to establish a legal and institutional system that would fully guarantee the exercise of fundamental human rights. That process was being carried out, amid great difficulties, with the aim of adapting the country's laws and institutions to the far-reaching changes which had taken place in Nicaraguan society. The process involved three stages. The first had consisted of the Fundamental Statute and the Statute of Rights and Guarantees of Nicaraguans, as well as the acts on political parties and the Council of State and electoral laws. The second stage had consisted of the process leading up to the adoption of the Constitution. The last, and current, stage consisted of the restructuring of laws to bring them into line with the new Constitution. The National Assembly and other institutions were preparing draft codes and laws in their fields of competence with a view to the legal transformation of Nicaragua and its judiciary.

2. Among the laws drafted in the third stage, the law on autonomy was concerned with the ethnic communities on the Atlantic Coast and recognized their cultural, ethnic and linguistic identity, their rights to the land and their rights under article 26 of the International Covenant on Civil and Political Rights. That law went further than international legal instruments, in that it reaffirmed the diversity of Nicaragua's ethnic and cultural groups rather than seeking their integration or assimilation into the dominant national culture. It had also been the result of a dialogue with representatives of the communities concerned. The new law on amparo provided for three special remedies: habeas corpus; the right of amparo against actions of the executive branch and the public administration; and the power to contest the constitutionality of laws and regulations.

3. The Esquipulas II agreement had been an historic event for the Central American region. Rising above ideological and political differences, it had embodied the Central American peoples' yearning for peace. Nicaragua's fulfilment of the commitments entered into at Esquipulas was reflected in the report of the International Verification and Follow-up Commission, which confirmed that tangible steps had been taken to set in motion a democratic process in Nicaragua. In addition to the laws adopted in 1988 strengthening civil and political rights, there had been a number of other important developments. Those included the abolition of people's courts, the lifting of the state of emergency, the policy of

(Mr. Serrano Caldera, Nicaragua)

repatriation which had enabled thousands of Nicaraguans to return home, and the granting of amnesty. The Constitution in its article 26, had also incorporated as constitutional provisions, the Universal Declaration of Human Rights, the American Declaration of Human Rights, the International Covenants and the American Convention on Human Rights.

4. Nicaragua's efforts to promote human rights were being pursued at a time when it was enduring external aggression and efforts at internal destabilisation carried out by self-styled champions of human rights. Seven years of aggression against the people of Nicaragua could only be regarded as a violation of human rights, of article 1 of the International Covenants establishing the right of peoples to self-determination and of the judgement of the International Court of Justice.

5. Mr. WULFFTEN PALTHE (Netherlands) said that international human rights law suffered from the same flaw as international law in general, in that enforcement was almost impossible and it was difficult for the international community to impose sanctions on States that violated human rights. Compliance with international standards therefore depended largely on the political will of States. The most effective way to force Governments to comply with international human rights standards was for the population of a country to exert pressure from within by claiming its enjoyment of human rights. Such active popular participation could flourish only within a political framework in which a system of checks and balances had been created, every individual had the right to participate, either directly or through its chosen representatives, and legislative and judicial bodies were independent of the executive, in other words, in a democracy. It was not by chance that most violations of human rights took place in countries that lacked such a system of checks and balances.

6. His delegation was gravely concerned that a large number of very serious human rights violations were being left unaddressed. It was unclear who was responsible for those violations: Governments, groups which took the law and law enforcement into their own hands, or opposition groups. In many cases, political and criminal violence seemed indistinguishable. So-called death squads seemed to operate freely. Internal and international armed conflicts also remained a major source of flagrant human rights violations. Even when Governments faced difficulties in controlling violence in their own countries, however, situations of serious human rights violations should not escape international attention, and support should be offered to those Governments which showed a clear political will to adopt policies aimed at the promotion and protection of human rights.

7. The Netherlands was pleased that the Chilean people had been able freely to express their opinion in the recent plebiscite and hoped that they would be able to elect a parliament and a President freely within the established time-frame. The report of the Special Rapporteur still contained some serious allegations relating to the denial, restriction or limitation of universally recognized fundamental freedoms in Chile.

8. Regrettably, after some years of gradual improvement, the human rights situation in El Salvador had again taken a turn for the worse: the death squads

(Mr. Wulfften Palthe, Netherlands)

were active again and disappearances and cases of torture had been reported. The restoration of democracy and respect for human rights were an essential part of the peace process in Central America. They could not be achieved by intimidating the political opposition and trade unions, as had occurred in the violent suppression of demonstrations at Nandaimé, Nicaragua. The unconditional release of all those arrested on that occasion would be in keeping with the spirit of the Esquipulas II agreement.

9. His delegation had learned with concern of the harsh treatment of political opponents in Cuba once the members of the Commission on Human Rights who had visited the country in September 1988 had left. Several dissidents had recently been arrested and sentenced to prison terms. The genuine protection of human rights required more than surface measures, including full recognition of civil and political freedoms.

10. In Colombia, the Government admitted that its army was responsible for some human rights violations and maintained that it lacked the means to prevent elements in society from committing crimes. It should be noted that Colombia remained dedicated to the fulfilment of its responsibilities, as was shown by the appointment of senior officials for the protection of human rights. It was to be hoped that the Government would succeed in establishing effective control over the paramilitary forces active in the country.

11. It was particularly outrageous that even children had been the victims of enforced or involuntary disappearances and had in some cases been illegally adopted, sometimes in neighbouring countries. Paraguay, in particular, should be urged to take immediate measures for the return of illegally adopted children to their countries of origin and, more importantly, to their families.

12. In South Africa, violence and political polarisation continued and repressive measures remained in place, including arbitrary arrests and administrative detention. The detention of children and young people under South Africa's emergency regulations had been widespread; only a very small proportion of them had been charged or convicted. Their accounts of solitary confinement, severe dietary restrictions, arbitrary withdrawal of so-called privileges and even flogging were shocking.

13. Serious violations of human rights had taken place in Burundi: tensions between ethnic groups had led to outbreaks of violence which had possibly caused tens of thousands of victims. Although peace seemed to have been restored by the army, the latter had reportedly participated in the killings. The recent measures taken by the Government to promote internal reconciliation were hopeful signs.

14. In Ethiopia, Somalia and the Sudan, natural as well as man-made disasters seemed to succeed one another endlessly. The food shortages, the human suffering and the terrible plight of refugees in the Horn of Africa indicated serious problems with regard to the most basic economic and social rights, as well as civil and political rights. His delegation was particularly concerned about the persistence of internal conflicts and the resulting hardship and loss of human

(Mr. Wulfften Palthe, Netherlands)

life. Despite the realities of war, respect for human rights should be ensured in the countries of the region. His delegation welcomed the recent release of political prisoners in Ethiopia.

15. His delegation continued to be concerned about the human rights situation in Viet Nam, in particular about the so-called re-education camps and the practice of detention without trial. The case of several Buddhist monks arrested in 1984 and detained, tortured and condemned to death, some for the crime of creating a human rights movement in Viet Nam, was very disturbing. His delegation appealed to the Vietnamese authorities not to carry out the death sentences and to release the detainees.

16. With regard to Kampuchea, it was of the utmost importance that Vietnamese troops should be withdrawn from the country and democracy restored. The unprecedented horrors of the Khmer Rouge régime must never be repeated; that danger was clearly illustrated by reports on the abominable treatment of Kampuchean refugees in camps under the control of the Khmer Rouge.

17. In Burma, brutal acts committed by the army while dispersing crowds of civilians demanding democracy had resulted in a heavy death toll; more recently, the army had arrested hundreds of Buddhist monks in an attempt to prevent further demonstrations. The Government of Burma must start a dialogue with all parties concerned in order to institute democracy and organize free elections without delay.

18. The right to self-determination of the Afghan people had still not been restored; serious obstacles still existed for internal peace and the protection of human rights in Afghanistan. His delegation called for the withdrawal of all Soviet forces from the country as scheduled. The situation regarding economic and social rights was alarming; aid for the resettlement of Afghan refugees and displaced persons as well as for the reconstruction of Afghanistan was a major national and international task. The report of the Special Rapporteur contained information about serious violations of civil and political rights throughout the country.

19. His Government remained concerned about the situation in the occupied Arab territories. The Palestinian uprising was now being met by the Israeli forces with new methods such as the use of plastic bullets which had caused several deaths and were in violation of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. Israel was also violating other principles of humanitarian law laid down in the fourth Geneva Convention of 1949.

20. His delegation was appalled by reports indicating that chemical weapons had been used by Iraqi forces against the Kurdish population in Iraq. It condemned any use of chemical weapons as a flagrant violation of international humanitarian law. Reports of many cases of disappearances of Kurds, in addition to the mass exodus of Kurds to neighbouring Turkey, were also a matter of grave concern.

(Mr. Wulfken Palthe, Netherlands)

21. The human rights situation in Iran remained disturbing. The report of the Special Representative referred to recent waves of political executions, the ill-treatment and torture of prisoners, the absence in many cases of a fair trial and the large number of political prisoners, as well as continuing harassment and discrimination against Bahai's. It was encouraging that the Permanent Representative of Iran had indicated his Government's willingness to finally co-operate with the Special Representative; that commitment should be put in writing. Action must be taken by the Iranian Government to remedy the human rights situation and the General Assembly must continue to show its concern by requesting further reports by the Special Representative.

22. His delegation was encouraged by the announcement from the Soviet Union that all political prisoners were to be released by the end of 1988. New legislation with regard to the right to leave the country and in respect of persons possessing knowledge of classified material was also a welcome development.

23. His Government was seriously concerned about violations of human rights in Romania, especially the policy of "systematization". Not only the civil and political rights of the population concerned, but also their economic, social and cultural rights, seemed to be in danger. The Romanian Government's efforts to prevent Mr. Mazilu, a United Nations expert, from submitting his report on the issue of youth to the Sub-Commission on Prevention of Discrimination and Protection of Minorities were in violation of article VI of the Convention on the Privileges and Immunities of the United Nations.

24. In Czechoslovakia, individuals who merely drew attention to the Czechoslovak Government's international obligations in the field of human rights had been harassed or arrested time and again. His Government strongly disapproved of the repressive measures taken recently against the organizers of and participants in the Charta seminar which was to be held at Prague; such measures violated United Nations human rights instruments and the Helsinki Final Act.

25. Mr. PALMA (Honduras) said that no country could honestly claim that no violations of human rights occurred in its territory. However, ideological or political criteria should not be uppermost in the struggle to combat policies involving the violation of human rights. There should be no double standards or preferential treatment in the United Nations; any encroachment on human rights must be condemned, wherever it occurred.

26. There could be no true democracy without respect for human rights. Honduras had therefore been one of the first countries to ratify the American Convention on Human Rights, without any reservations or conditions; Honduras was also one of the few States to have recognized the competence of the Inter-American Court of Human Rights. It was for that reason that the current, democratic Government of Honduras had had to appear before the Court to answer allegations of violations which had occurred under previous régimes.

27. Honduras, a small developing country, believed that good intentions were not enough in the area of human rights and that concrete action was needed. The

(Mr. Palma, Honduras)

activities of those who presumed to condemn Honduras should be redirected towards ensuring that their own Governments recognized to the same extent as Honduras, the competence of existing judicial bodies, or accepted the establishment of new human rights courts in regions where they did not already exist. That would show that respect for human rights was something more than political posturing.

28. Mrs. AVICE (France) said that, on the fortieth anniversary of the Universal Declaration of Human Rights, nations must reaffirm their commitment to human rights. There were many forums within the United Nations for the consideration of human rights issues; each had a specific task and mode of operation, since different situations called for different approaches. There was no doubt that the system gradually put in place by the United Nations to advance the cause of human rights had made progress. However, the approach taken by the United Nations was sometimes unduly cautious and over-selective. The United Nations must pursue its efforts to ensure that the most serious violations were denounced without discrimination, so that the moral pressure exerted on those responsible would impel them to respect the various human rights instruments. The international community should also provide more systematic assistance to certain Governments, with their consent, to promote respect for human rights and fundamental freedoms. In that context, her Government had decided to make a voluntary contribution of 500,000 francs to the advisory services provided by the Centre for Human Rights at Geneva.

29. While according priority to the struggle against the most serious violations of human rights, it should not be forgotten that the goal was to ensure respect for all rights, civil, economic, cultural or social. France would continue to support the Commission on Human Rights and in 1989 would seek re-election to it. It also attached great importance to the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and also to the procedure of appointing special rapporteurs. In the field of human rights, the worst enemy was silence. A mass of information was greatly preferable to a lack of information. The United Nations must also endeavour to provide better protection for individuals and non-governmental organizations struggling to protect human rights. The adoption of a draft declaration on the subject could mark the beginning of a new era for human rights.

30. Because of the obstinacy of those who violated human rights, it was necessary to repeat the same principles, insist on clarification and constantly draw attention to violations. The struggle against racism and racial discrimination was more urgent than ever: the apartheid régime must be constantly denounced. At the same time, improvements in human rights situations must not be overlooked. On the European continent, the encouraging efforts being made by the Soviet Union should be welcomed, even if they fell short of the commitments entered into under the Helsinki Agreements. Other situations, such as that in Romania, rightly caused growing concern.

31. No effort must be spared in putting an end to torture in all its forms. The two procedures provided for by the United Nations - the appointment of a Special Rapporteur and the consideration of communications submitted to the Committee against Torture - must be maintained.

(Mrs. Avice, France)

32. The question of enforced or involuntary disappearances was also of particular concern to her country. States and individuals must be assisted, in particular through the United Nations advisory services, in countering that degrading violation of human rights.

33. The deplorable plight of refugees, whose precarious situation was being increasingly exploited to serve extraneous interests, was an exceptionally distressing situation. The United Nations had a unique role to play in alerting the international community to particularly flagrant abuses of that kind.

34. France attached great importance to the right to development and had voted in favour of the Declaration on the Right to Development, which had the merit of formalising an innovative concept without challenging the primacy of the basic rights of individuals set forth in the Universal Declaration of Human Rights. On a point of working methodology, the time had come for the working group on the right to development to submit its conclusions, even if they were only provisional, to the next session of the Commission on Human Rights. As for the concept itself, the right to development was based on three principles: first, the right to development was not a substitute for the basic rights of the human person, but rather an extension and logical consequence thereof, as was indeed very clearly enunciated in article 1 of the Declaration; secondly, development was based on the free, active participation of the individuals and populations concerned, as reflected in article 2.3 of the Declaration; thirdly, although primarily the responsibility of States, development was the concern of everyone, individuals, groups, organizations and States alike, within the country or abroad. The wide variety of partners and the complexity of the issues involved precluded inflexible approaches and required consensus and the broadest possible participation of all concerned. Those notions of partnership and moral contract should be debated in greater depth when examining ways of implementing the Declaration.

35. While internationally recognized basic human rights could thus be refined and extended, their universal character must in no circumstances be disputed. That brought her to the question of the future of human rights, and in particular to the issues raised by progress in science and technology. In a rapidly changing world, legal responses to those issues must necessarily be seen as an evolving process, even though they must be based on the fundamental principles of the Universal Declaration and the Covenants. Two areas of particular importance were new information and communication technologies, and medicine and biotechnology.

36. Electronic data collection and processing raised the delicate question of respect for privacy and individual freedom. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had commendably adopted draft guidelines for the utilization of computerized records which she hoped would be endorsed by the Commission on Human Rights and the Economic and Social Council.

37. The extraordinary advances made in the life sciences also raised the question of their implications for human rights. The issue was that of the ethical and legal implications of utilizing the scientific and technological possibilities to the full when it came to such questions as human experiments, the use of human

(Mrs. Avice, France)

bodies and procreation. In the world-wide debate on those questions of undeniably universal concern, which had a historic precedent in article 6 of the International Covenant on Civil and Political Rights, the United Nations should be the forum for considering such issues, including the possible misuse of science, in the light of the inalienable principles recognized by all as constituting human rights. In her view, three basic requirements must be met in order to ensure respect for human rights, namely, respect for human dignity, availability free of charge and respect for scientific knowledge and its dissemination without discrimination.

38. The time had come for the international community to express its unanimous determination to press forward and, as the President of the French Republic had recently told the General Assembly, to engage in a debate aimed at paving the way for an ethic of the third millennium, a debate which involved, in particular, defining the rights of humankind. In the meantime the immediate task at hand was to tackle the day-to-day human rights situation throughout the world.

39. Mr. GORITA (Romania) said that the discussion on the item reflected Member States' deep concern about human rights issues and their recognition of the merits of responsible dialogue on ways and means of promoting and improving the enjoyment of human rights and fundamental freedoms and utilizing existing mechanisms to that end. Human rights could not be viewed in isolation from the prevailing international situation and the specific features of a given society.

40. In Romania, a Socialist as well as a developing country, economic and social change and qualitative changes in the life of the Romanian people had created a new framework conducive to the promotion and full enjoyment of the human rights of all citizens on an equal footing, against a background of progress in all sectors. The central place given to the promotion of human rights was highlighted by the Constitution which, together with extensive legislation, placed emphasis on material as well as legal guarantees for the effective realization of human rights. That involved continuous action to guarantee economic, social and cultural rights, without which other rights could not be genuinely achieved on a basis of equality. The aim was to ensure increasing participation by citizens in economic, social and political activity.

41. Ensuring basic human rights meant putting an end to oppression and exploitation and guaranteeing equitable income distribution, the right to education and culture, the right to work and to appropriate remuneration and, in general, improving the living conditions of all citizens. Any debate on human rights issues should focus on those essential aspects, which reflected the genuine, profound concerns of all peoples, and not on marginal issues, chosen selectively in order to distract attention from grave social anomalies such as exploitation of the working people, flagrant economic and social inequalities, unemployment and the many deprivations and frustrations suffered by the broad masses of the people. In that context, his delegation stressed the importance of full realization of the fundamental individual and collective rights of peoples and of nations to life, to peace and to a free and independent existence. That view was shared by many other States which had emphasized that international peace and security were essential elements for the full realization of human rights, including the right to development.

(Mr. Gorita, Romania)

42. While solving human rights problems was the sovereign responsibility of States, national and international economic and political stability played an important role. Since all human rights and fundamental freedoms were indivisible and interdependent, equal and urgent attention should be given to civil and political rights and to economic, social and cultural rights. The promotion and enjoyment of human rights should be approached in the light of the establishment of a new international economic order, based on the standards of international law, justice and equity. In that context, it was natural that many delegations should consider agenda item 12 an appropriate framework for examining ways of creating conditions conducive to the development of mankind, which included the protection and promotion of human rights and fundamental freedoms, and increasingly demand more vigorous action against all manifestations of racism and racial discrimination, hatred, discord, violence and terrorism.

43. The United Nations had at its disposal an appropriate system for dealing with human rights issues, and attention should be focused on ways in which its human rights bodies could fulfil their mandate and on practical measures to ensure that their work reflected more adequately the real requirements of international co-operation in the field of human rights. Such bodies should concentrate on the fundamental, as opposed to marginal formal, aspects of human rights and should not be used for purposes of political and ideological diversion. His delegation was therefore surprised to see that some representatives had again used the Committee's consideration of agenda item 12 to paint a distorted picture of the human rights situation in various countries, including his own. Their allegations about his country were groundless and politically motivated. His delegation had already informed the Committee about the modernization and development plans for Romanian villages and towns, and reports by representatives of various groups from the European Parliament who had recently visited Romania made it very clear that the western countries had been misinformed about the character of regional planning there. The modernization of rural areas was aimed at improving living standards for all inhabitants and concerned the whole territory, preserving the cultural heritage of all localities on an equal footing.

44. Regarding the case of a former member of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, he reiterated his delegation's position, that the allegations made were unfounded and totally irrelevant to the item under consideration.

Draft resolution A/C.3/43/L.41/Rev.1

45. Mr. COSTELLO (Australia), introducing draft resolution A/C.3/43/L.41/Rev.1, entitled "Situation of human rights in the Islamic Republic of Iran", said that his own country's experience had been, when for example the issue of the rights of Australian aborigines had arisen, that the most effective approach was frankness and co-operation with the United Nations on alleged violations of human rights.

46. The interim report of the Special Representative (A/43/705, annex) indicated that some progress had been made and that the Government of the Islamic Republic of Iran had continued to indicate its willingness to increase gradually its

(Mr. Costello, Australia)

co-operation with competent United Nations organs. The Special Representative had, however, drawn attention to numerous allegations of grave human rights violations in that country. Australia considered that the most appropriate way in which to handle inaccurate reports would be to allow the Special Representative to visit the country to deal with allegations on the spot. It therefore welcomed the statement by the Iranian representative on 25 November 1988, which contained a general commitment to full co-operation with the United Nations and the Special Representative. Such general commitments should, however, be set out in more specific terms. In that connection, the sponsors of the draft resolution would do everything possible to help.

Draft resolution A/C.3/43/L.55

47. Mr. BUZO (Byelorussian Soviet Socialist Republic), introducing draft resolution A/C.3/43/L.55 on the status of the Convention on the Prevention and Punishment of the Crime of Genocide, said that the sponsors of the draft resolution, Poland and the Byelorussian SSR, had experienced all the horrors of the policy and practice of genocide during the Second World War, and knew the kind of threat which genocide represented for mankind. They had therefore decided to draw the attention of Member States to the need to prevent any repetition of such events. The draft resolution was based on the provisions of the Convention itself and of other relevant United Nations documents. The sponsors hoped that it would be supported by all delegations in the Committee.

Draft resolution A/C.3/43/L.57

48. Mr. KRIEGER (Luxembourg), introducing draft resolution A/C.3/43/L.57, entitled "Situation of human rights in Afghanistan", said that in the seventh and tenth preambular paragraphs and in operative paragraphs 3, 8, 9 and 10, the General Assembly would emphasize the main points made by the Special Rapporteur in his interim report (A/43/742, annex). The Special Rapporteur had stressed that, notwithstanding some improvements in the human rights situation, there were continuing violations of fundamental human rights throughout the country. Five million refugees remained outside the country, and the report pointed out that the climate of insecurity was an obstacle to their return.

49. The Assembly would therefore, in operative paragraph 9, call upon all the parties to the conflict, in order to alleviate the suffering of the people of Afghanistan, to apply fully the principles and rules of international humanitarian law and to co-operate fully and effectively with international humanitarian organizations. The question of human rights and fundamental freedoms in Afghanistan should continue to be kept under consideration by the international community.

Draft resolutions A/C.3/43/L.64-67, L.70-72

50. Mr. BAGBENI ADEITO NZENGEYA (Zaire) introduced draft resolutions A/C.3/43/L.64, L.65, L.66, L.67, L.70, L.71 and L.72 on the situation of refugees, displaced persons, voluntary returnees and student refugees in Africa, particularly in the Sudan, Djibouti, Chad, Ethiopia, Somalia, Malawi and southern Africa.

(Mr. Bagbeni Adeito Nzengeya, Zaire)

51. The scale and gravity of the situation resulting from the presence of refugees, displaced persons and voluntary returnees in those countries exceeded by far their capacity to cope with their own needs as well as those of the refugees. It was therefore essential to appeal to the international community to increase its financial and material assistance to those countries, as the implementation of re-integration projects and programmes required resources which they could not themselves provide.

52. Draft resolution A/C.3/43/L.64 dealt with the situation of refugees in the Sudan. Turkey, Zaire and Zimbabwe had joined the sponsors. Refugees constituted approximately 7.5 per cent of the total population of the Sudan. The country was affected by the devastating and far-reaching effects of successive calamities, ranging from the 1984 drought to the more recent heavy rains and floods, and the locusts which had afflicted the country. The Government had initiated a wide-ranging rehabilitation programme and, as a consequence, was less prepared than ever to meet its obligations to its own people, or to receive and grant asylum to more refugees. The purpose of the draft resolution was to appeal to Member States, to the agencies of the United Nations system, intergovernmental and non-governmental organizations, and international financial institutions to provide the Government of the Sudan with the necessary resources for the implementation of development assistance projects in regions affected by the presence of refugees.

53. Sao Tome and Principe and Brazil had joined the sponsors of draft resolution A/C.3/43/L.65, entitled "Humanitarian assistance to refugees in Djibouti". The constantly increasing inflow of displaced persons in Djibouti had severely affected the inadequate social services and the infrastructure of the country. Under the draft resolution, UNHCR would be urged to intensify its efforts to mobilize, on an emergency basis, the necessary resources to implement lasting solutions in respect of the refugees in Djibouti and the constant inflow of displaced persons. Member States and the appropriate agencies would be called upon to continue to support those efforts.

54. Draft resolution A/C.3/43/L.66, of which Democratic Kampuchea and Nigeria had also become sponsors, dealt with emergency assistance to voluntary returnees and displaced persons in Chad. The persistence of the harmful effects of the drought, desertification, floods and the invasions of locusts and grasshoppers had compounded the already precarious food and health situation in Chad, while the large number of voluntary returnees and displaced persons resulting from the war and the drought in Chad posed the serious problem of their integration into society. The draft resolution would call upon the Secretary-General to continue his efforts to mobilize special humanitarian assistance for the resettlement of displaced persons in the northern region of Chad. It would also appeal to the international community to support the efforts made by the Government of Chad to implement the programmes for resettling the returnees and displaced persons in Chad. UNHCR and UNDRO would be urged to co-operate with the Secretary-General.

55. Angola, Bangladesh and Trinidad and Tobago had become sponsors of draft resolution A/C.3/43/L.67 regarding assistance to refugees and returnees in Ethiopia. The draft resolution would appeal once again to Member States and to

(Mr. Bagbeni Adeito Nzengeya, Zaire)

international organizations and voluntary agencies to provide adequate material, financial and technical assistance for relief and rehabilitation programmes for the high number of refugees and voluntary returnees in Ethiopia.

56. The sponsors of draft resolution A/C.3/43/L.70 had been joined by Zimbabwe. The draft resolution would take note of the pressure that the refugee presence continued to impose on the public services of Somalia and of the deleterious effects of the refugee presence on the environment, which had resulted in widespread deforestation, soil erosion and the threat of destruction to an already fragile ecological balance. It would call upon UNDP, in co-operation with UNHCR and voluntary organizations, to assume the leading role in the conceptualization, implementation and monitoring of refugee-related projects.

57. Draft resolution A/C.3/43/L.71 dealt with assistance to refugees and displaced persons in Malawi. The inter-agency mission to Malawi had found that, notwithstanding the important measures taken by the Government to provide shelter, food, and educational and health services to thousands of refugees and displaced persons, adequate international assistance was needed in view of the fact that Malawi's social services and infrastructure were unable to cope with the situation. The draft resolution would therefore appeal to Member States, the agencies of the United Nations system, and intergovernmental and non-governmental organizations to provide the necessary resources for the implementation of development assistance projects in regions affected by the presence of refugees and displaced persons, as well as the development programmes recommended by the inter-agency mission.

58. Draft resolution A/C.3/43/L.72 concerning assistance to student refugees in southern Africa would note with concern that the discriminatory and repressive policies which continued to be applied in South Africa and Namibia caused a continued and increasing influx of student refugees into Botswana, Lesotho, Swaziland and Zambia. It would therefore urge all Member States and intergovernmental and non-governmental organizations to continue contributing generously to the assistance programme for student refugees, through financial support of the regular programmes of UNHCR and of the projects and programmes submitted to the Second International Conference on Assistance to Refugees in Africa held at Geneva in July 1984.

59. His delegation hoped that the Third Committee would adopt the seven draft resolutions without a vote.

Draft resolution A/C.3/43/L.76

60. Mr. STRAHAL (Austria), introducing draft resolution A/C.3/43/L.76, entitled "Human rights in the administration of justice", said that Belgium, Cyprus, the Netherlands and the United Kingdom had become sponsors. The draft resolution was a follow-up to several previous resolutions of the General Assembly and the Commission on Human Rights.

61. Persons in detention were particularly vulnerable to violations of their human

(Mr. Strahel, Austria)

rights and of accepted international standards in the administration of justice. Much had been accomplished in standard-setting in recent years, but the implementation of standards remained very important. The draft resolution would therefore call upon Member States to develop strategies for the practical implementation of standards, in particular, through the adoption of existing international standards relating to human rights in the administration of justice; to design realistic and effective mechanisms for the full implementation of those standards; to devise measures to promote the observance of those standards, as well as public awareness about their important role; and to increase, as far as possible, their support to technical co-operation and advisory services at all levels for the more effective implementation of those standards.

62. The draft resolution would also request the Secretary-General to continue to provide all necessary support to United Nations bodies working on standard-setting, and to continue to assist Member States, at their request, in implementing the existing human rights standards in the administration of justice, in particular under the programme of advisory services.

63. The sponsors hoped that, as in past years, the draft resolution would be adopted without a vote.

Draft resolution A/C.3/43/L.78

64. Mr. MATSOUKA (Ukrainian Soviet Socialist Republic), introducing draft resolution A/C.3/43/L.78 on international co-operation in solving international problems of a social, cultural or humanitarian character, and in promoting and encouraging universal respect for, and observance of, human rights and fundamental freedoms, said that Hungary had become a sponsor. Following discussions with a number of delegations, the sponsors had agreed to make two changes to the text: in the first line of the sixth preambular paragraph, the word "regional" should be replaced by "national"; and in operative paragraph 6, the phrase "in consultative status with the Economic and Social Council" should be inserted after "non-governmental organizations".

65. The text of the draft resolution, which replaced draft resolution A/C.3/43/L.2, represented a compromise designed to give greater emphasis to the implementation of universally recognized human rights standards and to co-operation between States and non-governmental organizations. The sponsors hoped that the text would be adopted by consensus.

Draft resolution A/C.3/43/L.80

66. Mr. WALDROP (United States of America), introducing draft resolution A/C.3/43/L.80, entitled "Enhancing the effectiveness of the principle of periodic and genuine elections", said that its overall objective was practical, namely, to enable the international community to co-operate in developing appropriate ways and means of making the principle of periodic and genuine elections more effective.

67. Two changes had been made in the text. The first involved the insertion of a new fourth preambular paragraph, which would read:

(Mr. Waldrop, United States)

"~~Condemning~~ the system of apartheid and any other denial or abridgement of the right to vote on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,".

68. The second change involved the deletion of the words "from actual or potential abuses" from operative paragraph 2.

69. He emphasized that the United States wanted the entire effort to enhance the effectiveness of the principle of periodic and genuine elections to be positive, practical, advisory, co-operative and voluntary. The United States would work to ensure that there was no hint of political pressure or threat. In addition, it would not support any hypothetical recommendation for the drafting of a legally binding instrument, or for the appointment of a special rapporteur. The text of the draft resolution attested to the spirit of friendly co-operation, as was made clear in the final preambular paragraph and in operative paragraph 4.

70. The United States did not have a specific programme of work that it believed the Commission on Human Rights should undertake. It planned to give that question careful consideration, listen to the suggestions of others, and put forward its own recommendations at a later stage.

71. In a general sense, the United States would like the Commission to devote its energy to the development of useful analysis and information. Emphasis could be placed on methods of voter registration or on ways to combat electoral fraud. The Commission might also wish to analyse and compare the two major systems for electing national legislators: the system of electoral districts and the system of proportional representation. In the long run, consideration might be given to the question of United Nations advisory services in the conduct of elections, as well as the possibility of a voluntary fund which would underwrite university scholarships, fellowships, and endowed chairs associated with the study of the electoral process.

72. In private conversations, some African delegations had asked whether it would be possible for the Commission to focus on the non-racial and non-discriminatory character of periodic and genuine elections. They had wondered whether the Commission could undertake analytical studies or formulate advisory guidelines which would, by implication, clearly exclude the racist practices of the current South African régime. They believed that those studies or guidelines, developed and adopted by consensus, could later become a notable weapon in the world community's struggle against apartheid. The United States would welcome and support such a proposal.

73. The first three preambular paragraphs cited applicable provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, thus establishing a basic context for the international community's practical efforts. It was significant, however, that a number of other multilateral instruments, such as article 13 of the African Charter on Human and Peoples' Rights, contained parallel or similar

(Mr. Waldrop, United States)

undertakings. The United States believed that the right of everyone to take part in the government of his or her country was a crucial factor in the effective enjoyment by all of a wide range of human rights and fundamental freedoms, including political, economic, social and cultural rights. That belief was expressed in operative paragraph 2 of the draft resolution.

74. Any general statement about periodic and genuine elections must apply to the election of a head of Government or head of State, as well as to the election of legislators. In addition, such a general statement must also apply to referendums associated with major policy questions and constitutional issues. In all those instances, determining the will of the people required a process that permitted the electorate to express its choice. That was the basic meaning of the phrase "an electoral process which accommodates distinct alternatives" in operative paragraph 3. The phrase could be interpreted in various ways; it did not require Member States to adopt a multiparty system. In practice, it could refer to a choice among various candidates belonging to the same party.

75. During the forty-second session of the General Assembly, the United States had put forward its draft resolution on the principle of periodic and general elections under the agenda item dealing with self-determination. African countries had criticized that decision and, in response to their wishes, the United States had put forward the current draft resolution under item 12. That action was acceptable as a temporary expedient, but Third Committee debates under item 12 tended to be dominated by concern about human rights abuses in specific countries, and by controversial discussions associated with the mandates of Special Rapporteurs. The United States hoped that future debate on the principle of periodic and genuine elections would be free of confrontation. It was for that reason that operative paragraph 5 called for the establishment of a new agenda item.

76. The United States believed that the international community's co-operative effort to enhance the effectiveness of the principle of periodic and genuine elections would be a major and highly significant task. The sponsors hoped that the Committee would adopt the draft resolution by general agreement.

77. Mr. DAZA (Chile), speaking in exercise of the right of reply, said that in his comments at the previous meeting the representative of Mexico had not taken into account the true situation in Chile, in particular the recent referendum in which 98 per cent of the electorate had participated and which was part of the process of political transition. The representative of Mexico had been wrong to say that the sovereign rights of the Chilean people were shackled by the political system. Such a comment was especially inappropriate coming from the representative of a Government which resorted to institutionalized electoral fraud in order to circumvent the wishes of the majority of the Mexican people. The result of the Chilean referendum, in contrast, clearly reflected the will of the people.

78. Mr. BEN-DOV (Israel), speaking in exercise of the right of reply, said that his delegation assured those delegations which sincerely wished to resolve regional conflicts that it had taken serious note of their statements concerning developments in the areas administered by Israel. Israel was certainly not beyond

(Mr. Ben-Dov, Israel)

reproach, but many of the comments about events in the administered areas had lacked balance.

79. In Israel a democratically elected parliament and a free public opinion exercised constant supervision over the actions of the executive authorities. The international press had been free to report from Israel - something which it was not free to do from many other countries - even when the reports had been against Israeli interests. What was often forgotten in the statements about the unrest in the territories was the intense and provocative nature of the violence used against the Israeli defence forces and innocent Jewish and Arab civilians. It was also forgotten that only Israel was obligated under international law to maintain order in the territories. Nor was any mention made of the pernicious role of Islamic fundamentalist groups and factions of the Palestine Liberation Organisation.

80. In the circumstances, Israeli troops had conducted themselves with restraint. Irregularities had occurred, but those responsible had been tried and duly punished. It had not been sufficiently stressed in the Committee that violence against civilians could solve nothing, and that a settlement of the Arab-Israeli dispute and the Palestinian question required direct negotiations between Israel and the States of the region and Palestinians who rejected violence and terror.

81. Mrs. VARGAS (Nicaragua), speaking in exercise of the right of reply, noted that the representative of the Netherlands had stated that the restoration of human rights and democracy was central to the peace process in Central America. Her delegation had been very clear in its statement earlier in the meeting about the measures adopted by its Government under the Esquipulas II agreements, including the full restoration of civil and political rights following the lifting of the state of emergency.

82. The march held on 10 July 1988 had been duly authorized by the authorities in response to appeals for the exercise of civil rights. The new strategy adopted by the Government's opponents included tactics of intervention and destabilization designed to challenge the established order. Her Government had clearly stated its intention to have the law respected and to take proper action against those who broke the law. It would resist the attempts of the forces of destabilization to provoke repression in order to make the Government appear to be a violator of human rights. Human rights were enjoyed by all Nicaraguans, including members of the 14 existing political parties.

83. Mrs. BICH LIEN HOANG (Viet Nam), speaking in exercise of the right of reply, said that in their references to the re-education camps in Viet Nam the representatives of Greece and the Netherlands had failed to mention the root-cause of the problem - the war of aggression against Viet Nam during which more than 2.5 million Vietnamese had collaborated with the aggressors. Thanks to her Government's lenient policy of national reconciliation, almost all those people had been returned to normal community life shortly after the end of the war. The few people who had had to be re-educated were later gradually released. The very small number of people still in re-education camps had collaborated in mass massacres and needed further re-education. Their human rights were observed, and they received

(Mrs. Bich Lien Hoang, Viet Nam)

humanitarian treatment. Delegations which asserted otherwise were misinformed. Viet Nam had a legitimate right to punish those people as war criminals, just as the European countries had punished persons who had collaborated with Hitler. The re-education camps represented in fact a more humanitarian approach.

84. Her delegation wished to remind the representative of the Netherlands in particular that in Viet Nam everyone was equal before the law; anyone who broke the law would be dealt with in accordance with the law, but in a humanitarian spirit.

85. Mr. HELLER (Mexico), speaking in exercise of the right of reply, said that his delegation categorically rejected the allegations made by the representative of Chile. The Mexican Government and people, which shared a common concern about the situation in Chile, were committed to modernisation of Mexico's political life within the constitutional framework. There had been five candidates in the recent presidential election, Mexico had nine political parties, and the membership of the Congress reflected the pluralism of the political system. Furthermore, periodic elections were held at all levels, unlike the situation in Chile, where a Government which had destroyed democracy had sought to legitimize itself through a referendum.

86. Violations of human rights continued in Chile because the political system which allowed such violations had not changed. Chile lacked both a political constitution ensuring free expression of the people's will and a state of law guaranteeing the exercise of human rights and fundamental freedoms.

87. Mr. MORA GODOY (Cuba), speaking in exercise of the right of reply, said that the arrogant reference to his country by the representative of the Netherlands compelled a reaction. His delegation challenged the Netherlands to produce evidence to support its allegations of torture and other ill-treatment of Cuban citizens for political reasons. The persons referred to by the Netherlands as dissidents were in fact counter-revolutionaries seeking to overthrow the established order. Such persons, who would be regarded as terrorists in the Netherlands, were dealt with in Cuba in accordance with the law and constitutional guarantees.

88. In a statement ranging over most of the world it was odd that the representative of the Netherlands had made no reference to the poor living conditions of, and the discrimination against, the Moluccan minority, or to the dispersal of peaceful anti-nuclear demonstrations by the police in the Netherlands.

89. Prison conditions in Cuba were good and under constant supervision, and no attempt had been made to present a false picture to missions of the Commission on Human Rights. The improvement of prison conditions was due not to outside pressure, but to the policy of the revolutionary Government. For the representative of the Netherlands to make his comments without even knowing the opinion of the Commission's group which had visited Cuba in September 1988 was premature, and even smacked of the tactics of the Fascist Goebbels.

90. Miss BROSNAKOVA (Czechoslovakia), speaking in exercise of the right of reply, recommended that the Netherlands delegation should familiarise itself with her delegation's statement of 25 November. In the process of strengthening its socialist democracy and pluralism, Czechoslovakia would not yield to any demands by any States, especially those which entertained false ideas about the representation of the Czechoslovak people. Her country's status as an independent sovereign State where the rule of law was secure must be fully respected. Czechoslovakia took that approach in its relations with other States, for it was the only way of ensuring increased respect for and the exercise of human rights.

91. Mr. DAZA (Chile), speaking in exercise of the right of reply, said that everyone was entitled to his opinion about Mexico and its political processes. The point was not the periodicity of elections, but the way in which they were conducted.

92. His country did not deny that it was in a period of transition to democracy. Outsiders seemed to suffer from paranoia about Chile, but Chile had a political system, including political parties, which operated under a democratically approved Constitution. The result of the referendum had demonstrated that the paranoiac picture of Chile was false. The forthcoming elections would add political success to Chile's successes in the social and economic fields.

93. Mr. NIYUNGENKO (Burundi), speaking in exercise of the right of reply, said that the statement by the Netherlands delegation contained untruths about Burundi and, in particular, allegations of violations of human rights. The Netherlands should at least indicate the date and place of the alleged violations. Tensions between ethnic groups could certainly arise in Burundi, just as in any other country, the Netherlands for example. Conflicts had indeed occurred recently in Burundi, but they had not been due to violations of human rights. In its statement at the previous meeting, his delegation had indicated that the root-cause of those events lay outside Burundi but could not be spelled out, for political reasons.

AGENDA ITEM 98: HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS
(continued) (A/C.3/43/L.48)

Draft resolution A/C.3/43/L.48

94. The CHAIRMAN drew the Committee's attention to draft resolution A/C.3/43/L.48, and said that it had no programme budget implications.

95. Mr. YAKOVLEV (Union of Soviet Socialist Republics) informed the Committee, on behalf of the sponsors, that after lengthy discussions with various delegations representing all groups a number of amendments had been agreed to which it was believed could meet the concerns of interested delegations. The sponsors therefore proposed that the amendments be incorporated into a revised version of the draft resolution, which would be issued as a separate document to enable all delegations to study the amendments prior to their consideration of the draft resolution.

96. The CHAIRMAN proposed that consideration of the draft resolution should be deferred until the revised text was submitted in its final form.

97. It was so decided.

AGENDA ITEM 99: QUESTION OF A CONVENTION ON THE RIGHTS OF THE CHILD (continued)
(A/C.3/43/L.46)

Draft resolution A/C.3/43/L.46

98. The CHAIRMAN informed the Committee that Bangladesh, Botswana, Burkina Faso, the Netherlands, Nigeria and Tunisia had become sponsors of the draft resolution, which did not have any programme budget implications.

99. Mr. GALAL (Egypt) said that Egypt, which had always taken a keen interest in protecting the rights of the child, had played an active role in the working group on the draft convention and, indeed, in sponsoring a number of draft resolutions on that subject. In October 1988, Egypt had itself adopted a nine-point Charter on the Rights of the Egyptian Child, and in November 1988 had held a national meeting to examine the draft convention on the rights of the child, with a view to promoting awareness about the principles of the draft convention.

100. His delegation considered that the rights of the child included the right to affiliation and to know his or her parents and to have a name and a nationality, and the right to emotional stability. The convention must be in harmony with national cultural and spiritual values and should not reflect values and ideas prevalent in one culture which had proved inappropriate in other parts of the world.

101. Draft resolution A/C.3/43/L.46 was adopted.

AGENDA ITEM 100: INTERNATIONAL COVENANTS ON HUMAN RIGHTS (continued)
(A/C.3/43/L.54 and L.84)

Draft resolution A/C.3/43/L.54 and amendments thereto contained in A/C.3/43/L.84.

102. Mr. SKIBSTED (Denmark), speaking on behalf of the sponsors, said that operative paragraph 13 of the draft resolution should be amended to read "Recognizes the right of States to make reservations in accordance with relevant rules of international law and appeals"; the rest of the paragraph remained unchanged. That amendment was being proposed on the understanding that no action would be taken on the amendments proposed in A/C.3/43/L.64, and he hoped that the Committee would adopt the draft resolution, as orally amended, without a vote.

103. Mr. LY (Senegal) drew attention to inconsistencies between the French and English versions of operative paragraph 13, namely the translation of the word "Appeals" by "Engage", and of the word "upheld" by "admits", which should be replaced by "considérées".

104. The CHAIRMAN assured the representative of Senegal that the Secretariat would ensure consistency between the two texts in the final version.

105. Mrs. MUKHERJEE (India) said that operative paragraph 13, as orally amended, now seemed illogical, since it began by recognizing the right to make reservations and then appealed to States parties to withdraw them. She would not, however, break the consensus on that account.

106. Mr. TAHA (Sudan) said that, while his delegation would not withdraw from the consensus because of the oral amendment, he agreed fully with the representative of India that operative paragraph 13 as it now stood was contradictory.

107. Mr. LINDHOLM (Sweden) said that in its article 19, the Vienna Convention on the Law of Treaties, stipulated that States might formulate a reservation to a treaty unless the reservation was prohibited by that treaty, the treaty provided that only specified reservations might be made or the reservation was incompatible with the object and purpose of the treaty. Article 4 of the International Covenant on Civil and Political Rights stipulated that, even in times of public emergency, no derogation could be made from articles 6, 7, 8, 11, 15, 16 and 18. There were therefore several restrictions affecting the right to make reservations.

108. Apart from paragraph 3, there was a problem with operative paragraph 11 which, in his view, was unnecessary. Operative paragraph 11 called upon all States parties to the International Covenants to adhere fully to them and to all the principles contained therein. Operative paragraph 10 emphasized the importance of the strictest compliance by States parties with their obligations under the International Covenants and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights. Operative paragraphs 11 and 10 thus effectively said the same thing, but operative paragraph 10 said it better. He therefore proposed the deletion of operative paragraph 11.

109. Mrs. WARZAZI (Morocco) said that the meaning of operative paragraph 13 was unclear. Her delegation could not accept it unless it was made clear to whom it was addressed.

110. Mr. GALAL (Egypt) said that operative paragraphs 10 and 11 addressed different issues. Operative paragraph 10 referred to the obligations of States, one of which was to submit reports. Operative paragraph 11 referred to the principles contained in the International Covenants. The two issues were different but complementary.

111. Miss AQUAZI (Algeria) agreed with the representative of Sweden that operative paragraph 11 could be deleted. The compromise proposed for paragraph 13 did not address the substantive issue.

112. The CHAIRMAN proposed that consideration of draft resolution A/C.3/43/L.54, and of the amendments contained in document A/C.3/43/L.84, be deferred. He appealed to delegations to reach agreement on a text.

113. It was so decided.

The meeting rose at 6.15 p.m.