

# COMMISSION ON HUMAN RIGHTS

## ADDENDUM TO THE REPORT ON THE THIRTY-SIXTH SESSION

(4 February-14 March 1980)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1980

SUPPLEMENT No. 3A



UNITED NATIONS

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NOTE

The present addendum to the report of the Commission on Human Rights on its thirty-sixth session comprises annexes VI to X, which contain the abridged records of the discussions on agenda items 4, 6, 7, 9, 10, 11, 16 and 20, prepared pursuant to Commission decision 3 (XXXVI) of 12 February 1980.

The abridged record of the discussion on agenda item 12 is contained in annex V to the report of the Commission on its thirty-sixth session (Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1-E/CN.4/1408 and Corr.1)).

E/1980/13/Add.1 E/CN.4/1408/Add.1
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Annex VI

ABRIDGED RECORD OF THE DISCUSSION ON AGENDA ITEM 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED  
ARAB TERRITORIES, INCLUDING PALESTINE

Meetings: 1528th to 1534th and 1538th, held from 6 to  
11 February and 13 February 1980

Mr. PRIETO (Assistant Director, Division of Human Rights) introduced agenda item 4.

Mr. ARMALIE (Observer, Palestine Liberation Organization) said that while certain great Powers, aided by their mass media, were whipping up world public opinion in a cause which suited their own interests, the fact that the Palestinian people were prevented from enjoying their inalienable right to self-determination was being quietly forgotten. Although the Commission might be powerless to restore the fundamental rights of oppressed peoples, it should at least refuse to be diverted from its basic purpose and should continue to denounce the century's greatest evils, apartheid and zionism.

After congratulating the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories on its report (A/34/631), he drew attention to a serious violation of the Palestinians' economic rights, namely, the systematic exhaustion of Cisjordania's water resources. As a result of Israel's policy of drilling new wells for its illegal settlements, Arab wells in the area were beginning to run dry. The object of the policy, which affected 20,000 people in the El-Awja area alone, was to drive Arab farmers off their lands, thus turning them into a source of cheap labour in the cities. Since 1967, the proportion of agriculture in Cisjordania's over-all budget had dropped from 35 to 28 per cent and the irrigated land area had failed to increase. He then reviewed other sections of the report and added a number of further details. In conclusion, he affirmed the Palestinian people's determination to resist, at whatever cost, Israel's machiavellian plan to wipe out every trace of its history and national culture.

Mr. MacDERMOT (International Commission of Jurists) said that when he had visited the occupied territories the previous month, conversations with Palestinians had, in general, confirmed the conclusions set forth in the Special Committee's report. However, he had received no reports of physical torture during the past 12 to 18 months. If there were a continuing practice of that kind, the defence lawyers to whom he had spoken would surely have known of it. There might have been isolated incidents of physical violence, but that was a different matter from a systematic practice. In an interview with the Israeli Prime Minister, he had raised the point of certain unacceptable methods of psychological pressure which were applied in some cases, in particular in the form of prolonged periods of sleep deprivation. Some of those convicted by the Israeli military tribunals might have been convicted on the basis of confessions obtained by such means.

On the question of the future of the Palestinian people, Mr. Begin had taken up an extreme position based on the assumption that the Jewish people had a right to the whole of the former mandated territories of Palestine. However, a substantial body of opinion among Israelis was not in favour of the expansion of Israel to include the occupied territories in the West Bank and Gaza Strip and would be willing to see an independent Palestinian State established in those territories. The most difficult and crucial issue remained that of Jerusalem. If there was to be a negotiated peace, he saw no alternative to a condominium or to an

independent status for Jerusalem, perhaps within a federation. The pre-condition for a negotiated peace was that the Palestinian people both within and outside the Israeli-occupied territories should participate as equal partners in any settlement which was to determine their future.

Mrs. VIRE-TUCMINEN (Women's International Democratic Federation) appealed to the Commission to give special attention to the situation of Palestinian women and children, who were subjected to oppression, exploitation, imprisonment and killing. Papers produced at a seminar organized by the Federation in 1979 showed that children, who constituted 48 per cent of the population in Palestine and Lebanon, were the object of systematic and planned extermination. Some children 10 to 12 years of age were exposed to torture. Palestinian and Lebanese children were deprived of medical care, and Palestinian child labour was severely and mercilessly exploited. So far as the situation of Palestinian women in the occupied Arab territories was concerned, she suggested that the Commission should inform the permanent Secretariat preparing the World Conference of the United Nations Decade for Women, to be held in Copenhagen in 1980, of the gross and mass violations of the human rights of those women and request that their situation should be placed as a separate item on the World Conference's agenda.

Mr. FARHANG (Iran) remarked that many of those who at an earlier meeting had expressed exaggerated concern over the fate of one displaced person in another part of the world seemed to be indifferent to the point of cynicism to the outrage being perpetrated against the whole Palestinian people. The United States of America Government, which claimed to be the champion of human rights everywhere, was supplying the Zionist entity with the most murderous modern instruments of aggression and repression in support of its expansionist and racist practices in the Middle East Area. Only a completely nazified country could become a centre for training torturers, as Israel had become at the time of the Shah's reign. The selective morality and opportunistic motivations of the United States deserved to be exposed. The mass media of the so-called free world spoke of terrorism when Palestinians used home-made bombs but described Israeli bombing of civilian refugee camps as defensive actions. The Commission on Human Rights could not hope to convince world public opinion of its seriousness and impartiality unless it took appropriate action to expose and condemn Israel's continuing crimes against humanity.

Mr. ZAKARIA (World Federation of Trade Unions) said that, as always happened, the principal victims of human rights violations in the Arab territories occupied by Israel were the workers. Without political, economic, diplomatic and military support from the United States and other imperialist countries, Israel could not pursue its aggressive policies with impunity. The question of the violation of human rights in Palestine and the occupied Arab territories could not be discussed in isolation from the wider issue of United States policies in the Middle East, where entire peoples were being subjugated to the selfish interests of imperialist Powers and transnational corporations. His organization looked forward to the day when representatives of the Palestine Liberation Organization would attend sessions of the Commission on Human Rights no longer on behalf of a national liberation movement but as the representatives of the democratic State of Palestine.

Mr. EL-FATTAL (Syrian Arab Republic) said that the Palestinians formed an integral part of the Arab nation, and injustices suffered by them were suffered by the nation as a whole. Israel stood for the negation of Arab identity and national existence. Zionist doctrine rejected as a matter of principle the very existence of the Palestinians, not only as a people or a community but also as individuals. In that respect, zionism was as racist and vicious as apartheid. The International Convention on the Suppression and Punishment of the Crime of Apartheid, in particular article II, applied equally to Israeli policies and practices. A distinction should be drawn, however, between zionism as a political, racist, exclusivist and exclusionist doctrine and Judaism as a religion, which Arabs recognized as a revealed religion and therefore respected.

Israel's stubborn refusal to apply the Fourth Geneva Convention in the occupied territories was a gross violation of its obligations under international law. The double standard applied in that connexion by the United States was to be deplored. If the whole edifice of international humanitarian law was to remain intact, the contracting parties to the Geneva Conventions should make good their guarantees under article I and other articles of the Convention.

The specialized agencies, particularly the ILO, should make meaningful efforts to protect Arab workers in the occupied territories, and UNESCO should protect the national cultural heritage.

The Special Committee's report (A/34/631) clearly revealed a sudden deterioration of conditions in the occupied territories since the conclusion of the Camp David agreements and especially since the signing of the treaty of surrender by Egypt. The Washington treaty had helped to release the full Israeli potential for the colonization of Arab lands. The Arab nations at the Baghdad Conference, the Islamic Conference held in February 1979 and the Havana summit conference of non-aligned countries had condemned the accords and the treaty of Washington. The General Assembly of the United Nations at its thirty-fourth session had considered both the accords and the treaty to be null and void.

After reviewing that part of the report which dealt with specific cases of repression in the occupied territories, he urged the Commission to protect the Arab population of those territories from torture, arbitrary arrest, deportation and other forms of suffering, as well as from land confiscation.



1530th meeting - 7 February 1980

Mr. KHODOS (Byelorussian Soviet Socialist Republic) said that the Special Committee's report (A/34/631) made it perfectly clear that Israel, with the support of imperialist forces, had no intention of taking account of world public opinion or of the numerous decisions adopted by the United Nations with a view to achieving a just and real settlement in the Near East. Non-recognition of the Palestinian people's right to self-determination and to the establishment of a national State remained the foundation of Israel's policy, and the mechanism used to put that policy into practice was obviously well-planned and well-oiled. The countries of the Socialist community firmly believed, as did the majority of States Members of the United Nations, that Israeli troops should be withdrawn from the Arab territories occupied in 1967 as a pre-condition for a settlement in which all interested parties, including the Palestine Liberation Organization, should participate. The separate deal between Egypt and Israel solved nothing and merely added further fuel to the explosive situation in the Near East. The Commission should once again resolutely condemn Israel's actions and call for the cessation of mass and gross violations of human rights in the occupied territories.

Mr. OMAIER (Observer, League of Arab States) referred to the threat to Arab-owned buildings caused by digging carried out by Israeli authorities in the Bab Al Hadied quarter of Jerusalem in December 1979. Twenty-six buildings housing about 220 persons were affected so far, but if those buildings crashed, the damage might spread to the whole neighbourhood containing some 300 further buildings of historic value. He also informed the Commission of the case of a 19-year old Palestinian, Mr. Ziad Abu Ayyan, arrested in Chicago in August 1979 and handed over to Israel as being responsible for the bombing at Tabaria on 14 May 1979.

Mr. M'BAYE (Senegal) said that Israel would have been unable to continue defying the international community but for the fact that where the protection of human rights was concerned, it enjoyed the political support of certain States. As the conscience of the international community, the Commission must not allow itself to become discouraged in its task of championing the rights of people to the free exercise of self-determination.

The Israeli concept of a national home, based on the privileged position of one sect, inevitably led to the human rights violations in the occupied territories to which the carefully objective report of the Special Committee bore witness. The Israeli policy of annexation and settlement, besides violating various articles of the Fourth Geneva Convention, was also bringing about a state of affairs which would ultimately preclude any solution of the Palestinian problem. It was particularly shocking that the judiciary did not behave with impartiality in defence of individual and collective rights. It seemed that Israel wished to leave Palestinians with no recourse other than violence in the hope that they would thereby lose the sympathy of the world. On the contrary, however, support was growing for the Palestine Liberation Organization, the legitimate representative of the Palestinian people. The Commission could unfortunately not do more than condemn human rights violations in the occupied territories, but it should do so with conviction.

Mr. SEKFALI (Algeria) said that Israel's refusal, like that of South Africa, to abide by the relevant decisions of the United Nations in no way diminished the Organization's responsibility or its obligation to ensure respect of international law. The policy of *fait accompli* practiced by Israel had no bearing on the Palestinian people's legitimate rights, which were recognized by an overwhelming majority of countries. Solution of the problem of the Palestinian people was vital for world peace and security and should be given absolute priority by the international community. Any partial or compromise solution would merely exacerbate the Palestinian people's determination. The Special Committee's report showed that the plight of the civilian population of the occupied territories was not about to change; on the contrary, the Government of Israel appeared determined to pursue its present policy, with the aim of eventually taking over the entire occupied territories. The Commission was in duty bound to denounce the inhuman practices of the Zionist State in a firm and unambiguous manner.

Mr. EL-SHAFEI (Egypt) said that the issue under examination still qualified as a high priority item and there was every indication that, owing to the unrestrained and unprincipled policy of the Government of Israel, it would continue to appear on the Commission's agenda. That aspect of Israel's policy which consisted in the annexation and settlement of occupied Arab territories and the refusal to abide by the Fourth Geneva Convention was a callous and flagrant violation of accepted norms of international law and contractual treaty obligations. Israel's continuing denial of any opportunity for the Palestinian people in the occupied territories to express their desire for self-determination and its policy of reprisal against those who tried to express their resistance to the occupation were equally reprehensible. It was Egypt's firm conviction that military occupation was the most fundamental violation of human rights and that only through total withdrawal of Israel from all occupied Arab territories and through the exercise of the Palestinian peoples' right to self-determination could human rights in the area be upheld and respected. Egypt had signed the Camp David framework as a first step towards the achievement of a comprehensive and durable peace based on the United Nations Charter and on principles of international law and legitimacy. The Camp David framework was by no means the final settlement of the Palestinian problem; rather, it was designed to shatter the stalemate which had paralysed the Palestinian problem, to wrench concrete commitments from Israel, and to establish transitional arrangements as a bridge between the existing situation and the final resolution of the Palestinian question. The Palestinian problem was the crux and core of the Arab-Israeli conflict. Its solution was a sine qua non for the establishment of a comprehensive and durable settlement. Any solution which failed to recognize the Palestinian people's inherent right to self-determination, to the recovery of its territory and the establishment of a State of its own would not lead to a comprehensive, just and lasting peace. In all its efforts, Egypt never claimed to speak on behalf of the Palestinian people, which alone had the final word on the question of its future. Egypt was ready and willing to join any viable effort and to subscribe to any concrete suggestion which could contribute to the establishment of a just and comprehensive peace in the Middle East. What Egypt was seeking through the negotiation process was not only the withdrawal of occupying forces from its own territory and the restoration of its sovereignty - a legitimate and worthy cause in itself - but also a global settlement to the Middle East dispute whereby the Palestinian question might be resolved and the Palestinian people permitted at last to enjoy their rights, including the right to self-determination.

Mr. STROJWAS (Poland) stated that he would refer particularly to the human aspect of the problem and said that it was distressing enough to read that young men born as recently as 1956 had been imprisoned for 99 years by the Israeli authorities (see E/CN.4/1352). Learning that such sentences were passed on persons guilty of no other crime than that of fighting for the freedom of their homeland, it was impossible not to conclude that such harsh punishment must form part of a deliberate policy aimed at crushing the will of the entire Palestinian people. The documents before the Commission provided clear evidence of mass and gross violations of human rights in the occupied Arab territories. Examples of violations of human rights in those territories were abundant; the occupation itself was a violation of the Palestinian people's right to self-determination, and to it should be added the policy of new settlements in the occupied territories, deportations of local Arab populations and refusal to allow them to return to their dwellings, mass arrests and inhuman ill-treatment of detainees, mass repression, and the systematic destruction of the Palestinians' cultural heritage aimed at eradicating the Arab nature of Cisjordania and Gaza. His delegation supported the legitimate struggle of the Palestinian people under the leadership of the Palestine Liberation Organization, its sole legitimate representative, for the realization of its inalienable right to an independent national life of its own, to self-determination and to the establishment of its own State.

Mr. KHURELBAATAR (Mongolia) emphasized the close interrelationship between the question of human rights and that of guaranteeing international peace and security. The principle that peace and justice were indispensable for the full realization of human rights and fundamental freedoms was enshrined in the Proclamation of Teheran of 1968. The mass and gross violations of human rights in the Middle East were the results of the aggressive policies of imperialism. There could be no question of human rights and freedoms in the Arab territories occupied by Israel until the Arab people of Palestine was guaranteed its right to self-determination and to the establishment of an independent State of its own. The conference of Arab countries recently held at Damascus had stated that imperialist manoeuvres of the type of the Camp David talks were intended to undermine Arab and Muslim solidarity and to lull the Arab nations' awareness of the dangers threatening them from the Zionist and imperialist camp. The escalation of imperialist policy merely aggravated the fate of the populations of the Arab territories occupied by Israel. He urged the Commission to adopt a constructive decision on the issue before it, thus contributing towards a comprehensive solution of the Middle East problem.

Mr. YU Mengjia (Observer for China) said that the numerous United Nations resolutions adopted on the question of violation of human rights in the Israeli-occupied territories had failed to be implemented because of the Israeli authorities' obdurate position. The ruthless acts being committed by the Israeli authorities could only give rise to stronger resistance by the populations of the occupied territories and to stern condemnation by the international community. The audacity with which Israel pursued its aggressive and expansionist policy was closely linked with the intensification of the struggle between the super-Powers for hegemony in the Middle East. One super-Power still pursued a policy of siding with the Israeli aggressors by providing them with help in many ways. The other super-Power, whose hegemonic thrust was constantly increasing, moved in wherever it saw an opening and sowed discord among the Arab countries in order to reach its

aim of infiltration and expansion. Interference by the super-Powers was a great obstacle to the solution of the Middle East problem. He was convinced, however, that the Palestinian and Arab peoples would overcome all obstructions and sabotage, strengthen their unity, stand together against their common enemy and fulfil their sacred national aspirations with the help of the world community. The Chinese Government and people strongly condemned the crimes perpetrated by the Israeli authorities in the occupied territories and had deep sympathy with the sufferings of the Palestinian people.

Mr. POUYOUROS (Cyprus) said that one of the most fundamental aspects of the violation of human rights of the Arab people was the continued foreign occupation and domination of a people, in flagrant violation of the Charter and of numerous United Nations resolutions. It was to be hoped that the Palestinian people's struggle for the vindication of its fundamental human rights, together with that of other nations in other parts of the world suffering under the yoke of foreign domination, would awaken the conscience of all those who, in their own countries, had the privilege of enjoying human rights freely and without hindrance. But that awakening should not be long delayed, for if the world community continued to shut its eyes to massive and flagrant violations of human rights, the turn of many other countries would soon come and the world would be plunged into chaos and international strife. He urged the Commission to reaffirm, in compliance with General Assembly resolution 34/46, the absolute necessity under all circumstances to eliminate massive and flagrant violations of human rights wherever they might occur.

Mr. SOLA VILA (Cuba) said that attempts were being made to play down the importance of the status of the Palestinian people, although that was the crux of the Middle Eastern crisis. In its human rights violations, Israel was not the only guilty party; as a police State which maintained political and military links with the South African racists and with unsavoury régimes in other regions, including Nicaragua and Guatemala, it had been given constant military assistance by the imperialist Government of the United States and the latter's Western allies. Cuba reaffirmed that zionism was a form of racism, and endorsed the condemnation of the Camp David agreements, contained in the resolution on the subject adopted at the non-aligned Summit Conference held in September 1979.

Mr. GHAREKHAN (India) said that the responsibilities of the United Nations with regard to the inalienable rights of the Palestinian people could not be discharged effectively if members of the international community remained mute spectators at Israel's flagrant and systematic violations of human rights in the occupied territories. He concurred with the statement made by the Chairman of the Special Committee in his letter addressed to the Secretary-General, to the effect that the Government of Israel appeared determined to pursue its policy of annexation and settlement with the aim of eventually taking over the entire occupied territory. The present situation of large-scale and systematic violations of human rights in the occupied areas could only be resolved by removing its root cause, namely, Israeli aggression and occupation. Until the inalienable rights of the Palestinian people were restored, it was the duty of the international community to demand that Israel would stop forthwith any further abuse of the human rights of individuals in the occupied areas.

Mr. AL-JABIRI (Iraq) said that the Israelis were consolidating their schemes of intimidating all those who resisted occupation and expropriation. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/34/631) revealed the difficulties encountered by Arab education as a result of the continued interrogation and harassment of students and their teachers. The policy of Israeli torture was not confined to Palestinians, as Lebanese and even some Americans were intimidated by inhuman treatment. It was sufficient to read the report in The New York Times of 25 September 1979 to realize that Israel was practising the methods used by nazism in Germany against the Jews. All the Israeli doings had only one purpose, namely, the annihilation of the people of Palestine and the permanent annexation of the West Bank and Gaza Strip. In face of such a situation, the United Nations should move forward in its condemnation of Israeli actions; in fact, he wondered whether it would not be appropriate to apply Chapter VII of the Charter against Israel, as the only means of convincing Israeli leaders to adhere to international rules of conduct. The Arab people of Palestine were not prepared to leave their ancestral lands. Their daily acts of resistance were a demonstration of their resolve to persevere in their struggle for their human rights, freedom and independence. The people of Palestine, although under strict military occupation, were determined to resist by all means Israel's schemes, which were enshrined in the Zionist doctrine of expansion from the Nile to the Euphrates. Israel had been implementing that doctrine since its establishment in 1948 by unleashing its forces to dismiss and displace the

Palestinians and confiscate their lands and properties. The memoirs of former Prime Minister of Israel, Yitzhak Rabin, gave a first-hand confession of these crimes, which were carried out on the orders of the founder of the Zionist State, David Ben-Gurion. He referred to the article in The New York Times of 16 March 1979, which supported his conclusion that the Palestinian resistance to occupation had been manifested by the six days of demonstrations and violence that had shaken the West Bank at the time of signing of the Camp David accord. He reaffirmed the statement in paragraph 366 of the report of the Special Committee (A/34/631) that "the fact of occupation itself constitutes a fundamental violation of ... human rights ...".

Mr. ADENIJI (Nigeria) said that there was no evidence that the Israeli authorities were taking any positive action to improve the position or to comply with previous resolutions by the Commission or the General Assembly. Rather, the evidence was a depressing mass of continuing violations of human rights. War-type legislation and emergency regulations were being freely used by the Israeli authorities in the occupied Arab lands without compliance with the Geneva Convention relative to the Protection of Civilian Persons in Time of War. In that regard, the Commission should pursue more vigorously the directives of the Economic and Social Council contained in resolution 1979/40. In particular, the Geneva Convention must be observed, and Israeli settlements on occupied Arab lands should be dismantled. As regards the detention of civilians without trial, he remarked that if it took nine months for the Israeli authorities to organize and fix charges against a person as well known as the Mayor of Nablus, hopes for information about the fate of hundreds of ordinary Arab citizens held on trumped-up charges were slight indeed. So long as the Israeli authorities persisted in their policies and practices, an over-all solution of the wider problem of the Middle East would continue to elude the international community. The question of the occupied Arab lands had fundamental implications for the whole area. The inalienable rights of the whole Palestinian people to self-determination, justice and the right to live in their God-given land was at the heart of the problem of that explosive region. He urged the Commission not to relent in its efforts until Israel accepted the facts of the situation and undertook to comply with the relevant United Nations resolutions.

Mr. BARROMI (Observer for Israel) reiterated his Government's reservations as to the Special Committee's mandate, constitution and course of action. In particular, the resolution setting up the Special Committee was morally void because, contrary to previous United Nations practice based on Security Council resolution 237 (1967), it excluded from its purview the plight of the Jewish communities in the Middle East. On the substance of the Special Committee's report, he said that Israel fully acknowledged the establishment of settlements. The charge of annexation, on the other hand, was ludicrous, as was the allegation that Israel wanted to become a mono-religious State. The section dealing with expropriation of property gave an utterly distorted picture and was based on inflated figures, and references in the report to judgements given by the Supreme Court of Israel were inaccurate and confusing. The section entitled "Information on the policy followed by the Government of Israel with regard to the inhabitants of the occupied territories" showed lack of sensitivity for the suffering caused by terrorism and for the threat it posed. To apprehend the perpetrators of outrages and to bring them to trial was a grim necessity. In cases of lesser disturbances, preventive

or corrective measures, such as temporary closures of educational establishments, were applied. All the measures taken were legal and justified; while no one should be penalized for his ideas, violence could not be tolerated and the orderly course of life had to be protected.

The section of the report dealing with the situation of detainees and judicial remedies was extremely one-sided. The Special Committee had obviously made no serious attempt to check the truthfulness and accuracy of the detainees' testimonies; neither did it appear to have considered the possibility that some offenders had testified as they had done out of fear of reprisals from fellow-prisoners.

Describing the essentials of the Israeli judicial and administrative system and the guarantees it offered, he emphasized two features which were unique to Israel, namely, access to the Supreme Court by the inhabitants of the territories, including detainees, and the special agreement with the International Committee of the Red Cross on arrangements for visits to detainees under interrogation by representatives of the ICRC. Neither of those facilities was mentioned in the Special Committee's report. In that connexion, he mentioned a similar report by Amnesty International which did draw attention to certain positive features.

Referring to section VI of the Special Committee's report, he rejected the conclusions relating to the "little trial" procedure and the allegations of torture. As for the conclusion concerning arbitrary and systematic use of highly addictive sedatives, it bordered on the absurd; it was deplorable that such brazen slander as the story on which the conclusion was based should have appeared in a United Nations document.

In conclusion, he stressed that the situation of the territories could not be compared to that of countries living at peace. Moreover, human rights could not be separated from social and economic rights; the striking advances achieved in the territories in the fields of agriculture, trade and industry and in social and educational services were important components of the human rights situation. Israel was different by its very nature from some of the countries whose representatives had attacked it during the debate; it was an open and pluralistic society built on firm foundations of law and democracy, which believed in the rights of the individual and faithfully abided by international treaties. It was up to those members who were not party to the controversy to decide whether the cause of human rights entrusted to the Commission should once again be made a pawn in vicious and reckless political warfare.

Mr. AREBI (Observer for the Libyan Arab Jamahiriya) said that during the five years in which he had been a member of the Commission he had not heard certain delegations pronounce a single sentence concerning the tragic fate of millions of Palestinians who were experiencing the greatest tragedy of the modern world. It was difficult to believe in the good faith of those who spoke of human rights while deliberately closing their eyes to the plight of the peoples of Palestine and southern Africa and, worse still, were encouraging and helping those peoples' oppressors. The Zionists' violations of human rights could not be viewed outside the context of the ideology which inspired them. Those violations would come to an end only when the self-appointed defenders of human rights ceased to furnish the Zionist entity with arms and innumerable other forms of assistance, including

that of voting in international bodies against anything that might harm that entity. Unconditional support of the Zionist entity was increasing and assuming fresh aspects, of which the Camp David accords and the Washington treaty were only an example. Those agreements were in themselves a crime against humanity; those who had signed them represented only themselves, as there was no Palestinian among the three signatories. He appealed to the Commission to refute and condemn those treaties in clear and vigorous terms.

Mr. EL-FATTAL (Syrian Arab Republic), speaking in exercise of the right of reply, said that he objected to the Israeli Observer's misinterpretation of Security Council resolution 237 (1967). An official interpretation, which completely contradicted that put forward by the Observer for Israel, had been supplied by the Legal Counsel to the United Nations at the time of the resolution's adoption.



1532nd meeting - 8 February 1980

Mr. TOŠEVSKI (Yugoslavia) said that the Arabs in occupied territories and their sympathizers were generally pessimistic. The Israeli Government's annexation policy had reached alarming proportions, and the so-called plan for autonomy consisted merely in further humiliation of the Arab people, while the results of all the United Nations efforts had been nil. Consequently, the prospect of a rational and peaceful solution to the Middle East problem was receding. The Palestinian issue could not be considered separately from the over-all Middle East problem and any attempt to do so would only aggravate it still further. Yugoslavia continued to support the complete withdrawal of Israel from all occupied Palestinian and Arab territories, the restoration to the Palestinian people of all their national rights, including the right to create an independent Palestinian State, the return of Jerusalem to Arab sovereignty and the recognition of the rights of the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people.

Mr. GARVALOV (Bulgaria) said that the problem of the Palestinians was of a universal nature, in spite of attempts by some States to downgrade its importance. There would be no lasting or just peace in the Middle East unless the problem was solved in a comprehensive manner. The Commission should discuss the plight of Palestinian people primarily as a violation of their inalienable rights to self-determination and the creation of their own State. The United Nations had formally recognized the right of the Palestinian people, led by their legitimate and sole representatives, the Palestine Liberation Organization, to fight for those rights.

The imperialist forces overtly disregarded the fundamental right of the Palestinian people to self-determination; the Camp David agreements, concluded in the absence of the legitimate representatives of the Palestinians, ran counter to United Nations resolutions and the norms of international law. They constituted an attempt to legalize the occupation by Israel of Arab territories. Negotiations for so-called autonomy could not safeguard the legitimate interests of 1.1 million Palestinians on the West Bank and in Gaza. In any case, the agreements had certainly not put an end to violations of human rights in the occupied territories. The international community demanded that Israel and those Western States, primarily the United States, which supported it, discontinue such violations, which constituted a threat to the peace and security of the whole world. In accordance with its traditional bonds of friendship with the Arab peoples, Bulgaria considered that the Middle East problem should be settled within the framework of the United Nations.

Mr. HASSON (Observer for Democratic Yemen) said that Israel was a racist expansionist State, owing to its Zionist nature, which the international community had rightly identified as a form of racism. Those countries which were the self-appointed defenders of human rights should recognize the right of the Palestinian people to self-determination and exert pressure on Israel to recognize it too.

Mr. TERREFE (Ethiopia) said that his Government believed that just and lasting peace could be achieved in the Middle East only on the basis of a comprehensive

settlement upholding the right of the Palestinian people to self-determination. A partial peace settlement which excluded the Palestine Liberation Movement was bound to fail. He endorsed the statement on the subject issued at the sixth summit conference of the non-aligned countries in September 1979. The Commission must continue to condemn the root cause of the human rights violations suffered by the Palestinian people, namely Israeli aggression and expansionism. He urged the Commission to continue its struggle for the legitimate rights of the Palestinian people.

Mr. ROS (Argentina) said that occupation by a foreign Power created a situation of permanent injustice which could be maintained only by violating the human rights of the local inhabitants. The destruction of their historical and cultural associations converted people into second-class citizens without a past or a future.

The Palestinians should be allowed freely to exercise, under international supervision, their right to self-determination in relation to their land and all the natural resources therein. The existence of the Jewish and Palestinian peoples were two realities of the Middle East, and neither side could reasonably continue to ignore the other's existence or the legitimacy of all the other's rights. Everyone should recognize the right of Israel to exist as a sovereign State within secure and internationally recognized frontiers. At the same time, all States, including Israel, should promote conditions in which the Palestinian people could decide their future through their legitimate representatives without being subject to conditions alien to the spirit of the Charter of the United Nations. Their self-determination should be exercised in relation to their territories and the whole of their natural resources.

Mr. SKALLI (Morocco) recalled the comprehensive resolution against Israel which had been adopted by the tenth Islamic Conference, held in Fez in the spring of 1979. The Conference had set up a committee, Al Qods, to secure the liberation of Jerusalem and ensure the preservation of its historical character. In his capacity as chairman of that committee, the King of Morocco, Hassan II, had addressed appeals to the President of the Council of Europe and to the Pope which had met with encouraging responses. Morocco had also submitted the resolution on the subject adopted by the sixth summit conference of non-aligned countries. Morocco expected to be supported in its claims to preserve Moroccan property in Jerusalem, particularly the West Wall of the Moroccan Gates of the Al Qods Mosque, and elsewhere. As a result of Moroccan initiative, UNESCO had called for a report on the subject. Morocco demanded the withdrawal of Israel from all occupied territory including Jerusalem; restoration to the Palestinian people of their rights, including the right to self-determination and national sovereignty; and the full and equal participation of the Palestine Liberation Organization in Middle East negotiations.

Mr. PAPASTEFANOU (Greece) said that Greece, which had always supported the inalienable right of the Palestinian people to self-determination and independence, noticed with concern the aggravation of the political instability in the Middle East due to the fact that definite agreement had not yet been reached.

Mr. BATIOUK (Observer for the Ukrainian Soviet Socialist Republic) said that, by analogy with item 7 of its agenda, the Commission might usefully examine the

adverse consequences for the enjoyment of human rights of the political, military, economic and other forms of assistance given to Israel. After the Camp David meetings and the conclusion of a separate peace between Israel and Egypt under the aegis of the United States, Israel continued to ignore the rights of the Palestinian people. Negotiations between Israel and Egypt on so-called "administrative autonomy" for Palestinians on the West Bank and in the Gaza Strip were aimed at the further colonization of Palestinian lands. The true worth of such "autonomy" had been eloquently demonstrated by the arrest of the Mayor of Nablus in November 1979. Thousands of Palestinians were at present in gaol simply because they wanted to avail themselves of their national right to self-determination. Everyone knew the identity of those who supported Israel in its aggressive policies. Although membership of the Committee on the Exercise of the Inalienable Rights of the Palestinian People was open to all countries, the countries of North America and Western Europe were absent from the list of that Committee's members. Billions of United States dollars were being poured into Israel's economy, and Western aid provided the economic basis for the establishment of new Israeli settlements in the occupied territories.

Mr. HILALY (Pakistan) said that his delegation was outraged by Israeli repression and the desecration of holy places, such as the excavations which threatened the foundations of the Dome of the Rock Mosque in Jerusalem. The United Nations had rightly declared zionism to be a form of racism, since Israeli official policies were strikingly similar to the policy of apartheid. As had been shown by examples in southern Africa and South-West Asia, human rights violations stemmed principally from foreign occupation. United Nations efforts had proved unsuccessful because they did not directly espouse the legitimate rights of the Palestinian people, the heart of the Middle East problem. Those rights could be negotiated only by the Palestine Liberation Organization. The rule of law in international relations and the security of smaller States required that Israel should withdraw completely from all the occupied territories. In particular, Jerusalem could not be made the subject of bargaining and the United Nations must call for political and economic measures against States which recognized it as the Zionist capital, a move which would be opposed by Islam and Christendom alike. The extraordinary general session of the Islamic Foreign Ministers held in January 1980 had adopted a clear resolution on the need for a comprehensive peace settlement.

Mr. SHESTACK (United States of America) stressed the merits of a civilized dialogue about the problem in contrast to the escalated rhetoric that had been employed. The Camp David agreements, the provisions of which were under implementation, had opened up a promising avenue for dealing with relations between Israel and its neighbours. That process was important in achieving peace among all the parties. Two thirds of Sinai had already been evacuated and its full evacuation was scheduled for April 1982. The United States was concerned about human rights in the occupied territories, but it was not easy to assess the true position owing to a general lack of objectivity and often politically-motivated accusations by those with poor human rights records themselves. Inside Israel, high standards of justice and human rights prevailed. In the occupied territories, certain guarantees had been suspended on security grounds and the problem would probably be resolved only by a final peace settlement. The United States Government had issued a report on specific aspects of the human rights situation in those territories which did not agree with many of the comments which had been made in the report of the Special Committee. The United States continued to be committed to the goal of a just and lasting peace in the Middle East.

Mr. ZORIN (Union of Soviet Socialist Republics) said that the current deterioration in the international situation might well encourage Israeli leaders to pursue their aggressive policies in defiance of numerous decisions of the United Nations and other authoritative international forums. As the tragic events taking place in Lebanon clearly showed, Israel's violation of human rights was not confined to the occupied territories. The principal victim, however, was the Arab people of Palestine, whose very right to existence was being denied by Israel. In that connexion, he referred to the Political Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries. Israel's policy of "assimilation" of the occupied territories, of establishing new Israeli settlements and applying repressive measures against Palestinian Arabs both in the occupied territories and in Israel itself, based on Zionist doctrine, was aimed at the complete displacement of the Arab people of Palestine from its ancestral lands, its fragmentation and its ultimate destruction as a nation. Israel's refusal to recognize the Palestine Liberation Organization, its refusal to recognize Palestinians' right to establish a State of their own and its attempts to accuse the PLO of terrorist activities all contravened decisions of the United Nations, including decisions of the Security Council which Israel as a Member of the United Nations was required to accept under Article 25 of the Charter.

The real object of the negotiations between Israel and Egypt concerning so-called "administrative autonomy" for the Palestinians was to consign to oblivion the idea of a Palestinian State. Egypt's withdrawal of support from the PLO and the conclusion of the Camp David agreements merely harmed the cause of peace and respect of human rights in the Near East. Israel's continuing impunity was assured by the support of certain circles in the United States which also backed the Camp David agreements. The United States Middle East policy was not motivated by any desire for peace and respect of human rights but by the hope of transforming the area into a military and strategic jumping-off ground against the Soviet Union and other countries of the socialist community and, at the same time, safeguarding the interests of the United States oil monopolies at the expense of the exploited peoples of the region.

The cause of the Arab people of Palestine enjoyed the support of all those genuinely concerned with peace and human rights in the Near and Middle East. The policy of separate agreements had been condemned at the Havana non-aligned summit conference, at the Tunis conference of Arab States and at the World Congress of Solidarity with the Arab Peoples held in Lisbon. The Soviet Union's position in the matter remained unchanged; its latest formulation could be found in the joint Soviet-Syrian communiqué signed in January 1980 on the occasion of the Soviet Foreign Minister's visit to the Syrian Arab Republic.

Mr. ARMALIE (Observer, Palestine Liberation Organization), speaking in exercise of his right of reply, alleged that the United States State Department report on human rights in Israel and the occupied territories had value only to catch Jewish votes in the presidential electoral campaign. Referring to the intervention by the representative of Israel, he said that the rupture of diplomatic relations between Israel and the countries of which members of the Special Committee were nationals was not the real reason for Israel's refusal to admit the Committee. Israel had similarly refused to admit the tripartite committee set up by the Security Council although it maintained diplomatic relations with the countries of two out of its three members.

Mr. EL-FATTAL (Syrian Arab Republic), speaking in exercise of his right of reply, said that although the United States representative had recommended a lowering of voice, United States policy was noisy enough elsewhere, particularly the special units pouring towards the Gulf. Referring to the intervention of the Egyptian representative, he said that in spite of earlier pledges about the sovereign independence of the Palestinian people, Egypt had arrogated to itself the right to conclude treaties against their express will.

Mr. SHESTACK (United States of America), speaking in exercise of his right of reply, said that the Iranian, Syrian and Soviet representatives had regrettably used his plea for restraint in debate in order to launch unwarranted attacks on his Government on matters unrelated to the item under discussion.

1533rd meeting - 8 February 1980

Mr. HEREDIA (Cuba), speaking in exercise of his right of reply, said that his delegation refused to accept any instructions from the United States representative as to the tone of its intervention. A raised tone of voice was indicative of the indignation naturally felt by any civilized person at the crimes being committed by Israel in the occupied territories, which could not have continued for so many years without consistent United States support.

Mr. EL-SHAFEI (Egypt), speaking in exercise of his right of reply to the Syrian representative, said that the position of the Egyptian Government with regard to the participation of representatives of the Palestinian people in the peace-making process had never changed. The Camp David framework was not a final settlement of the Palestine problem, but it was the first document in which Israel had committed itself to negotiate with the representatives of the Palestinian people about their legitimate rights. That was the crux of the Arab-Israeli conflict. A just and lasting peace required the recognition of the Palestinian people's right to self-determination and statehood and to the recovery of their territory. Egypt made no claim to speak on behalf of the Palestinian people, who alone would have the final word on the matter.

The Camp David document naturally did not refer to the fourth Geneva Convention, which was irrelevant to its purpose of securing the withdrawal of the occupying forces from the occupied territories. That withdrawal had begun, and Egypt had restored its sovereignty over a great part of its formerly occupied territory. Negotiations would lead to similar results in the case of the other occupied territories. Egypt was continuing to support the Palestinian cause through peaceful means and dialogue as it had done in war and bloodshed.

Mr. BARROMI (Observer for Israel), speaking in exercise of his right of reply, said that the anti-zionism of the Soviet Union and its followers was merely an up-to-date version, occasionally dressed up in pseudo-Marxist verbiage, of the anti-Semitism propagated by the Tsarist secret police. It constituted a rejection of everything the United Nations and the Commission stood for. The Soviet representative had brought with him a blast from the cold war.

Mr. EL-FATTAL (Syrian Arab Republic), speaking in exercise of his right of reply, said that Egypt and Israel had concluded a barter deal under which the rights of the Palestinians had been sold for the recovery of the Egyptian territory of Sinai. The right to self-determination and independence was downgraded to that of an administrative autonomy.

For example, the article in the Camp David agreement which mentioned, but did not guarantee, the right of 1948 refugees to return to their homes and land, a right universally guaranteed and each year unanimously reconfirmed by the General Assembly, did not refer specifically to Arab refugees and thus, with Egypt's consent, opened the door to Jewish immigrants from all parts. Moreover, far from proclaiming the right of every person to return home, the agreement specified that the Egyptian and Israeli authorities were to agree on which of the persons displaced as the result of the 1967 war should be allowed to be repatriated. That would give the Israeli authorities a virtual veto on the right of the displaced Arabs to return to their homes and property.

Mr. HORVATH (Observer for Hungary) expressed his concern at the fact that Israel was continuing to commit crimes in the occupied territories in violation of United Nations resolutions. The United Nations should take measures to force Israel to implement those resolutions. The Palestinian people rejected the separate peace, and the Middle East situation continued to threaten world security. In order to ensure a lasting peace, the occupied territories must be returned to the Arab peoples; the Palestinian people must be allowed to exercise their legitimate rights, including the right to independent statehood, under the leadership of the PLO; and the security and peace of all States of the region must be guaranteed.

Mr. HUGLER (Observer for the German Democratic Republic) said that the imperialist policy of separate agreements constituted a further obstacle to the realization of the legitimate rights of the Palestinian people, since it encouraged Israel in its acts of aggression. The Special Committee's report (A/34/631) indicated that the occupied territories had already been declared parts of Israel and the Palestinian "autonomy plan" was designed to deny Palestinians the right to self-determination and statehood, with the purpose of perpetuating the aggressor's political and military rule.

The German Democratic Republic considered that the twin prerequisites for a comprehensive political settlement in the Middle East were the withdrawal of Israel from all occupied territories and the guarantee of the Palestinian people's right to self-determination, including the right to statehood. It endorsed the Special Committee's demand that the international community increase its efforts to achieve a lasting peace in the area.

Mrs. SLAMOVA (Observer for Czechoslovakia) said that, as pointed out in paragraph 366 of the Special Committee's report, the fact of occupation itself constituted a fundamental violation of the human rights of the civilian population of the occupied territories. Israel continued to flout the numerous United Nations resolutions in the matter, just as it flouted world public opinion and international law. As the Czechoslovak Minister of Foreign Affairs had said recently, only the withdrawal of Israeli troops from the Arab lands occupied in 1967, respect of the right to self-determination of the Arab people of Palestine, including the establishment of its own State, and the participation of all interested parties, including the Palestine Liberation Organization, in guaranteeing the right to peace and security of all States and peoples in the area could bring about genuine, just and lasting peace in the Near East. The Commission should once again resolutely condemn Israel's occupation of the Arab lands and should give all possible assistance to the Palestinian people in its just and legitimate struggle for independence.

Mr. ZORIN (Union of Soviet Socialist Republics), speaking in exercise of his right of reply, said it was undeniable that in 1967 Israel had been the aggressor and had renewed its hot war of 1956. The consequences of that war were still unresolved. The Israeli representative had made an unworthy attempt to denigrate statements against zionism by referring to anti-semitism. They were not one and the same. Zionism had been defined by the General Assembly as a form of racism which the entire international community opposed.

1534th meeting - 11 February 1980

Mr. FARHANG (Iran), introducing the draft resolutions concerning the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/L.1484), and the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (E/CN.4/L.1485), stated that on the occasion of the first anniversary of the Iranian revolution establishing the Islamic Republic of Iran, Iranians would never forget the generous moral support the Palestinian people had given them in the difficult days of the revolutionary movement; Iranians wished to strengthen their moral and political association with the Palestinian people in the general struggle against zionism and imperialism.

Why was it that removal of Mr. Sakharov from one city to another in the Soviet Union generated such massive protests and publicity throughout the world, but that news of the continuous and brutal expulsion of Palestinians from their ancestral homes did not even reach the Western mass media?

The violation of Mr. Sakharov's rights should be the concern of all freedom-loving people, but why was it that the Western world could not be as much concerned with the atrocities committed against the inhabitants of the occupied Arab territories?

The so-called "homeland" doctrine was directly tied to the massive and deceptive propaganda of international zionism to encourage the emigration of Soviet Jews to Israel. The plan was to make the Soviet Jews Israeli citizens and assist them to settle in the occupied territories. The only place in the world from which such potential emigrants could come was the Soviet Union. It was the ultimate cynicism of international zionism to conceal that strategy under the pretention of support for human rights in the Soviet Union.

Those who attempted to justify the behaviour of Israel were both dishonest and irrational, despite their appeal on behalf of realism and humanity.

Those propagandists of oppression, like the bulk of the Western diplomats in international gatherings, refused to face what zionism had been doing to Palestinians over the years. It was one of the most painful cultural episodes of the time that even the Western intelligentsia was by and large silent about the Zionist treatment of Palestinians.

The rhetoric of Middle Eastern peace currently used by the United States was synonymous with the desire to suppress the question of Palestine. It was that inhuman solution, planned or otherwise, that the Palestinian people now resisted. There ought to be no surprise, then, that "peace" as thus defined had found no willing Palestinian supporters.

It was obvious that the United States was not yet interested in peace in the Middle East. What the American policy makers sought to accomplish in the region was absence of war, which was not peace at all. Getting oil and setting up armed alliances in opposition to popular and nationalist currents formed the principal



imperatives of the United States policy in the Middle East. Any conflict, just or unjust, reasonable or unreasonable, was bad for the United States, since what mattered was the absence of change, the accessibility of Middle East oil and the vast consumer market to United States corporations, and bilateral links between the United States Government and every so-called "moderate" Middle Eastern régime. Needless to say, moderation in the official United States vocabulary meant being at the service of United States imperialism.

In spite of the general Western tendency to postpone serious discussion of the Palestinian issues, in Israel, in Europe, and even in the United States, more and more concerned people were being awakened to the reality of the plight of Palestinians and their rights. The resistance, aggressiveness and sheer persistence of Palestinians were the reasons for that change; they would not go away, not even after they had been dispersed and conquered.

The Islamic Republic of Iran, under the spiritual guidance of Iman Khomeini, would continue to appeal to the conscience of humanity to comprehend the truth of the Palestinian cause. Iranians were convinced that the historical and moral sufficiency of the Palestinian cause would finally defeat all attempts to isolate and misrepresent it.

The dehumanized propaganda apparatus of zionism and United States imperialism would neither deter Palestinians from their courageous struggle nor reduce the efforts of those who supported them throughout the world simply because they were right in their claims against Israel.

Mr. M'BAYE (Senegal) said that in operative paragraph 2 of draft resolution E/CN.4/L.1484 (A) there was a reference to "crimes against humanity", which had been legally defined in the statute of the Nuremburg international military tribunal, confirmed in General Assembly resolutions 3 (I) and 95 (I) and in article 1 of the International Convention on the Suppression and Punishment of the Crime of Apartheid. He would therefore prefer the phrase to be replaced by the words "affront to humanity", which did not constitute a legal classification.

Mr. CHARRY SAMPER (Colombia) said that, while respecting the views of other delegations, his delegation had some doubts about the draft resolutions under consideration. The Commission should take greater interest in specific human rights problems, avoiding the establishment of precedents that might be wrongly interpreted in other political situations. Its task was to restore human rights that had been violated and to prevent further violations.

Referring to draft resolution E/CN.4/L.1485, which was closely interrelated with the two draft resolutions under consideration ((A) and (B) of E/CN.4/L.1484), he said that attempts being made to bring the Commission into a position of partisanship were regrettable. Colombia wished to help in finding peaceful solutions to conflicts without taking sides, and that position should be respected. As to draft resolution (A), his delegation supported the proposal by the representative of Senegal that the word "crimes" before the words "against humanity" in operative paragraph 2, should be replaced by the word "affront". The word "crimes" had a well-defined meaning which had been applied in the case of the Nuremberg trials; it had also been applied to the practice of apartheid, which his country condemned. The Commission had no authority to modify the definition of crimes against humanity as given in international treaties.

Referring to the fourth preambular paragraph of draft resolution (B), he said that, while Israel should certainly abide by the Geneva Convention in question, its position on the matter was not a direct threat to world peace and security.

The solution to the Middle East problem lay in the application of Security Council resolution 242 (1967), which recognized the right to existence of the various States in the area and to which the great Powers were committed. Any global and equitable solution to the problem had to include guarantees by the United States and the USSR concerning the area.

The Palestinian people had the right to establish their own State. No United Nations body was empowered to lay down the form which self-determination should take. At the same time, Israel's right to exist as a State should be recognized in accordance with Security Council resolution 242 (1967). It should be possible to find a solution that took account of the interests of both parties. The Commission's responsibility was to ensure respect for human rights and to foster an atmosphere of co-operation.

Subject to the reservations he had expressed, his delegation would vote in favour of the two draft resolutions in document E/CN.4/L.1484, but it would be unable to support draft resolution E/CN.4/L.1485. Although imperfect, the Camp David accords could provide a step towards peace in the Middle East. They should be examined in their historical context and should not be used as a reason for further separating the parties in question. His delegation would abstain in the vote on the draft resolution in the hope that the accords could lead to further moves towards agreement.

The State of Israel had been established by a United Nations resolution, and that State in turn had an obligation to comply with resolutions. A global and equitable solution to the Middle East problem required recognition of the right both of Israel and of the Palestinian people to exist as a State.

Mr. OMAIER (Observer, League of Arab States), speaking at the invitation of the Chairman, said that he was surprised at the failure of some representatives to refer to the dangers of the Palestinian problem. The Arabs of Palestine, who had suffered under Israeli aggression since 1948, would undoubtedly win their struggle for self-determination. It was unthinkable that four million people had remained in exile or under Zionist occupation for over 30 years. There could be no peace in the Middle East as long as Israelis, who had come into Palestine from various parts of the world, continued to occupy that country while the original inhabitants were exiled from their own land.

The Palestinian people could have no part in the Camp David agreement, which ran counter to peace in the Middle East and to the right to self-determination and freedom of the Palestinians; ignoring as it did their legitimate rights on the West Bank, in the Gaza Strip and in the other occupied territories. It was also contrary to the Charter of the United Nations. The Arab peoples would oppose the agreement, which encouraged foreign intervention and gave no autonomy to the inhabitants. The Commission should condemn the agreement, the Israeli authorities and the imperialists, who were the direct and indirect sources of conflict and tension in the Arab world.

The Commission should give consideration to the question of Namibia and Zimbabwe which, after suffering long periods of colonization, should now become sovereign members of the United Nations. He urged the Commission to vote in favour of draft resolutions E/CN.4/L.1484 and E/CN.4/L.1485 and thus to support the efforts of those who desired justice and who recognized the rights of the Palestinian people.

Viscount COLVILLE (United Kingdom), explaining his delegation's vote on draft resolutions E/CN.4/L.1484 (A) and (B), said that there was an urgent need for Israel to end the territorial occupation maintained since 1967. His delegation was seriously concerned at Israel's continuing refusal to acknowledge the application of the Geneva Conventions in the occupied territories and at reports of ill-treatment of detainees, which, if confirmed, would constitute a grave breach of international humanitarian law. It did not, however, approve of the dissemination in the Commission of serious allegations in extreme language and lacking independent corroboration. It would therefore abstain in the vote on draft resolution (A).

His delegation was also concerned at the use of the language of Chapter VII of the Charter of the United Nations in the fourth preambular paragraph and at the strengthened wording of paragraph 3, which departed from the language used in previous resolutions on the subject adopted by consensus. If the new wording remained, his delegation would be obliged to abstain in the vote on draft resolution (B); it hoped that such wording could be removed to enable the resolution to be adopted by consensus.

Mr. SHESTACK (United States of America) said that his delegation intended to vote against both draft resolutions in document E/CN.4/L.1484, which failed to give an accurate picture of the situation in the occupied territories and which described conditions from a biased viewpoint and in extreme language, taking no account of Israel's attempts to remedy the situation. Israel was engaged in negotiations for a comprehensive settlement of the conflict which would recognize the legitimate right of the Palestinians. It was particularly regrettable that new language had been introduced into draft resolution (B) which made it impossible for his delegation to participate in a consensus. For example, the use of the language of Chapter VII of the Charter of the United Nations was a highly inappropriate response to Israel's technical refusal to accept the application of the Geneva Conventions in the occupied territories. While his delegation disagreed with Israel's position in that respect, it was inappropriate to condemn that country when it had recognized the principles of the Geneva Convention and had declared that it sought to, and did, observe most of its provisions. Advances were being made towards peace in the Middle East, which the United States hoped would be achieved. The draft resolutions would not contribute to that process and could not lessen hatred or hostility or serve the cause of the legitimate rights or aspirations of the Palestinian people.

Mr. VARELA (Costa Rica) said that his delegation could support draft resolution E/CN.4/L.1484 (A) provided that operative paragraph 2 was amended as proposed by the representative of Senegal; if the Commission was unable to accept that amendment, his delegation would be compelled to abstain in the vote.

Despite certain reservations, his delegation would vote in favour of draft resolution (B).

It would be obliged to abstain in the vote on draft resolution E/CN.4/L.1485, since it considered that any effort to bring peace to the Middle East deserved support rather than condemnation, and the Commission was not empowered to make such condemnation.

Mr. AL-JABIRI (Iraq), speaking as a sponsor of the draft resolutions in E/CN.4/L.1484, pointed out that the words "thirty-sixth" before the word "session" in operative paragraph 9 of (A) should be replaced by the words "thirty-seventh", and that the operative paragraphs of draft resolution (B) should be renumbered as paragraphs I to VI.

Mr. ZU RANTZAU (Federal Republic of Germany) said that his delegation, which had joined in the consensus on corresponding resolutions at earlier sessions, regretted that new language had been introduced into draft resolutions (A) and (B) which defeated their purpose by politicizing them to an extreme extent. Unless such language could be removed, his delegation would be obliged to abstain in the vote on both resolutions.

Mr. M'BAYE (Senegal) said that the sponsors had agreed to replace the words "crimes against humanity" in operative paragraph 2 of draft resolution (A) by the words "an affront to humanity".

Mr. FARHANG (Iran) said that, while the sponsors had agreed to that amendment, they were unable to accept the change which had been proposed for draft resolution (B). The motives of those unwilling to use the word "condemn" could be questioned.

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Mr. SOYER (France), speaking in explanation of vote, said that agenda item 4 raised a specific question which clearly came within the Commission's competence but which it was difficult to separate from its political context. While understanding the desire of the delegations directly concerned to bring up the question in the Commission, his delegation considered that such discussion could not serve the real objective of ensuring respect for human rights in the occupied Arab territories and throughout the world. That was why his delegation had taken no part in the general debate.

His Government had adopted a clear and consistent position on the need to put an end to the occupation which had continued since the 1967 conflict; on the illegality under international law of the policy of establishing settlements; on the applicability of the fourth Geneva Convention to all the occupied Arab territories, including Jerusalem, and in particular on the prohibition of any demographic or physical modification in the occupied territories; on the need for a just and lasting peace to take account of the legitimate rights of the Palestinians, including their right to a homeland; and on the need for an over-all settlement based on Security Council resolutions 242 (1967) and 338 (1973). France had associated itself with the declarations of the countries members of the European Economic Community of 29 June 1977, 26 March 1979 and 18 June 1979.

Referring to resolution (A), he reminded the Commission of his delegation's reservations on the Special Committee to investigate Israeli practices and on that body's annual report. An investigating committee could be competent only to the extent that it had received the agreement of the country concerned. In the absence of first-hand information, such a committee was in no position to give its report the necessary authority, although some of the facts reported justified serious concern.

His delegation was unable to support the claim that the occupation in itself was a violation of the human rights of the civilian population. While the effects of the occupation should be taken into account, they should be compared with those produced in similar situations which were frequently far worse.

As concerned resolution (B), his delegation had always maintained that the Geneva Convention relative to the Protection of Civilian Persons in Time of War was applicable to all the occupied Arab territories, including Jerusalem, but it was unable to subscribe to the claim that Israel's refusal to apply the Convention in the territories concerned posed a grave threat to world peace and security.

Mr. DAVIS (Australia), explaining his delegation's abstention from voting on resolutions (A) and (B), said that resolution (A) contained elements that were unproven and unnecessarily tendentious. Australia could not endorse, for example, the claim that it was Israeli policy to arm the settlers in occupied territories to commit acts of violence against Arab civilians. Australia shared the Colombian delegation's view that partisan drafts of that nature did not advance the prospects for settlement of the problems of the Middle East.

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a/ For details of the vote, see the report of the Commission on its thirty-sixth session (E/1980/13-E/CN.4/1408), chap. II, paras. 25-26.

Australia had hoped that it would be possible for a consensus on resolution (B), but the text of the fourth preambular paragraph touched on matters beyond the Commission's competence. Australia, however, supported the thrust of the text and agreed that Israel should be asked to revise its policy in the occupied territories.

Mr. van der STOEL (Netherlands) said that his Government's policy with regard to the situation in the Middle East had been outlined in his delegation's statement to the General Assembly at its thirty-fourth session. A just and lasting settlement was required, based on the inadmissibility of occupying territories by force, the need for Israel to end the territorial occupation it had maintained since 1967, the legitimate right of the Palestinian people to a homeland and the right of every State in the region to live in peace within secure and recognized boundaries.

Israel's persistence in introducing settlers to occupied territories was clearly in contravention of international law. However, resolution E/CN.4/L.1484 (A) represented an unbalanced approach which the Netherlands delegation had been unable to support. It could have supported the general tenor of resolution (B) but had been obliged to abstain from the vote because of the formulations used in the fourth preambular paragraph and in paragraph 1.

Mr. CHAVEZ-GODOY (Peru) said that his delegation, as a constant upholder of respect for human rights, had voted in favour of resolution E/CN.4/L.1484. He thanked the sponsors for agreeing to amend the wording of paragraph 2 of resolution (A), as a result of which his delegation had been able to vote in favour of the text instead of abstaining. However, it had abstained from voting on paragraph 4 of resolution (B), since the text had a recognized international legal sense not applicable to the case.

Mr. NANNA (Nigeria) said that his delegation had been unable to vote because it had had no specific instructions at the time; otherwise it would have voted in favour of the draft resolution.

Mr. PAPASTEFANOU (Greece) said that his delegation had voted in favour of resolution E/CN.4/L.1484 (A), although it thought the text of paragraphs 2 and 3 too strongly worded.

Mr. GIAMBRUNO (Uruguay) said that his delegation supported draft resolution E/CN.4/L.1484, although it had been absent during the voting. However, it had some reservations about resolution (A) and could not fully endorse the condemnatory tone of certain paragraphs.

Uruguay reaffirmed its solidarity with the Palestinian people and reiterated that no lasting solution was possible unless the right to existence of all nations, including the State of Israel, was upheld.

Mr. SOYER (France) said that his delegation had abstained from voting on resolution (B) because of the confusion mentioned regarding the paragraph numbers. Had the numbering been clear in the French text, his delegation would have voted against the fourth preambular paragraph.

Annex VII

ABRIDGED RECORD OF THE DISCUSSION ON AGENDA ITEM 9

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO  
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Meetings: 1533rd to 1543rd, held from 8 to 15 February 1980

Mr. van BOVEN (Director, Division of Human Rights), introducing item 9, said that the right of peoples to self-determination, a right which was enshrined in the Charter and other important instruments of the United Nations and which was a theme of discussion in a number of different United Nations bodies, was now recognized as a fundamental principle of international law. Furthermore, the enjoyment of that right, as the collective right of peoples as a whole, was a precondition for the enjoyment by individuals of the basic human rights. The two were closely linked, as was clear from the fact that the right of peoples to self-determination formed the subject of article 1 of the International Covenants on Human Rights, and it was from that angle that the subject was before the Commission. Moreover, as that article stated, the right to self-determination was not merely a political matter but had, in addition, economic, social and cultural dimensions. Those aspects were brought out in the studies made on that subject by the Special Rapporteurs of the Commission's Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/404 and E/CN.4/Sub.2/405). The denial of that right, in any of its aspects, led to the violation of the human rights of individuals, as the General Assembly had stressed in its resolution 32/130, paragraph 1 (e).

Thus, collective rights and individual rights must go hand in hand and, to have its true meaning, self-determination must be based on the full and free development of every human being, enjoying full respect for his or her human rights. It was also important to bear in mind the relationship between the right to self-determination and the right to development; without genuine development, self-determination could not be fully realized. Finally, he drew attention to the provisions of resolution 1 A (XXXII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of 5 September 1979, and General Assembly resolution 34/44 of 23 November 1979, both of which called for full respect for the right of peoples under colonial or alien domination to self-determination and referred in particular to the rights of the Palestinian people in that respect. The second of those two resolutions made a special appeal for the release of persons imprisoned because of their efforts to secure for their peoples self-determination and independence, and for the observance of article 5 of the Universal Declaration of Human Rights, which stated that no one should be subjected to torture or to cruel, inhuman or degrading treatment.



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Mr. BYKOV (Union of Soviet Socialist Republics) said that in the 20 years since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, many peoples of Asia, Africa and Latin America had won their freedom and begun their independent development. The process was now in its concluding phase and it was necessary to complete it. That applied in particular in southern Africa. The racist régimes in southern Africa were committing acts of aggression against neighbouring African States in order to prevent them from helping the just cause of the national liberation movements of the peoples in Namibia, Zimbabwe and South Africa. South Africa's policies included the denial of the elementary human rights of the African population, the suppression of the national liberation movement, the practice of apartheid and "bantustanization" and the illegal occupation of Namibia which it was trying to turn into another bantustan through neo-colonialist methods. The situation in southern Africa would long ago have been settled had it not been for the support given to the racist régimes by certain Western countries. Because of that support, South Africa was preparing to produce nuclear weapons; that would have serious consequences for Africa and be a threat to world peace and security. His delegation believed that the only way to put an end to apartheid in South Africa and to achieve the true liberation of the peoples of southern Africa was by a strict application of decisions of the United Nations and the Organization of African Unity, with the imposition of sanctions in the economic, trade, financial and other spheres under Article 41 of the United Nations Charter.

In Zimbabwe, in concluding the London agreements there were attempts to maintain a colonial order under cover of a puppet régime. Moreover, the agreements were being violated by the United Kingdom itself, which, through its Governor, was doing everything possible to suppress the Patriotic Front and to support the puppet, Muzorewa, in order to maintain a neo-colonialist régime in Zimbabwe to the benefit of British interests and those of foreign monopolies. His country believed that the international community should act to ensure the removal from southern Africa of the last traces of colonialism and racism and the granting to the peoples of Zimbabwe, Namibia and South Africa of their inalienable rights to self-determination and independence.

In the Middle East, where Israel continued to occupy Arab territories and to carry out acts of aggression against Lebanon, the only possibility for a just and lasting peace lay in a comprehensive settlement of the problems of that area and the solution of the Palestinian question on the basis of full respect for the lawful national rights of the Palestinian people, including their right to self-determination and to the establishment of their own independent State, as had frequently been stated in resolutions of the General Assembly itself. The Camp David agreements and the separate accord between Egypt and Israel, concluded under the auspices of the United States, were designed simply to perpetuate the present abnormal situation. The Soviet Union and the other socialist countries would continue to support the Palestinian people in their just struggle.

In South-East Asia also, the hegemonistic expansionist policy pursued against the peoples of Viet Nam, Laos and Kampuchea by a big Power under the pretext of its

alleged "right" to "teach" the others created a threat to peace in that region and constituted flagrant violation of the peoples' right to self-determination.

In the many small colonial territories that remained, the process of decolonization was being deliberately frustrated by the administering Powers in order that they might continue to use those territories for their own purposes, and especially as military bases. That applied to island territories in the Pacific, Indian and Atlantic Oceans and the Caribbean, and most particularly to the Micronesian islands, whose peoples were being deliberately deprived under various pretexts by the United States of their right to self-determination and independence. It was to be hoped that 1980, the twentieth anniversary of the adoption of the Declaration concerning decolonization, would see the end to all traces of colonialism.

Mr. ARMALIE (Observer, Palestine Liberation Organization) said that the Palestinian people rejected the Camp David agreements of March 1979, which merely confirmed the illegal occupation of the Arab territories of Palestine that had originated in 1917 with Lord Balfour's promise to give Palestine to the Jews, although they had numbered only eight per cent of the population at that time, a move reinforced by the United Nations itself in 1947 by its adoption of the resolution on the partition of Palestine, in flagrant violation of the fundamental right of the Palestinian people. The Palestinian problem could not be solved without the participation of the Palestinian people themselves, through their legitimate representative, the Palestine Liberation Organization. It was clear that the plan for Palestinian "autonomy" contained in the Camp David agreements did not, and would never, amount to self-determination, to which the Palestinian people legitimately aspired. Under the leadership of the PLO, therefore, the Palestinian people would continue their armed struggle for the satisfaction of their inalienable national rights. Peace was unthinkable on any other basis, and the United States of America, Israel and Egypt only deceived themselves if they thought otherwise.

Miss DUBRA (Uruguay) said that the right of peoples to self-determination, which figured among the guiding principles of the United Nations as embodied in its Charter, and formed the very basis of the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted in 1960, was an essential precondition for the exercise of all the other fundamental human rights. As a basic principle of international law governing the relations between States, it entailed obligations which should be strictly fulfilled. One of those obligations was that of not interfering in the exercise of the right to self-determination by the people of another State. Unfortunately the world was witness to the violation of that as of other principles of the United Nations Charter, such as the prohibition of aggression, of the threat to use or the use of force, and of intervention in the internal affairs of States. A case in point was that of Afghanistan, where a major Power had intervened at a moment of its own choosing, on the flimsy basis of a bilateral agreement. It was only proper for the Commission to concern itself with such violations of the basic right of peoples to self-determination, the essential condition for their political, economic and cultural development.

The international community ought also to encourage the acceleration of the process of decolonization for those territories that were still dependent, and to

guard against the surreptitious creation of new and more dangerous forms of colonialism. Furthermore, the right to self-determination was a permanent right which did not cease upon accession to independence. On the contrary, it was important that peoples who had won the status of sovereign States should retain their independence, politically, socially, economically and culturally, and should be free to determine their own destinies without external interference.

Her delegation was pleased to note the satisfactory developments in Rhodesia where, after a prolonged crisis, the people were approaching the final stage in the exercise of their right of self-determination. It was to be hoped that the problems in the Middle East would be similarly resolved and a lasting peace established in the region. That would only be possible if the rights of the Palestinian people to a free and sovereign Palestinian State were recognized, with, at the same time, respect for the territorial integrity of Israel by neighbouring Arab countries.

Mr. SALAH-BEY (Algeria) said that the right of peoples to self-determination, that was, to reject colonial domination, which had become an important principle of international law, took first place in the catalogue of human rights. Algeria, for its part, had succeeded in emerging from the colonial situation, but others had not yet done so. Among them were the Palestinian people, who had a right to a national existence in their own country, and, in southern Africa, the peoples of Namibia, Zimbabwe and South Africa. In northern Africa, there was the flagrant case of the people of Western Sahara, which he wished to draw particularly to the attention of the Commission. The process of the decolonization of that territory had been interrupted in 1975 through armed invasion and occupation by Moroccan and Mauritanian armed forces. Although, in 1979, in line with decision of the Organization of African Unity, Mauritania had withdrawn, Morocco was still occupying the territory of Western Sahara by force, in spite of the opposition of the entire international community, as expressed at meetings and in decisions of the non-aligned countries, the Organization of African Unity and the United Nations General Assembly itself, at its thirty-fourth session. Violation of the right of peoples to self-determination, a collective right recognized in the International Covenants on Human Rights, engendered the violation of the human rights of individuals. The international community in general and the Commission on Human Rights in particular should seek to ensure respect for both collective and individual rights through a strict application of law and justice.

Mr. EL-FATTAL (Syrian Arab Republic) said that although, since the Second World War, many countries had emerged from colonialism into independence, there were certain notable exceptions to that rule, especially in southern Africa and the Middle East. Although economic sanctions under Chapter VII of the Charter of the United Nations would be an effective remedy for the situation in South Africa, certain Western Powers systematically opposed such sanctions while hypocritically calling for the adoption of sanctions against the Islamic Republic of Iran, whose people had legitimately exercised their right to self-determination and to sovereignty over their own natural resources.

The history of the denial of the right to self-determination of the Palestinian people dated back to the 1917 Balfour Declaration, and the United Nations itself had been guilty of maintaining that denial through its adoption in 1947 of a resolution

containing a plan for the partition of Palestine, against the wishes of the majority of Palestine under mandate. However, since the joining of the Organization by countries formerly under colonial domination, the centre of power had shifted, and since 1973 the international community had consistently upheld the rights of the Palestinian people to self-determination and national independence. The United Nations General Assembly, the non-aligned movement, the Islamic Conferences and the Organization of African Unity had consistently called for a solution of the Middle East question that would take full account of the centrality of the inalienable rights of the Palestinian people to self-determination and independence. The Camp David agreements and the Washington treaty ran counter to that position, seeking, like the Balfour Declaration, the Mandate and the Partition Plan, to perpetuate the denial to the Palestinian people of their right to self-determination and independence. It was noteworthy that all Arab countries except Egypt had joined in condemning the Camp David accords and Washington treaty. His delegation was convinced that the people of Egypt would in due course join the rest of the Arab world in upholding the national rights of the Palestinian people. The Commission should do likewise.

Mr. SCEK-OSMAN (Observer for Somalia) said that, as part of its commitment to the defence of human rights, the Commission should support the Palestinian people in their effort to achieve the means to exercise their right of sovereignty. Without that, there could be no peace in the Middle East.

His country supported all peoples who were fighting colonialism, alien occupation and foreign domination, including the peoples of Zimbabwe, Namibia, Azania and, in the Horn of Africa, the peoples of Eritrea and Western Somalia.

His Government was particularly concerned at the Soviet Union's military intervention in Afghanistan, which it considered a flagrant violation of the independence and liberty of a non-aligned country, and a threat to all non-aligned countries.

He said that Cuba, which not so long ago had been a non-aligned country, was converted now to the role of being an executive instrument for the USSR's political whims. The current political tactics and action of the Soviet Union clearly testified that that country was now playing the same game as that of imperialism after the Second World War. Just as the United States of America had attempted to impose its political concepts on the world at large, so now the Soviet Union was attempting to impose a political solution on the third world through military force, in pursuit of its aims of world domination and the protection of its strategic interests. The pretexts the Soviet Union offered for its intervention in Afghanistan were as flimsy as those which it had offered for its intervention in Czechoslovakia. His delegation appealed to all States, and in particular to the non-aligned States, to condemn that intervention, to reaffirm the principles of non-alignment and to refuse to become the instruments of the super-Powers.

He would also draw the Commission's attention to the Soviet Union's intervention in the Horn of Africa, where Soviet generals and troops, aided by Cuban mercenaries, were carrying out military operations with the primary objective of annihilating the peoples of Eritrea and Western Somalia. His country was totally opposed to such interventions and wholly committed to the protection of the human rights of all peoples throughout the world, in keeping with the principles of the Charters of the United Nations and the Organization of African Unity and with the spirit of the non-aligned countries.

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Mr. SKALLI (Morocco) said that his Government rejected the allegations of the Algerian delegation regarding Morocco's actions in north-west Africa, and Algeria's claim to be an upholder of the right of peoples to self-determination. The Government of Algeria, itself guilty of violations of human rights, was merely trying to prevent a neighbouring State from winning back its territorial integrity, for the people of Western Sahara had clearly expressed their desire to remain Moroccan, as they had always been.

Morocco's record in the matter of human rights and the right of peoples to self-determination was irreproachable. His country had been one of the sponsors of the United Nations decolonization resolution of 1960, but it had always been on its guard against the possible dismemberment of young nations already harmed by the arbitrary divisions inherited from the colonial epoch. Morocco itself had suffered particularly in that respect, parts of its territory having been occupied by different foreign Powers at the same time. The French Protectorate and the Spanish Protectorate in the northern part of Morocco had ended in 1956. In 1958 the international status of the city of Tangier had been abolished, and Spain had given back the province of Tarfaya in the south. For the recovery of the enclave of Ifni in the same province, and of the Moroccan provinces in the Sahara, his country had had to seek the help of the United Nations. By its resolution 2072 (XX) of 16 December 1965, the General Assembly had urged the Government of Spain to liberate those two territories. After negotiations, the return of Ifni had taken place in 1969. With regard to the Sahara provinces, however, Morocco had been obliged to appeal again to the international community. After action by the United Nations General Assembly, the International Court of Justice at The Hague and the Security Council, the Madrid agreement between Mauritania, Morocco and Spain had been reached in 1975, and the General Assembly had taken note of that agreement in its resolution 3458 B (XXX) of the same year. In 1976 the Saharan people, consulted, in accordance with the Madrid agreement, through their representative assembly, the Jemaa, had pronounced themselves in favour of the return of the Saharan provinces to Morocco. Thus, Western Sahara had been decolonized in conformity with current international law, and the ensuing conflict was a purely bilateral conflict between Algeria and Morocco, as a result of the former's attempt to appropriate, by devious means, a territory which had never belonged to it and over which it had no rights. The resolution of the Organization of African Unity, to which the Algerian representative had referred, had no validity, having been adopted in flagrant violation of that Organization's rules of procedure. Furthermore, the Algerian Government had invented the idea of an alleged Saharan people, existing, oddly, only in the western part of the Sahara, after the adoption of the Madrid agreement in 1975. His country had since been subjected to acts of subversion and aggression launched from the territory of its neighbour, and it was with that situation that the Commission should be concerned.

Miss EMARA (Egypt) said that the right to self-determination was the pre-condition for the exercise of all other human rights and, as experience had shown in the Middle East and southern Africa, violation of that right constituted a serious threat to peace and international security. The international community

should put an end to such violations and ensure to the Palestinian people and to the peoples of Namibia, Zimbabwe and Azania the full enjoyment of their inalienable right to self-determination.

Egypt would always remain committed to supporting the cause of those peoples. The Palestinian question being the crux of the problem and the core of the conflict, Egypt would accept no alternative to the Palestinian people's right to self-determination. Her country was opposed to Israel's policy of establishing new settlements in the Arab occupied territories and Jerusalem, and deplored any attempt by Israel to go back on its obligations under the Camp David agreements concerning the legitimate rights of the Palestinian people. Her delegation echoed the appeal in resolution 1 A (XXXII) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of 5 September 1979, for the immediate opening of negotiations between Israel and the Palestinian people through their representative, the Palestine Liberation Organization.

Her delegation regretted the continuation of the practice of apartheid and the denial of the right to self-determination of the peoples of southern Africa, which were made possible in part by the economic, political, military and other assistance given to the racist and colonialist régimes of southern Africa by certain Governments. Egypt hoped that the London agreement, the fruit of the long and heroic struggle of the people of Zimbabwe, would be fully and exactly implemented.

The Egyptian Government had condemned the armed Soviet aggression against Afghanistan as a flagrant violation of international law and the United Nations Charter and a threat to peace and international security. The Soviet Government was continuing and intensifying its aggression in defiance of world public opinion and the resolution on the subject (ES-6/2) adopted by the United Nations General Assembly at its sixth emergency special session. In view of the urgency and gravity of the situation, the Commission on Human Rights should take immediate and effective steps, in the name of all humanity, to put an end to the Soviet occupation of Afghanistan and to support the Afghan people who were the victims of that aggression.

Mr. HILALY (Pakistan) said that as a country which had achieved its independence through the exercise by its people of their right to self-determination, Pakistan has always been in the forefront in defence of the exercise of that right by other peoples still under colonial domination or foreign occupation. His delegation welcomed the Lancaster House agreement regarding majority rule and national independence for the people of Zimbabwe, who had suffered so much from the racist rule of an illegal minority régime. The situation in Namibia, by contrast, remained deplorable: a peaceful settlement could be achieved there only through the impartial plebiscite called for by the United Nations Security Council, and until such time the struggle of the Namibian people through their legitimate representative, the South-West Africa People's Organization, must continue. In South Africa itself, the racist Government continued to practise its abhorrent policies, and the international community should take resolute action, including the imposition of comprehensive sanctions against South Africa, to persuade it to abandon them.

The United Nations bore a heavy responsibility for the failure so far to grant the Palestinian people the right of self-determination. The Middle East conflict could be resolved only through a just and comprehensive settlement which provided for the exercise of their right by the Palestinian people. Fortunately, the international community was now aware of this, as was clear from resolutions of the United Nations General Assembly. The Islamic States, at their recent conference held in Islamabad, had reaffirmed their solidarity with the Palestinian people. His delegation hoped that the Commission, too, would adopt a clear and categorical decision in favour of the rights of the Palestinian people.

Although the exercise by peoples of their right to self-determination had been instrumental in dismantling the colonial empires of the past, there were unfortunately new forces at work which threatened the political and economic independence of third world countries. The rivalry and competition for spheres of influence between the super-Powers had made itself felt not only in the Middle East and Africa, but also in South-East and South-West Asia. The events of 1979 in Kampuchea were an example of that. The recent military intervention of the Soviet Union in Afghanistan was even more alarming, for it marked the first occasion on which a major Power had intervened directly in a sovereign, independent and non-aligned country. The Soviet military aggression had been condemned by the entire international community - the United Nations, the countries of the non-aligned movement and, more particularly, the Islamic States, which felt themselves threatened not only militarily but also ideologically. Both the United Nations and the Conference of Islamic States had called for the immediate and total withdrawal of Soviet forces from Afghanistan, so far to no avail. The military intervention in Afghanistan was a clear violation of the right of the people of Afghanistan to self-determination, national independence and full sovereignty, and was consequently of direct concern to the Commission on Human Rights. The constant stream of refugees pouring into Pakistan from Afghanistan bore eloquent witness to the violation of human rights in that country and the opposition of the people to the foreign invader. His delegation had therefore joined with others in placing before the Commission a draft resolution on the denial of the right of self-determination and other fundamental human rights of the people of Afghanistan as a consequence of the Soviet military intervention in Afghanistan (E/CN.4/L.1488), and they hoped that the Commission would give the resolution its full support.

Mr. TERREFE (Ethiopia) reminded the Commission that his country had been the victim, less than three years earlier, of unprovoked aggression from a neighbouring country, which had caused untold suffering to large numbers of its citizens. Ethiopia, a country with many different cultural groups, was concerned to protect all its people equally and to preserve its territorial integrity. His country opposed violations of human rights anywhere in the world and supported the struggle for self-determination of the peoples still under colonial or foreign domination. It strongly condemned the continuation of the illegal occupation of Namibia, the perpetuation of the racist minority régimes in Zimbabwe and South Africa and the denial to the Palestinian people of their inalienable national rights. The practices of apartheid in South Africa had been condemned by the United Nations General Assembly in 1973 as a crime against humanity. They could only be brought to an end through a strict observance of the General Assembly's and the Security Council's resolutions on the subject of South Africa. The international community should also ensure a peaceful solution to the Zimbabwe problem through the genuine independence of that country under black majority rule.

Mr. ZORIN (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the events of Afghanistan, to which the representative of Pakistan and other speakers had referred, had nothing to do with the work of the Commission. Any attempt to drag that matter before the Commission constituted an interference in the internal affairs of a sovereign State and was aimed merely at covering up the active military intervention of the United States of America in Afghanistan as part of its plan to strengthen its position in the area of the Middle East, the Persian Gulf and the Indian Ocean. The Soviet delegation was strongly opposed to such attempts which were also a threat to international peace and security and risked undermining détente and reviving the cold war.

Mr. FARHANG (Iran) said that his delegation wished to place before the Commission, on behalf of the 12 sponsoring delegations, a draft resolution on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (E/CN.4/L.1485). The draft resolution in particular affirmed the inalienable right of the Palestinian people to self-determination, noted with concern that the Camp David accords had been concluded outside the framework of the United Nations and rejected those provisions of the accords which ignored, infringed upon, violated or denied the inalienable rights of the Palestinian people. He believed that the draft resolution would commend itself to all those whose interest in human rights was rooted in the principles of peace and justice.

Mr. LANAFI (Egypt), speaking in exercise of the right of reply, said that it was for the Palestinian people alone to determine their future and to exercise their right to self-determination. The Camp David agreements constituted not a final settlement of the Palestinian problem, but simply an intermediary stage. Similarly, the plan for full Palestinian self-autonomy on the west bank of the Jordan and in the Gaza strip represented a transitional arrangement, and thus a preparation for and not an obstacle or an alternative to the exercise of the right of self-determination by the Palestinian people. Egypt had not changed and would not change its position with respect to that right of the Palestinian people and their right to independence, sovereignty and the creation of a State on their own territory.

Mr. SHESTACK (United States of America), speaking in exercise of the right of reply, said that it was the Soviet Union and not the United States or any other country which was interfering in the international affairs of a sovereign State and denying the people of Afghanistan their human rights and their right to self-determination. For the Soviet Union to seek to place the blame on others for its own actions was a typical example of Soviet hubris and hypocrisy.

Mr. EL-FATTAL (Syrian Arab Republic), speaking in exercise of the right of reply, said that any arguments and excuses offered by the Egyptian delegation were mere fabrications, and did not alter the fact that the treaty signed in Washington between Egypt and Israel, with the guarantee of the United States of America, violated the rights of the Palestinian people to self-determination and independence and also attempted to impose on the Arab nation a system of capitulation and surrender in favour of the Zionist settler-colonialists' aggressive objectives. Egypt had sold out the right of the Palestinians against Sinai. Egypt had become a tool of United States imperialism and Zionist hegemonism.



Mr. ZORIN (Union of Soviet Socialist Republics) said that the events in Afghanistan to which the representative of Pakistan and other speakers had referred had nothing to do with the work of the Commission. Any attempt to put that matter before the Commission constituted interference in the internal affairs of a sovereign State and a gross violation of the purposes of the Charter of the United Nations.

Those attempts were dangerous, because they were aimed, by some Western countries, at making a fuss about the non-existent "Afghanistan question" in order further to aggravate the international situation and to cover up the active military penetration and the strengthening of the position of imperialism in the area of the Middle East, the Persian Gulf and the Indian Ocean.

Some delegations, having abused the opportunities afforded by the forum provided by the Commission on Human Rights, had made statements aimed at achieving objectives which had nothing to do with the item under discussion. The efforts of these delegations to raise the so-called "question on the situation in Afghanistan" constituted flagrant interference in the internal affairs of the Democratic Republic of Afghanistan and violation of the Charter of the United Nations.

The people of Afghanistan determined their own destiny and political status, and paved the way for their economic, social and cultural development. Nobody would be deceived by the hypocritical statements made by some speakers with regard to Afghanistan and the Soviet Union - that same Soviet Union, which had been the first to recognize the independence of Afghanistan, and which had always maintained warm and friendly relations with the freedom-loving Afghan people, based on strict observance of the principles of sovereignty, independence, and non-interference in a country's internal affairs.

Those who had created intrigues around the non-existent "Afghan question" deliberately wanted to conceal, behind a screen of misinformation and slander, the meaning and real picture of current events in Afghanistan. The April revolution had sharply turned the tide of the century-old history of the country. The leadership of the Democratic Republic of Afghanistan had outlined, and started to implement, a programme of radical changes aimed at overcoming the age-old backwardness of the country, at building a new life without exploitation of man by man and at constructing a modern society based on social justice.

Since the April revolution, Afghanistan had been subjected to direct and gross interference by some Western Powers and China. Thousands of rebels, equipped and trained abroad, and entire military units, had been sent to the territory of Afghanistan. Imperialism, with its accomplices, had in fact commenced an undeclared war against revolutionary Afghanistan.

The leading role in organizing the criminal plot against the Afghan people had been assumed by the United States of America following the profound changes that had occurred in the situation in the Middle East after the downfall of the Shah's régime in Iran.

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The CIA had chosen Pakistan to be the main base for an undeclared war against the Soviet Union. Pakistan had been turned into a hotbed of flagrant acts of aggression against a neighbouring Moslem people, against an independent, non-aligned country. The regional CIA headquarters, which had been transferred to Pakistan, had been instructed to "keep a close eye" on events in Afghanistan and Iran.

Chinese leadership had joined actively in the subversive activities carried out by United States imperialist circles. From the very beginning, Beijing had spared no efforts or resources to undermine the achievements of the Afghan revolution. Making use of their networks of agents, Chinese expansionists had intensified subversive activities in Afghanistan through their agents and had been making every effort to organize their collaboration with other reactionary gangs.

Afghanistan had many times urged that the acts of aggression should cease and that the country should be allowed to build a new life in peace. In order to counter foreign aggression, the Afghan Government, even during the administration of President Taraki, and since then, had repeatedly asked the Soviet Union for assistance. For its part, the Soviet Union had warned those who should be warned that if the aggression was not stopped it would not abandon the Afghan people in their trouble.

The continuing armed intervention and the far-reaching plot of reactionary foreign forces had created another real danger for Afghanistan, namely the danger of losing its independence and of becoming an imperialist military bridge-head. The moment had come when the Soviet Union had been unable to refuse to respond to the request of the Government of friendly Afghanistan. To have done otherwise would have meant to observe passively the emergence of serious threat to the security of the Soviet State on its southern border.

The present irritation of the American administration was explained by the fact that the turn taken by events in the Democratic Republic of Afghanistan was completely different from what had been anticipated.

In asking the Soviet Union to provide military assistance, Afghanistan had based itself on the provisions of the treaty of friendship, goodneighbourhood and co-operation concluded between Afghanistan and the USSR in December 1978, and on the right of each State, in accordance with Article 51 of the Charter of the United Nations, to individual or collective self-defence, a right that other States had exercised more than once. The Soviet Union had accorded military aid to Afghanistan to repel the very form of aggression which, according to the United Nations document on the definition of aggression, included the "sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State".

The General-Secretary of the Central Committee of the CPSU, Comrade L. Brezhnev, had stressed that the only task assigned to the Soviet contingents was to assist the Afghans to repulse external aggression. Those contingents would be withdrawn from Afghanistan once the causes that had led the Afghan leadership to request their presence had disappeared.

Imperialist, and also Beijing propaganda distorted the Soviet Union's role in Afghan affairs.

In the interview he gave to Pravda's correspondent, Comrade Brezhnev had clearly stated: "The allegations that the Soviet Union has some expansionist plans in respect of Pakistan, Iran or other countries of that area are absolutely false. The policy and psychology of colonialists are alien to us. We do not covet the lands or wealth of others. It is the colonialists who are attracted by the smell of oil".

The Soviet Union had not interfered and did not interfere in questions concerning the State and social system of Afghanistan or its internal and external policies.

The official statements of the Democratic Republic of Afghanistan showed that the new Government was seeking to establish and develop friendly relations with all States, and first of all with its neighbours. They affirmed Afghanistan's determination strictly to observe international treaties and agreements, its allegiance to the principles and objectives of the Charter of the United Nations and its determination to follow a policy of non-alignment.

The United States and its allies were currently posing as defenders of small countries, but it was well known that the resumption by Washington of military supplies to Pakistan was aimed at the continuation and intensification of military action against Afghanistan from the territory of Pakistan. The American administration was planning to use Pakistan as a spring-board for the preparation of aggression against countries in southern Asia. It was impossible not to mention the unseemly role assumed by the leadership of Pakistan. In fact it had taken a stand which contributed to United States and Chinese provocations against Afghanistan; indeed, it had become their accomplice.

In fact, the leadership of Pakistan intimidated Afghan refugees and forced them to remain in Pakistan in order to make use of them in maintaining tension in the region and organizing incursions against Afghanistan.

The United States and its allies were trying to use every possible means, including the rostrum of the Commission on Human Rights, to discredit the assistance rendered by the Soviet Union to Afghanistan. They were attempting to deprive States following the road of independent development of the possibility of turning for help to friendly States when they fell victim to attacks by imperialists and their agents.

Measures taken to defend the independence and sovereignty of Afghanistan had been prompted exclusively by the need to oppose the interference of imperialism and its accomplices. The imperialist circles were completely responsible for the existence of the current situation in Afghanistan.

The allegations made by the representative of Somalia regarding the USSR were defamatory and derived from imperialist propaganda. That was not surprising, because Somalia was in the process of negotiations whereby the military bases on its territory would be placed at the disposal of the United States.

Washington needed the current propagandistic agitation in order to divert the attention of the world public opinion from United States policy on the European

continent, to disguise its role of world gendarme in other regions, to cover up its attempts to create new military bases, and to exert pressure on Iran in order to penetrate and consolidate its position in the region of the Near and Middle East and in the region of the Persian Gulf and Indian Ocean. As far as Peking's leaders were concerned, they tried to conceal their shameful deal with the militarist forces of the United States, siding with imperialism and reaction against Iran, Afghanistan and other countries despite their proud declarations about support of the revolutionary struggle led by peoples of the third world.

It was to be regretted that some countries that for decades had experienced, and continued to experience, the entire burden of colonial domination, imperialist exploitation, plunder and oppression and suppression of their sovereign rights were at present caught, willingly or unwillingly, in a net of imperialist propaganda and unable to resist blackmail.

In conclusion, he said that the Soviet Union firmly condemned the attempts to stir up the so-called "Afghan question" in order to turn the course of international development back to the times of the cold war. For its part, the Soviet Union firmly intended to pursue a policy of peaceful coexistence and détente and to assist the peoples struggling against imperialism for their national liberation and social progress. That policy, which met the vital interests of all nations, would prevail, overcoming all the obstacles created by its enemies, and would eventually become again a dominating trend in international affairs.

Mr. NYAMEKYE (Ghana) said that his delegation was in general agreement with the conclusions and recommendations reached in the two studies prepared by Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/404 and E/CN.4/Sub.2/405). However, with respect to neo-colonialism, which usually came into existence after the attainment of political independence, it was difficult to see how, in the absence of the co-operation of the Government concerned, the United Nations could act without violating the principle of non-interference in the internal affairs of sovereign States. The subject could perhaps best be dealt with in the context of the study to be undertaken on the right to development. He agreed that although an impressive number of countries had acceded to independence since the entry into force of the Charter of the United Nations, the continued violation of the right of peoples to self-determination in southern Africa, and in particular the continued foreign investment in those countries by States, transnational corporations and banks and South Africa's continued occupation of Namibia and exploitation of its resources, constituted a danger for the international community. The Special Rapporteurs ought therefore to have proposed effective measures for putting an end to the present situation rather than recommending further elaboration of new international instruments on penal responsibility and codes of conduct that took considerable time to come into effect. What was needed now was immediate and effective measures to deal with the situation. In that connexion he suggested that the Commission should call upon the Security Council to apply against South Africa the sanctions prescribed in Chapter VII of the Charter of the United Nations.

He was glad to note that the situation in Zimbabwe appeared to be approaching a happy conclusion but called upon all parties concerned to comply with the terms of the Lancaster House Agreement.

It was to be hoped that the Palestinian people would be accorded the right to self-determination, which would ensure a lasting and equitable solution to the problem in that region, and that the people of Western Sahara, for their part, would be allowed to determine their future through a referendum, as recommended by the Ad Hoc Committee of Heads of State and Government of the Organization of African Unity. His delegation was heartened to note the progressive advance of other small dependent colonial territories towards self-determination and independence.

Mr. DAVIS (Australia) said that the draft resolution on the subject of Afghanistan (E/CN.4/L.1488) raised a vitally important issue, and one which had rightly been raised in connexion with the present item.

For over thirty years the United Nations had fostered the powerful forces which impel people to strive for their independence and their national identity; with its help, some 80 nation-States had already won their independence. A free and fair act of self-determination was now to take place in Rhodesia, and his country welcomed it. It believed that the United Nations should do its utmost to permit the peoples of southern Africa to realize their legitimate aspirations, and that the legitimate rights of the Palestinian people to a homeland should be recognized.

It was equally important, however, that the independence of States, once won, should be maintained; the suppression of the right to self-determination of any country could not but lead to violations of human rights. It was with the gravest concern, therefore, that the international community had witnessed the recent forceful suppression of the right to self-determination of Afghanistan through the Soviet military intervention in that country. The United Nations Security Council, the General Assembly, and the Islamic Conference which had recently met at Islamabad had all called for the immediate and unconditional withdrawal of foreign forces from Afghanistan and the restoration to the Afghan people of the freedom to choose their own Government. The invasion of Afghanistan was not seen as an isolated episode. Soviet pressure was being exerted on both flanks of southern Asia. The link between Afghanistan and Kampuchea was symbolized in most moving terms by the large and growing refugee population which both situations had created in Asia. The draft resolution on Afghanistan had been drawn up by the regional neighbours of Afghanistan. It reflected very strong feelings, and his delegation fully supported it.

Mr. ADENIJI (Nigeria) said that Africa remained the continent in which the denial of self-determination was most marked; particularly in Namibia, which was illegally occupied by South Africa, and in South Africa itself, where the continuation of apartheid and the condemnation of the African people to live in "homelands" constituted crimes against humanity. As to Zimbabwe, his delegation welcomed the Lancaster House Agreement, and believed that the Commission should call on the Administering Power faithfully to implement it. His Government believed, as it had always done, that the right of the people of Western Sahara to self-determination should be respected by all. It continued to support the legitimate aspirations to self-determination of the Palestinian people, without which there could be no lasting solution to the Middle East problem.

He observed that the non-aligned States had sought to act as the conscience of humanity in a world threatened by the danger of the rivalry of the military

alliances, and had played a positive role in lessening international tension. It was an essential prerequisite to the continuation of that role that the sovereignty and territorial integrity of every non-aligned country should be strictly respected by all.

Mr. GARVALOV (Bulgaria) said that the right of peoples to self-determination was one of the most important principles of the United Nations, and a prerequisite to other human rights and freedoms. The denial of the right to self-determination caused grave violations of human rights and posed a serious threat to international peace. In southern Africa and in other parts of the world, including Middle Eastern countries and the island colonial territories of the Pacific, the Indian and Atlantic Oceans and the Caribbean, the imperialist administering Powers were denying peoples that right in order to maintain a colonial situation, to continue to exploit those peoples and their natural resources. The maintenance of military bases by the colonial Powers on those territories was a major obstacle in the way of the exercise of the right to self-determination and independence, and was in violation of General Assembly resolution 1514 (XV).

Bulgaria had always supported the right of the Arab people of Palestine to self-determination and to the creation of a State of their own. His delegation believed that the Camp David agreements were not aimed at a comprehensive solution of the Middle East conflict, as stipulated in the relevant United Nations resolutions, but at perpetuating the denial to the Palestinian people of their right to self-determination and independence. The Parties to the Camp David agreements had no right to decide the future of the people of Palestine without their participation and that of their sole and legitimate representative, the PLO. In his delegation's view, China's aggression against the Socialist Republic of Viet Nam in 1979 and its support for the Pol Pot-Ieng Sary clique, which was responsible for the genocide of over three million Kampucheans, constituted a most serious violation of the right of those peoples to self-determination.

The Bulgarian Government strongly objected to the discussion by the Commission of the so-called question of Afghanistan, which did not fall within its terms of reference and had already been dealt with by the Security Council and the General Assembly. There was no justification for attempting to present the situation in Afghanistan as one pertaining to violation of the right to self-determination, for the people of Afghanistan had already exercised that right through their revolution of April 1978. Unfortunately, the Democratic Republic of Afghanistan set up after the revolution had been made the target of counter-revolutionary incursions across its border with Pakistan, armed and instigated by domestic reactionary forces and United States imperialist and Chinese hegemonistic circles. The Government of the Democratic Republic of Afghanistan had repeatedly demanded that those aggressive acts should be discontinued, but instead they had been intensified. It had thus been obliged, in legitimate self-defence, to appeal to the USSR, on the basis of the treaty signed between the two countries, for political, economic and military assistance in repulsing the armed incursions into its territory from outside. Afghanistan's sovereign right to self-defence was being contested by those reactionary circles which sought to restore a backward social and political system. Despite attempts at interference, the revolutionary Government of Afghanistan had initiated further democratic changes and released all political detainees. The case of Afghanistan was an example of attempts by the United States to undermine

international co-operation and détente and was being used to divert attention from a real crisis faced by imperialism in the area. China was engaged in counter-revolutionary activities against Afghanistan in connivance with imperialism and reaction.

His country would continue to support the just cause of the Afghanistan people and to promote bonds of friendship and co-operation. Bulgaria's position on the question had been made perfectly clear in a major statement, made on 12 February, by the First-Secretary of the Bulgarian Communist Party and the President of the State Council Todor Zhivkov. He quoted part of the statement.

Mr. AL-JABIRI (Iraq) said it was unfortunate that the Universal Declaration of Human Rights had not contained clear provisions on the right to self-determination. The United States and other Western countries had been more interested in the rights of individuals in developed societies than in those of oppressed nations. General Assembly resolution 637 (VII), the Declaration on the Granting of Independence to Colonial Countries and Peoples and the two International Covenants on Human Rights had rectified those shortcomings. The right of peoples to self-determination was also a primary condition for progress and development and was linked with the right to struggle for the elimination of colonialism, racism, racial segregation, foreign domination and occupation, zionism and apartheid. That struggle was shared by the peoples of South Africa, Namibia and Palestine. The Zionist régime was supplying arms to South Africa, co-operating with it in various ways and oppressing the Palestinian people. The inability of the United Nations to force it to respect international law and United Nations resolutions was bewildering. President Sadat's betrayal of the legitimate Palestinian struggle had left the Israelis free to annihilate the Palestinians. A critical reference to Israel's policy of establishing Jewish settlements had been made in the Jewish New York Times of 4 June 1979. Egypt had isolated itself from the Islamic community and the non-aligned world. He drew attention to paragraph 52 of the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (A/34/35).

More than 30 million people were still deprived of their right to self-determination. Only the support of the Western Powers and Israel had enabled South Africa to continue its policy of apartheid. The United Nations should apply all measures envisaged in the Charter of the United Nations, including the use of force, to put an end to that régime.

Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) observed that over 40 countries and territories were still under colonial oppression. The twentieth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples should be marked by increased efforts for the liquidation of colonialism, but such efforts were being undermined. South Africa was increasingly attacking independent African States, and the General Assembly had rightly expressed alarm at that country's efforts to create its own nuclear capacity. Certain Western Powers and transnational corporations were systematically breaking sanctions and the arms embargo. The Ad Hoc Group of Experts on Violations of Human Rights in southern Africa had referred to the illegality of the so-called elections in Namibia. His country had consistently advocated the elimination of apartheid, the immediate withdrawal of South African forces and the transfer of

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authority to SWAPO. The United Kingdom was seriously undermining the chances of fair elections in Rhodesia, while South Africa had made a direct threat to peace. Steps should be taken to implement recent Security Council decisions.

Israel's continued aggression against the Arab States had spread to Lebanon, while oppression continued in the occupied Arab territories. His country supported the Palestinian peoples' aspirations for the establishment of their own State.

Chinese aggression against Viet Nam and aggressive acts against Laos and Kampuchea were a threat to peace. There was justified concern about colonialism in small territories which the colonialist countries sought to use as military bases.

The so-called Afghanistan question was outside the Commission's terms of reference. It had been raised in an attempt to undermine international efforts to strengthen peace and oppose violations of human rights. The Soviet Union, which had long maintained friendship and co-operation with Afghanistan, was now helping, at that country's request, to defend its national independence and freedom in accordance with the 1978 bilateral treaty and with Article 51 of the Charter of the United Nations. The limited Soviet contingent would be withdrawn as soon as the causes for requesting its assistance had been removed. No United Nations body could interfere in Afghanistan's internal affairs.



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Viscount COLVILLE (United Kingdom) said that the United Kingdom Government was determined to implement the Lancaster House Agreement faithfully. Some difficulties remained, but it was hopeful that a peaceful transition to an independent Zimbabwe could be achieved. The United Kingdom Government trusted that it would not have to come to the Commission again as the Government responsible for that territory. The elections to be held at the end of February must be free and fair. In that connexion, previous speakers had been right not to single out any one party for support. Nothing should be done in the Commission or elsewhere to prejudice the chances of a peaceful and democratic future for Zimbabwe.

Mr. SOLA VILA (Cuba) said that the systematic violations of the rights of the inhabitants of the Israeli-occupied Arab territories were described in a series of 10 reports by the Special Committee to investigate that question. The fact that Israeli practices which had already been condemned by several United Nations bodies and specialized agencies were continuing was the fault not only of zionism but also of the imperialists, who were even enabling Israel to acquire atomic weapons.

In southern Africa, a special tribute was due to the Zimbabwe Patriotic Front for the struggle in which it was engaged. The Lancaster House agreements should now be fully implemented with a view to ensuring free and fair elections in that country.

His delegation had already in 1979 expressed concern at the practices of the United States, which, while posing as the champion of human rights, was evicting the Mohawk, Navajo and Hopi Indians from their lands by force, was maintaining colonial domination in Puerto Rico, and was subjecting the blacks, Chicanos and other Latin groups to discrimination. Moreover, for 20 years, the United States Government had been imposing a systematic blockage on Cuba and had maintained a military base on Cuban territory in violation of Cuban sovereignty.

Lastly, he repudiated the accusations made by the representative of Somalia in his statement the previous day.

Mr. BEAULNE (Canada), reminding members of the place accorded in the Charter and the two human rights covenants to the right of peoples to self-determination, said that the international community could not, therefore, allow large States to violate that right. In that connexion, the invasion of Afghanistan by the Soviet army was such a serious violation that it called for general condemnation. His Government did not recognize the Karmal régime, which had been set up through foreign intervention. By its action, the Soviet Government had also violated the obligations laid down in General Assembly resolution 32/130 of 16 December 1977 for which it had, however, voted. His delegation was not convinced by the explanations which had been provided by the Soviet representative and endorsed by the representatives of Bulgaria, Mongolia, Poland and the Byelorussian SSR. It supported draft resolution E/CN.4/L.1488 submitted by Pakistan.

Mr. OLSZOWKA (Poland) said that the right which was the subject of the item under consideration and was defined in several United Nations instruments had been reaffirmed in the Declaration on the Preparation of Societies for Life in Peace, adopted at the Polish Government's initiative on 15 December 1978. Unfortunately, millions of people who lived under colonial domination or racist régimes did not enjoy that right. His country had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. It also supported without reservation the objectives of the Decade for Action to Combat Racism and Racial Discrimination and had taken an active part in the World Conference to Combat Racism and Racial Discrimination, held at Geneva in 1978. It strongly condemned the stubborn attitude of the Pretoria Government regarding the South African and Namibian people, the obstacles to majority rule in Zimbabwe and the fact that the Palestinian people's right to self-determination had not been recognized by Israel. The Commission should take effective measures to isolate racist and colonialist régimes even more than in the past.

Referring to draft resolution E/CN.4/L.1488, he recapitulated his delegation's position on the situation in Afghanistan, which had been stated clearly in the report of the Central Committee of the Polish United Workers' Party. He then quoted from that report. His delegation considered that, since the authorities in Afghanistan were defending the true interests of the people, the adoption of the draft resolution would only offer comfort to the forces which had been removed from power.

Mr. TOSEVSKI (Yugoslavia) said that the struggle of nations for their emancipation had become the principal feature of the modern age, but unfortunately old and new forms of imperialism, colonialism and foreign domination still existed. In southern Africa, colonialism was imposing a situation of slavery, and the responsibility of those who continued to co-operate with the racist régimes in that region must be denounced. With regard to the occupation of Arab territories by Israel, the United Nations could not legitimize that situation.

Since no country should be deprived of its sovereignty, all foreign intervention or occupation must be rejected. In that connexion he referred to the principles reaffirmed at the sixth summit conference of non-aligned countries, held in Havana in 1979: national sovereignty, territorial integrity, non-interference in the internal affairs of other countries, non-use of force or the threat of use of force, peaceful settlement of disputes, security of non-aligned countries, elimination of policies of imperialism and hegemony, withdrawal of foreign military forces and dismantling of foreign military bases.

Mr. MELLBIN (Denmark) stressed the importance of the principle of self-determination, which was enshrined in article 1 of the International Covenant on Civil and Political Rights. In Afghanistan the Soviet intervention had violated that right and made many Afghans refugees. His delegation was concerned about the international repercussions of that intervention and had accordingly voted in favour of General Assembly resolution ES-6/2. It would also vote in favour of draft resolution E/CN.4/L.1488, even though it would have preferred to see certain passages worded differently.

Mr. KHURELBAATAR (Mongolia) drew attention to his country's position of principle in support of the right of peoples to self-determination and referred to the machinations of imperialist forces which, through certain delegations, were trying to raise a so-called "question of Afghanistan". As for the actual nature of the events in Afghanistan, he emphasized that the Afghan Government had taken timely action to protect the achievements of the Afghan revolution. The Mongolian people had itself benefited from the Soviet Union's unselfish international assistance in 1921. That assistance had enabled the Mongolian people more than once to defend the achievements of its own revolution against the aggression committed by imperialist forces and still today constituted a guarantee of Mongolian independence. Any attempt to misrepresent the events in Afghanistan constituted a violation of the Afghan people's right to self-determination.

His delegation was in total disagreement with draft resolution E/CN.4/L.1488.

Mr. BARROMI (Observer for Israel) traced the background of the settlement of Palestine by Israel and then by the Arabs, and explained the origin of the name "Palestine". He concluded that, when the international community had established the legal status of Palestine, it had in no way eliminated a local Arab entity - there had never been one in that territory. He also pointed out that the Kingdom of Transjordan, granted independence in 1946, had been established in a territory covering 80 per cent of the Mandated Territories in order to satisfy the national aspirations of the Arabs of Palestine. Finally, in 1964, the so-called Palestine Liberation Organization (PLO) had been established and shortly thereafter had begun its murderous campaign with the avowed aim of destorying Israel.

Operative paragraph 1 of draft resolution E/CN.4/L.1485 provided for the establishment of a fully independent and sovereign State in Palestine. The Commission should keep in mind the objectives which the PLO had set itself and which were reflected in recent statements by its leaders. Israel could accept new arrangements - as it had done at Camp David - only to the extent that due consideration was given to its security requirements.

He then protested against the paragraphs in the draft resolution which were hostile to the Camp David accords. After those accords the Middle East would never be the same again.

Draft resolution E/CN.4/L.1485 was not a document consistent with human rights. Its adoption would sanction a betrayal of United Nations values and a violation of principles of international law, while encouraging violence and confrontation. The draft resolution should be rejected.

Mr. TE SUN HOA (Observer for Democratic Kampuchea) reminded the Commission that 13 months previously the right to independence of the people of Kampuchea had been violated by the Vietnamese authorities, which had also started a war of racial extermination against it. Two million people had already died. The Vietnamese authorities had not shrunk from recourse to chemical weapons, as was shown by documents E/CN.4/1379, E/CN.4/1380 and E/CN.4/1382-1384, but were mainly using the weapon of hunger before replacing the butchered and the expelled by more than 300,000 Vietnamese settlers.

Viet Nam was violating the rights of the peoples of the world by diverting international aid sent to the people of Kampuchea in order to feed its occupation troops and was also violating the rights of the Lao people by maintaining an army of 50,000 men on the territory of that country.

One year after Kampuchea, it was the turn of the Afghan people to be brutally attacked by the USSR, which was violating its right to self-determination. A parallel could be drawn between the situation in Kampuchea and the one in Afghanistan because the aggressors were adopting a similar attitude in each case.

The only weapon available to small countries victimized by foreign aggression was justice, and the delegation of Democratic Kampuchea appealed to the conscience of all mankind for all nations to unite in forcing Viet Nam to allow the people of Kampuchea the right to decide its own destiny, under the supervision of the Secretary-General of the United Nations or his representative. Such an outcome could only benefit the people of Afghanistan and would make the risk of a third world war more remote.

The CHAIRMAN announced that, in accordance with rule 69 of the rules of procedure, he would call on the observer for Afghanistan, who had asked for the floor.

Mr. AKRAM (Pakistan), speaking on a point of order, said that his delegation did not recognize the illegal régime installed by the Soviet military forces in Kabul and therefore had serious reservations concerning the appropriateness of a statement by the so-called representative of Afghanistan in the Commission.

The CHAIRMAN said that by giving the floor to the observer for Afghanistan, the Commission would merely be following the practice adopted in the matter by the General Assembly.

Mr. MOKAMMEL (Observer for Afghanistan) said that he wished to state his Government's position on the so-called question of human rights in Afghanistan, which had been brought before the Commission by circles with imperialistic, hegemonic and reactionary designs and their allies for purposes totally alien to respect for the human rights and fundamental freedoms which the Commission was supposed to defend. The propaganda campaign thus mounted, particularly by the United States of America, China and Pakistan, was an affront to the sovereignty and independence of a State Member of the United Nations and to the Afghan revolution of 1978, which was of a humane and peaceful nature. Moreover, it sought to divert the Commission's attention from the real threats to peace posed by the policy of apartheid, zionism, colonialism, and foreign domination in the Middle East, southern Africa and elsewhere in the world. It constituted a blow to the process of détente and kept alive the cold war.

It was in order to consolidate the Afghan revolution of 1978, which had been sullied by Amin's fascist régime, and to thwart the attack by the anti-revolutionary elements based and trained in Pakistan and armed by the United States of America, China and Egypt that the Revolutionary Council of the Democratic Republic of Afghanistan had quite legally invoked the treaty of friendship, good neighbourhoodness and co-operation signed in 1978 between Afghanistan and the USSR

and requested the latter's aid, including aid in the military field. Contrary to certain statements, the presence of a small contingent of Soviet armed forces in Afghanistan did not constitute a danger to peace, an occupation or an invasion. It merely served to counter external threats to the sovereignty and independence of Afghanistan, and those forces would be fully withdrawn once those threats ceased to exist.

What was to be thought of the sincerity of the champion of the rights of peoples to self-determination that the Pakistan Government claimed to be? While defending the inalienable rights of the Palestinian people, had it not recently convened an Islamic Conference at Islamabad, diverting the attention of peace-loving peoples from the Palestinian tragedy and thus playing into the hands of the supporters of the unacceptable Camp David agreements? Did it not repress on its own territory the minorities which were striving to exercise their legitimate rights? Had not the Pakistan delegation referred to the so-called Afghan refugees in Pakistan, when in fact there had always been frontier crossings by Afghan nomads between Afghanistan and Pakistan without hindrance and since the triumph of the 1978 revolution those nomads had been refused the right to return to their country? Nevertheless, the Democratic Republic of Afghanistan ardently wished to establish friendly relations and mutually beneficial co-operation with the Pakistan people, in the interests of peace in that area and in the world.

The Afghan delegation denounced the double standard applied in respect of Afghanistan by imperialistic and reactionary circles which had shown little concern for the fate of thousands of patriots imprisoned by Amin, but were now treating with disdain the general amnesty decreed by President Karmal, who had, moreover, expressed support for full respect for the fundamental principles of Islam and freedom of religion.

Since the enjoyment of all human rights and all fundamental freedoms was contingent upon the exercise of the right to self-determination, Afghanistan wished to express its full solidarity with all peoples struggling against fascism, colonialism, imperialism and racism everywhere in the world and condemned the Zionist aggression against the Palestinian people.

His delegation opposed draft resolution E/CN.4/L.1488, which it rejected as pure slander.

Mr. HILALY (Pakistan), introducing draft resolution E/CN.4/L.1488, said that in resolution ES-6/2 of 14 January 1980, the General Assembly had condemned by an overwhelming majority the military intervention in Afghanistan and had called on the Soviet Union to withdraw its troops from that country immediately. The Islamic Conference in Islamabad, in its turn, had taken a firm stand against the Soviet intervention in Afghanistan; in the resolution which it had unanimously adopted, it had condemned the Soviet aggression and demanded the total withdrawal of Soviet troops from Afghanistan.

The sponsors of draft resolution E/CN.4/L.1488 considered that the Soviet intervention in Afghanistan constituted a flagrant violation of the principles of the Charter of the United Nations and of fundamental human rights, in particular

the right of peoples to self-determination. The preamble to the draft resolution noted the importance of the right to self-determination, denounced the dangerous escalation caused by the Soviet aggression and drew attention to the immense financial burden that had to be borne by the neighbouring countries of Afghanistan, in particular Pakistan, as a result of the influx of hundreds of thousands of Afghan refugees driven away by the Soviet military occupation.

The operative part of the draft resolution condemned the Soviet military aggression against the Afghan people and demanded the immediate and unconditional withdrawal of all Soviet troops stationed on Afghan territory. It reaffirmed that Soviet troops should refrain from acts of aggression and tyranny against the Afghan people - thus referring to the massacres reported by the press - and called upon all Member States to refrain from providing any form of recognition or assistance to the present illegal régime in Afghanistan. He stressed, in that regard, that the Afghan régime was a puppet régime installed by the Soviet Union and that to recognize it would be tantamount to legitimizing the Soviet intervention. The last three operative paragraphs called upon all States to affirm their solidarity with the Afghan people, who were fighting to safeguard their national independence and territorial integrity as well as their Islamic faith and culture, and with the neighbouring peoples whose sovereignty was also threatened by the expansionist aims of the Soviet Union.

Mr. EL-FATTAL (Syrian Arab Republic) said that, far from justifying Zionist imperialism, as maintained by the observer for Israel, the "logic of history" militated in favour of the rights of the Palestinian people. Moreover, the "ancestral home" theory invoked by the Zionists could not be applied in practice. In that regard, there was an essential difference between zionism and Judaism. A Jewish writer had carefully analysed that difference by showing that the objective of zionism had been to substitute a modern State for the religious ideal of the Jewish people. Moreover, the Zionists had cared little about Palestine at the outset: they had merely wanted to create a Jewish State somewhere in the world, because of the anti-Semitism prevailing at the time in Europe, even before the Holocaust, and it was the European countries and the United States that, in order to suppress the national liberation movement of the Arabs and to control the Suez Canal and the natural resources of the area, had encouraged the creation of a Zionist entity in Palestine in the interests of colonialism and imperialism.

Mr. VARELA (Costa Rica) said that the efforts of the representative of Afghanistan to create confusion in order to justify the Soviet Union's intervention in his country were doomed to failure, since that intervention clearly constituted a flagrant violation of the principles of the non-use of force and of the right of peoples to self-determination, which were fundamental principles of the Charter of the United Nations and of international law.

Mr. ARMALIF (Observer, Palestine Liberation Organization) said that the representative of Israel had presented a falsified version of history in his attempt to justify the expansionist policy of the various successive Zionist Governments. In fact, Palestine had always been inhabited by the Arab people and, since the first century after the birth of Jesus Christ, there had no longer been any trace of the Jewish people in Palestine. The Palestinian National Charter,

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drafted in 1965, expressed the will of the Palestinian people to resist all attempts to annihilate it and to destroy its national identity.

The PLO was and would remain the sole legitimate representative of the Palestinian people, since it crystallized the national aspirations of that people. The Palestinian National Council, the supreme PLO body, had approved the creation of a Palestinian State on any part of Palestine liberated from the Zionist occupation forces. That sovereign and independent State would choose its own type of government without any external interference, since it was for the Palestinian Arab people and it alone to determine its future.

Mr. FRAMBACH (Observer for the German Democratic Republic) said that the discussion in the Commission on the situation in Afghanistan contradicted the principles of international relations, especially those of the sovereign equality of States and of non-interference in the internal affairs of a Member State, as embodied in the Charter.

The Afghan people, as all peoples, had the right to self-determination and to choose its own way to socio-economic development, and could decide freely whom to ask for assistance. The Afghan Government had requested the Soviet Union for help, on the basis of the treaty of friendship, goodneighbourhood and co-operation between the Democratic Republic of Afghanistan and the Soviet Union; the Afghan Government's measures were in keeping with article 51 of the Charter and entirely an internal affair of a Member State - an affair which the Commission had no right to discuss.

In any case, it was not the assistance given by the Soviet Union, but the attempts by the enemies of détente to provoke international tension which threatened peace and security. The German Democratic Republic therefore rejected resolution ES-6/2 adopted by the General Assembly at its sixth special emergency session, and opposed draft resolution E/CN.4/L.1488.

Mrs. SLAMOVA (Observer for Czechoslovakia) said that Czechoslovakia had always been a strong supporter of human rights in genuine cases such as the situations in southern Africa and Palestine. The so-called "question of Afghanistan", however, was clearly an attempt by certain interests to interfere in the internal affairs of a sovereign State on the pretext of a supposed threat to peace and security. The Afghan people had the right to determine their own destiny, and their request to the Soviet Union for assistance was in keeping with the treaty between those two countries and with the Charter of the United Nations. Therefore, the Commission had no right to discuss the matter.

Mr. YU Peiwen (Observer for China) said that, although many peoples had succeeded in achieving independence from colonialism in recent decades, there were certain areas, particularly in the Middle East and southern Africa, where colonialist, racist and aggressor forces refused to relinquish their illegal control and where the situation was aggravated by the super-Powers' rivalry. In recent years, the Soviet hegemonist misdeeds had outstripped those of the former colonial powers, an example could be seen in the case of Viet Nam, whose activities in Kampuchea had been possible only because of the Soviet Union's support. The General Assembly, at its thirty-fourth session, had voted by an overwhelming majority for the withdrawal of Vietnamese troops from Kampuchea; Viet Nam, however, had stepped up its activities in that country.

Another example was the Soviet Union's armed occupation of Afghanistan, which represented a serious escalation of its foreign aggression and marked a new stage reached in its expansionist activities. Afghanistan's sovereignty had been crushed; masses of its people, including high-ranking officers and religious leaders, had been killed and 500,000 Afghans were now living abroad as refugees.



The international community had expressed its indignation at such acts. The General Assembly, meeting in emergency session, had adopted by an overwhelming majority a resolution calling for the withdrawal of Soviet troops from Afghanistan; and in January 1980 a similar resolution had been adopted at a meeting attended by over 30 Islamic countries.

The Soviet Union, by extending its aggression and expansion to a third world country outside its "big family", had revealed its hypocrisy in advocating "détente". The Soviet Union claimed that its presence in Afghanistan was at the Afghan Government's request; but the President prior to that presence had been killed, and the current President had not been in Afghanistan at the time. It was hard to see how the Soviet Union could deem China's objection to its actions an interference in Afghanistan's internal affairs; Soviet troops, not Chinese, were in Afghanistan.

The clear contrast between the Soviet Union's actions and its assertions was not lost on the countries of the third world. The Soviet Union's designs on strategic regions, routes and resources posed a dangerous threat to world peace, which could be averted only through concerted opposition by the rest of the world.

The Commission was duty bound to heed the call made by the General Assembly, at its sixth special emergency session, for the cessation of Soviet aggression and the immediate and total withdrawal of Soviet troops from Afghanistan. In that connexion, the Chinese delegation fully endorsed draft resolution E/CN.4/L.1488.

Mr. TRUONG (Observer for Viet Nam) said that those most entitled to speak about human rights and the right to self-determination were the oppressed and exploited peoples of the world, and in particular the Palestinians, the Namibians and other Arab and African peoples. Unfortunately they were precisely the people who were unable to do so: the victims of imperialism were condemned to silence. It was ironical and paradoxical that even in the Commission itself, the tyrants of the world preached human rights to their victims; those who proclaimed human rights were engaged in crushing the peoples who endeavoured to assert their rights. More particularly, in his own part of the world, Laos, Kampuchea and Viet Nam had been the victims of the aggressive expansionist policy and hegemonistic practices of China. His country rejected the accusations of China as slanderous; it was absurd to suggest that small countries like Laos or Viet Nam could in any way be a threat to such a large country as China. The peoples of those three small countries had acted to repel the aggression and defend their territorial integrity, but the threat from China remained and the international community should act to put a stop to it. Viet Nam, which had been under Chinese domination for 1,000 years and under French domination for 100 years, and had subsequently had to defend itself for some 30 years against French and American forces, now found itself under renewed threat from Chinese hegemony, but it was determined at all costs to defend its independence.

With regard to the situation in Afghanistan, the key question was who were the real friends of Afghanistan and who were its enemies. It had been perfectly

legitimate for the Soviet Union to provide help to Afghanistan when it had been asked for assistance on the basis of the traditional friendship between those two countries. The facts of recent events there were perfectly clear, and had been amply explained by the Soviet Union itself. The voices of protest about the events in Afghanistan came from those who supported Israel against the Palestinians and other Arabs, who supported the Pretoria régime against the people of Namibia and the people of South Africa itself, who supported the tyrant Pol Pot and had incited to the killing of three million Kampuchéans. His delegation, for its part, supported the position of the Democratic Republic of Afghanistan and its right to defend itself and to seek assistance in that defence in accordance with Article 51 of the United Nations Charter. His country welcomed the victory of the Afghan people, with the help of the Soviet Union, in defending the gains made by the revolution of April 1978 and in putting that revolution back on the right road.

Mr. HORVATH (Observer for Hungary) said that the right of self-determination was the inalienable right of all peoples. The violation of that right was unacceptable, particularly in southern Africa: the people of Namibia were denied that fundamental right and their territory was illegally occupied by the racist South African régime in defiance of all the relevant United Nations resolutions. In South Africa itself, the practice of apartheid constituted a denial of the rights of the African people. A lasting solution to the problem in South Africa would only be possible when apartheid was eliminated. Until then the South African régime should be isolated and the sanctions imposed by the Security Council should be observed. In the area of Indo-China, his country supported the just struggle of the peoples of Viet Nam, Laos and Kampuchea in defence of their inalienable rights and against the imperialist and hegemonistic forces that were threatening them. Hungary also supported the Palestinian people in their just struggle in defence of their legitimate rights.

With regard to Afghanistan, his country recognized the advances made in Afghanistan since the revolution of April 1978 in rooting out feudalism and ensuring human rights. Those advances had been challenged by the imperialist forces and their allies. Afghanistan had merely exercised its inherent right of individual or collective self-defence, in accordance with Article 51 of the Charter, in seeking assistance from the Soviet Union under the terms of a valid treaty between those two countries. That treaty did not constitute a threat to the peace or to the independence or territorial integrity of any country in the region, and Afghanistan had been fully justified in acting as it had done on a matter that was entirely within its domestic jurisdiction. Afghanistan's foreign policy and its attitude to neighbouring countries were positive and constructive and designed to ensure peace, without which the right to self-determination could not be exercised.

Mr. RAOELINA (Observer for Madagascar) said that it was astonishing that 20 years after the adoption by the General Assembly of its resolution 1514 (XV) on the granting of independence to colonial countries and peoples, there were still peoples subjected to foreign domination, and in particular those of Palestine, Namibia, South Africa and Western Sahara. His Government had always supported the inalienable right of the Palestinian people to self-determination and the recovery of their rights by every means permissible under the United Nations Charter. Similarly, his Government had always supported the efforts

of the United Nations to put an end to the odious policy of South Africa that continued to deny Namibia the right of self-determination.

Madagascar gave its support to all national liberation movements in Africa, for they were the concern of the entire continent. The people of Western Sahara, for their part, had occupied their territory for centuries and were entitled to independence under resolution 1514 (XV) like any other colonial people. In fact, the General Assembly and other United Nations bodies had been concerned with the question of Western Sahara and its decolonization for more than 15 years. Morocco, Algeria and Mauritania had been particularly requested by the African Group at the United Nations and by the Organization of African Unity to lead Western Sahara towards decolonization and to combine their efforts to ensure the right of the people of that territory to determine their own future. Those three countries had constantly reaffirmed their desire to hasten the decolonization of Western Sahara in accordance with the relevant resolutions of the United Nations. It was greatly to be regretted, therefore, that Morocco had signed with Spain the cynical Madrid Agreement of 14 November 1975 whereby Spain, the former colonial administering Power, had, without consulting the people of Western Sahara, illegally transferred the territory to a new foreign administering Power. His delegation believed that the United Nations should, in co-operation with the Organization of African Unity, seek ways and means of ensuring the implementation of the recommendations of the Ad Hoc Committee of Heads of State of the Organization of African Unity, which had met at Monrovia in December 1979, and in particular its recommendation concerning the conduct of a referendum whereby the people of Western Sahara might determine their own future. He therefore urged the Commission on Human Rights to adopt draft resolution E/CN.4/L.1489, of which his delegation was a sponsor.

Mr. DABBAGH (Observer for Kuwait) said that his Government considered any military intervention by one State in the affairs of another sovereign State unacceptable, unjustifiable and contrary both to the spirit and to the letter of the United Nations Charter. It was in that spirit that it viewed the regrettable events which had taken place recently in Afghanistan. It had been particularly concerned by the large number of Afghan citizens who had been forced to become refugees. The Government and people of Kuwait had given them prompt assistance, but it was to be hoped that it would soon be possible for their status as refugees to end and for them to return in peace and freedom to their own country. It was, of course, entirely natural that Kuwait, as a Muslim country, should be concerned for its Muslim brethren in Afghanistan. The concern shown by some countries at the recent Islamic Conference, however, had not seemed entirely sincere. In particular, the United States of America, which had been the most vociferous in deploring what it considered to be a violation of the human rights of the Islamic people of Afghanistan, had for more than 30 years condoned the maltreatment and denial of the rights of the Palestinian people, and had opposed all resolutions demanding the immediate withdrawal of Israeli forces from land belonging to four nations Members of the United Nations. His delegation would therefore warn the Commission against allowing itself to become a battlefield where political disputes among the super-Powers were settled under the guise of defending human rights.

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The Kuwaiti delegation whole-heartedly supported draft resolution E/CN.4/L.1488 demanding the immediate withdrawal of Soviet forces from Afghanistan. It would also support a demand for the immediate withdrawal of Israeli forces from all occupied Arab territories, including occupied Jerusalem. At the same time, it would urge the United Nations to take effective action whereby the peoples of Afghanistan, Palestine, Zimbabwe and Namibia and the victims of apartheid in South Africa could be ensured their human rights and be left in peace freely to determine their own future.

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Mrs. VIRE-TUOMINEN (Women's International Democratic Federation) considered that the right of peoples to self-determination was a fundamental right directly linked to the economic, social and cultural rights for which her organization had been campaigning for close to 30 years. Colonialism and racism constituted a flagrant and systematic violation of human rights and a serious threat to peace. The General Assembly, at its thirty-fourth session, had reaffirmed the legitimacy of the struggle of peoples against colonial domination. WIDF, for its part, had always upheld peoples in their struggle for freedom and consistently campaigned for the complete abolition of colonialism, racism and apartheid.

She denounced the racist régime in South Africa, which continued to occupy Namibia illegally and to commit acts of aggression against the neighbouring States of Angola, Mozambique and Zambia. She also denounced the régime in Southern Rhodesia which, with the support of the imperialist Powers, was violating the London agreement by using South African troops, fighting against the Zimbabwe Patriotic Front, and maintaining martial law to intimidate the population and prevent it from freely expressing its will in the elections.

Lastly, she denounced the occupation of Palestine by Israel, which was depriving the Palestinian people of their legitimate right to self-determination in defiance of United Nations resolutions, and Israeli practices in the occupied territories, which were marked by constant and systematic violations of human rights. She denounced in particular the policy of deportation practised by Israel - in violation of article 49 of the Fourth Geneva Convention - which had forced thousands of Palestinian Arabs to leave their country, and the reign of terror imposed by occupying Israeli troops. She was convinced that there would be no peace in the region until the territories occupied by Israel in 1967 had been liberated and until the inalienable right of the Palestinian people to self-determination, independence and national sovereignty had been recognized.

In the view of her organization, the recent events in Afghanistan had nothing to do with the item under consideration. WIDF had welcomed the decision of the Afghan people to put an end to feudalism and to embark on the path of democracy and social and economic progress, and it had repeatedly condemned attempts by the imperialist forces to destabilize the situation in Afghanistan and arrest the country's development. It therefore unreservedly supported the measures taken by the new Afghan Government to protect the territorial integrity and sovereignty of its country against external aggression and to pursue in peace its extensive programme of social and cultural reforms.

WIDF was very concerned about the deterioration in the international situation and the war psychosis which the major Western Powers were deliberately creating through their misrepresentation of the facts, so as to continue piling up their stocks of nuclear weapons and extending their military bases in the Persian Gulf and Middle East region, thereby threatening the safety of that region and the entire world. Incitements to a return to the cold war should not prevent the forces for peace from uniting to prevent a nuclear war and to preserve the national independence of peoples and their right to self-determination.

Mr. SHESTACK (United States of America) said that his Government supported draft resolution E/CN.4/L.1488, since it regarded the invasion of Afghanistan by the Soviet Union as a flagrant violation of the human rights of the Afghan people.

In the first place, that invasion constituted a violation of the fundamental right of the Afghan people to self-determination, the protection of which was explicitly guaranteed under international law and the Charter of the United Nations, and of the principle of the territorial integrity of sovereign States, which governed international relations and was one of the fundamental principles of the United Nations.

Secondly, the Soviet intervention in Afghanistan had created political instability which was conducive to the violation of other human rights. Torture, arbitrary arrests and summary executions, which had become an everyday occurrence under the Taraki and Amin régimes, were now being continued under the Karmal régime, with the complicity of the Soviet Union. There had also been reports of massacres of defenceless villagers and the use of chemical weapons against Afghan resistance forces, in flagrant violation of the rules of international law applicable to armed conflict. Furthermore, the Soviet occupation had forced hundreds of thousands of Afghans to flee their country, thereby creating a huge financial burden for neighbouring countries, particularly Pakistan, where the number of refugees was estimated at 500,000, and for the international community as a whole. In addition, the upheaval caused by the Soviet invasion had brought the development process of one of the poorest countries in the world to a virtual standstill.

Lastly, the Soviet invasion constituted a violation of the principle of the non-use of force, which was one of the fundamental principles of the Charter of the United Nations, and a threat to international peace and security.

In the opinion of his delegation, the Soviet intervention in Afghanistan constituted a flagrant violation of human rights and fundamental freedoms; it was absolutely unjustifiable, and should be strongly condemned by the Commission.

The CHAIRMAN invited the representative of Algeria to introduce draft resolution E/CN.4/L.1489.

Mr. SALAH-BEY (Algeria) drew attention to a few minor amendments to the English text of draft resolution E/CN.4/L.1489, which was not entirely consistent with the French original. His delegation considered that the right of peoples to self-determination was a fundamental right whose enjoyment was a prerequisite for the exercise of all the rights and freedoms of the individual and whose defence rightly constituted one of the Commission's most important tasks.

Of the territories still under colonial and foreign domination, Western Sahara constituted an exceptional case in the history of decolonization since, after having been occupied by a European Power, it had, after the latter's withdrawal, been reoccupied by a neighbouring country. It was in order to enable the Commission to express its view on that flagrant violation of the right of peoples to self-determination that his delegation, on behalf of the delegations of Cuba, Ghana, the Libyan Arab Jamahiriya, Madagascar, Panama, the Syrian Arab Republic and Democratic Yemen, was introducing draft resolution E/CN.4/L.1489. The sponsors of

the draft had considered it essential to refer to the various international instruments designed to ensure the defence of human rights and had endeavoured to respect faithfully the legal and political framework within which efforts were being made to find a comprehensive solution to the question of Western Sahara, which remained a problem of arrested decolonization. They considered that the Commission, which had before it all the relevant facts, could not but reaffirm the principles laid down by the General Assembly, the non-aligned movement and the Organization of African Unity.

In conclusion, he quoted a statement which had been made by Mr. Andrew Young after a recent visit to Sahrawi refugee camps and testified to the will of the Sahrawi people to fight for their independence.

The CHAIRMAN invited the representative of Cuba to introduce draft resolution E/CN.4/L.1490.

Mr. ORTIZ RODRIGUEZ (Cuba) announced that the Libyan Arab Jamahiriya had joined the sponsors of draft resolution E/CN.4/L.1490 and drew attention to two minor changes in the text.

The draft resolution recalled the main resolutions of the General Assembly concerning the right of peoples to self-determination and reiterated the profound indignation of the international community at the continued violation of that right. It then reaffirmed the legitimacy of the struggle of peoples for liberation from colonial domination or foreign occupation and called on all States to support that struggle. Paragraph 5 condemned the policy of the NATO member countries of encouraging the racist régimes in southern Africa, while paragraph 8 dealt more particularly with the political situation in Southern Rhodesia and demanded that the Government of the United Kingdom take without any delay all necessary measures to guarantee free elections in that Territory.

Mr. CHARRY SAMPER (Colombia) said that his delegation would be able to vote in favour of draft resolution E/CN.4/L.1490 if some terms were modified. In operative paragraph 2, for example, the phrase "including armed struggle" should be deleted, and in paragraph 5 there should not be a general condemnation of the "members of the North Atlantic Treaty Organization". The prospects afforded by the Lancaster House Agreement offered a course other than that of armed struggle - a course which the Commission should not overlook.

After Mr. CHAVEZ-GODOY (Peru) had requested that the vote on draft resolution E/CN.4/L.1490 should be postponed, Mr. ORTIZ RODRIGUEZ (Cuba) gave an assurance that the sponsors were fully prepared to hold consultations with other delegations in order to enable the text to gain the widest possible support.

Mr. FARHANG (Iran) pointed out that his delegation had introduced draft resolution E/CN.4/L.1485. In connexion with draft resolution E/CN.4/L.1489, it expressed support for the national liberation movement in Western Sahara. With regard to draft resolution E/CN.4/L.1490, he observed that the Islamic Republic of Iran had, since its establishment, severed all diplomatic relations with South Africa; in its opinion, it was regrettable that some industrialized countries maintained relations with that country. Iran supported the struggle for self-determination being waged by the peoples of Namibia, Zimbabwe and South Africa.

As to draft resolution E/CN.4/L.1488, he stated that the military intervention by the USSR in Afghanistan was illegal and was aimed at crushing a popular revolution. However, Iran did not have the same reasons for condemning that intervention as the United States of America, which had itself acted as an aggressor and was motivated solely by fear of Soviet power. His delegation urged the USSR to withdraw its troops from Afghanistan.

Mr. MORENO-SALCEDO (Philippines) said that without the right of peoples to self-determination there could be no States, community of nations, or United Nations; even the current debate would have no legal basis. In particular, the Commission should, at the current session, adopt one or more resolutions to satisfy the legitimate aspirations of the Palestinians, aspirations which Israel did not respect. His delegation maintained the same view with regard to the peoples of southern Africa, and found it alarming to note that to those oppressive situations there had been added in recent months foreign interventions in Kampuchea and Afghanistan.

The General Assembly, in resolution 34/22, had called for the immediate withdrawal of all foreign forces from Kampuchea. In the Security Council, the Philippines had condemned the intervention in Afghanistan and enumerated the principles violated by that intervention. His delegation was now co-sponsoring draft resolution E/CN.4/L.1488 and hoped that, by adopting that text, the Commission would fulfil its role as the conscience of the world.

Mr. CHARRY SAMPER (Colombia) said that in considering the question of Afghanistan the Commission should, first of all, take account of international public opinion. In a situation of that kind, the Economic and Social Council could, under Article 68 of the Charter, set up a commission to conduct an inquiry. The role of the Security Council was defined in Article 51; the right of "collective" self-defence mentioned in that Article arose from regional treaties and was not transferable to other States.

The intervention in Afghanistan gravely violated human rights and threatened the international political order. In that connexion, he reminded the Commission of the opposition which the Andean countries had shown to the intervention of a foreign expeditionary force in Nicaragua. After welcoming the presence of Iran, to whose revolution Colombian public opinion had reacted with sympathy, among the sponsors of draft resolution E/CN.4/L.1488, he suggested that the text of the draft should be slightly amended by inserting in it a reference to certain pertinent resolutions of the General Assembly. Moreover, reactions to an intervention of that kind should not have the effect of intensifying guerrilla activities in the third world, which was at present suffering from terrorism on a large scale. He also emphasized that tensions such as those provoked by the situation in Afghanistan intensified the arms race and put in jeopardy the establishment of the new international economic order. In conclusion, he expressed the wish that the Soviet Union would respond to the request addressed to it by the General Assembly to withdraw its forces from Afghanistan.

Mr. AMARE (Ethiopia) noted that certain States whose hostility towards the Afghan revolution was known were trying to divert the Commission's attention from genuine problems and to divide the non-aligned movement, when in fact Afghanistan had done no more than exercise its own right to oppose aggression.



The Commission could not act as the accomplice of imperialist attacks which had already been witnessed in many countries, such as, for example, Chile and Ethiopia. The Ethiopian delegation would therefore vote against draft resolution E/CN.4/L.1488.

Mr. SAHM (Federal Republic of Germany) said that his country had already publicly expressed its concern at the invasion of Afghanistan by Soviet troops, which was not justified by the treaty of friendship between the two countries. Such action threatened the stability of an entire region, violated the human rights of the Afghan people and infringed the principle of the indivisibility of détente. The maintenance of world peace required the withdrawal of the forces of occupation.

The Commission had the right and the duty to come to Afghanistan's assistance with a view to restoring that country's right to self-determination. The delegation of the Federal Republic of Germany would vote in favour of draft resolution E/CN.4/L.1488.

Mr. POUYOUROS (Cyprus) said that peoples and countries fighting oppression of whatever origin were entitled to the Commission's support.

Referring to draft resolution E/CN.4/L.1489, he pointed out that the population of Western Sahara continued to be deprived of its inalienable rights, even though the General Assembly had recognized the legitimacy of the struggle that population was waging.

The delegation of Cyprus supported draft resolution E/CN.4/L.1489 and hoped that the occupation of Western Sahara would cease in the near future.

Mr. ZORIN (Union of Soviet Socialist Republics) observed that several delegations had demonstrated the unfounded nature and unmasked the true purpose of the so-called "question of Afghanistan". Everything combined to prove the existence of continuing interference in that country's internal affairs in the form of activities conducted from Pakistan with the support of the United States of America and China.

In his statement, the representative of the latter country had confined himself to denying the facts which had been reported and hurling unfounded accusations against the Soviet Union and Afghanistan, while being careful to avoid mentioning the aggression perpetrated by China against the Democratic Republic of Viet Nam a year earlier and the passive attitude adopted on that occasion by the United States.

A careful study of draft resolution E/CN.4/L.1488 inevitably revealed fundamental divergencies between that text and the meaning of the General Assembly's decisions, as well as a certain number of inventions and errors.

He wondered, for example, how the sponsors of the draft resolution, in operative paragraph 4, could describe the régime in Afghanistan as illegal when its representatives had been recognized by the General Assembly, where they had taken the floor. Furthermore, the Commission could not substitute itself for the Security Council and issue directives to States and propose sanctions. Such provisions ran counter to the text of the Charter and to the decisions already taken by the General Assembly.

In operative paragraph 6, for example, it was difficult to see why the Commission should feel free to invite countries to interfere in the domestic affairs of Afghanistan and, furthermore, to fight against the Afghan people and Government.

The real sponsors of the text were not those who had signed it, and the signatories had not fully understood its contents.

After the statement made by the representative of Afghanistan at the 1537th meeting, it was surprising that the sponsors of draft resolution E/CN.4/L.1488 should judge the official statements of the Afghan Government to be without value and declare that the Soviet Union was simply occupying a neighbouring country, when that country's representative had explained how his Government had requested the Soviet Union's assistance against external aggression.

Although his own delegation could not accept the position adopted by Iran on the question under consideration, he had listened with interest to the statement made by the Iranian delegation. He noted that Iran did not wish to appear as the partner of the United States in the matter.

Draft resolution E/CN.4/L.1488, which was based on a series of false arguments, was both illegitimate and inappropriate. The Commission's sphere of competence did not extend to questions of general politics but was confined to human rights problems and related matters. The Commission had never issued directives to Governments; to do so would be to interfere in their domestic affairs. The Government of Afghanistan represented the people of that country and maintained diplomatic relations with States which, it was to be hoped, would not vote in favour of a draft resolution that had been declared pointless and illegitimate by the representative of Afghanistan himself.

For its part, the delegation of the Soviet Union would vote against draft resolution E/CN.4/L.1488.

Mr. EL-SHAFEI (Egypt) expressed his indignation at the manner in which some of the speakers had used the debate to vindicate their own selfish motives. He wished to tell those who continued in their slanderous campaign against Egypt that the road to enable the Palestinian people to exercise their right to self-determination was not through massacring them in their camps; nor was the road to liberate the Palestinian territory through the occupation of another Arab territory. Egypt's record clearly reflected its sincere attempts to terminate Israeli occupation of the Arab territories and to enable the Palestinian people to exercise their inalienable right to self-determination.

In the light of its statements, the Egyptian delegation considered draft resolution E/CN.4/L.1485 objectionable and even injurious for the following reasons:

- Operative paragraph 4 contended that the Camp David accords had been concluded outside the framework of the United Nations. That was a blatant and flagrant contradiction of the texts of the accords themselves, which declared that they were based on the Charter of the United Nations, international law and Security Council resolutions 242 (1967) and 338 (1973).

- The derisive claim in operative paragraph 5 that the Camp David accords ignored, infringed upon and violated the inalienable rights of the Palestinian people was totally unfounded. The Camp David framework for the West Bank and Gaza Strip envisaged the establishment of transitional arrangements as a prelude to the determination by the Palestinian people of their own future.
- Because operative paragraph 6 followed on both paragraphs 4 and 5, and because the Camp David accords were neither partial agreements nor separate treaties, the Egyptian delegation was unable to endorse the statement in paragraph 6. For the same reason it rejected paragraph 7.
- Preambular paragraph 8 was also objectionable for its reference to General Assembly resolution 34/65 B.

In stating the inability of the Egyptian delegation to support the draft resolution, he reaffirmed that that in no way altered Egypt's faithful support for the inalienable right of the Palestinian people to self-determination, the recovery of their territory and the establishment of their sovereign State.

Mr. GARVALOV (Bulgaria) said that he proposed to comment on draft resolution E/CN.4/L.1488 relating to Afghanistan. His delegation reserved the right to express its views on the other proposals before the Commission at the next meeting. Draft resolution E/CN.4/L.1488 went beyond the Commission's mandate and competence. Moreover, it was partial and its statements and conclusions were arbitrary. In particular, the Bulgarian delegation objected to operative paragraphs 1, 3, 4, 5 and 6, which contained the preposterous demand addressed to all States to refuse to recognize the Government of the Democratic Republic of Afghanistan - a matter which clearly fell outside the terms of reference of the Commission and could be considered only by the Security Council and the General Assembly - as well as a provocative instigation in the form of another demand to provide assistance to armed bands, encouraging them to fight the legal Government of Afghanistan. The Bulgarian delegation would vote against the draft resolution.

Mr. M'BAYE (Senegal) said that he would confine his remarks to draft resolution E/CN.4/L.1489, which dealt with the question of Western Sahara.

Senegal was a country governed by the rule of law which was attached to the principles enunciated in the United Nations Charter and, as a former colony, to the right of peoples to self-determination. It abided by all decisions adopted in a regular manner within the framework of the organizations to which it belonged. The Senegalese delegation therefore could not do otherwise than reject the draft resolution in question, which was entirely based on General Assembly resolution 34/37, itself based on a questionable decision adopted by the sixteenth Summit Meeting of Heads of State and Government of the Organization of African Unity. Furthermore, the provisions of the fifth preambular paragraph were ambiguous; those of operative paragraph 1 infringed the principle of the right to self-determination by prejudging the form which that right, an indisputably multiform one, should take; and, lastly, those of paragraph 2 would bind the Commission to an unnecessary undertaking contrary to its practice.

For those reasons, and in the belief that the solution to the problem was to be found in a dialogue between all the parties concerned, the delegation of Senegal would vote against the draft resolution.

Mr. AREBI (Observer for the Libyan Arab Jamahiriya) said that he naturally supported draft resolution E/CN.4/L.1485, which confirmed the oppressed Palestinian people in its inalienable rights. It was the duty of the international community to help all oppressed peoples to utilize every means, including armed struggle, in order fully to exercise their right to self-determination, the prerequisite for enjoyment of all the inherent rights of the human person.

On the question of Western Sahara, which was the subject of draft resolution E/CN.4/L.1489, the Libyan delegation once again asked the international community to assist the Sahrawi people at grips with the horrors of colonialism to recover its dignity by exercising the right to self-determination.

The Libyan delegation fully supported draft resolution E/CN.4/L.1490, which dealt in a general manner with the question of the right of peoples to self-determination.

Referring to draft resolution E/CN.4/L.1488, relating to the situation in Afghanistan, he emphasized the dangers of military interventions in third countries. In that connexion, he could not fail to denounce the recent military intervention carried out in Tunisia by colonialist France at the behest of the United States of America. The Libyan Arab Jamahiriya was deeply concerned at the presence of the French army at its western frontier in Tunisia and also at its southern frontier in Chad.

Mr. GIUSTETTI (France), speaking on a point of order, suggested that the Chairman should request the Observer for the Libyan Arab Jamahiriya to confine his remarks to the subject under consideration.

Mr. AREBI (Observer for the Libyan Arab Jamahiriya) replied that he was making a statement under item 9 of the Commission's agenda; the Libyan delegation considered itself entitled to refer to the French military intervention in its neighbour countries. Continuing his statement, he said that the Libyan Arab Jamahiriya was resolved to prevent all interference in the Arab world's affairs by France, which intended to play the role of policeman in Africa.

Mr. SHESTACK (United States of America) said that his delegation supported draft resolution E/CN.4/L.1488, which was wholly consistent with the defence of human rights.

Exercising his right of reply, he protested against the insulting and provocative remarks addressed to the United States of America by the representative of Iran. The United States did not need to defend its support of a resolution which was legally and morally right.

Mr. FARHANG (Iran), raising a point of order, said that he was satisfied to note that the CIA was continuing to supply false information to its agents disguised as diplomats.

Mr. EL-FATTAL (Syrian Arab Republic), exercising his right of reply, refuted the Egyptian delegation's attacks on draft resolution E/CN.4/L.1485, which was aimed solely at averting the grave threat to the Palestinian people's exercise of its inalienable rights created by the Camp David accords and the Washington treaty. Moreover, those agreements, concluded outside the framework of the United Nations, were unacceptable because neither Egypt nor Israel had the right to determine the fate of the Palestinians. The PLO was the sole representative of the Palestinian people in Palestine, under foreign occupation or in exile.

Mr. SOYER (France), speaking in exercise of the right of reply, said that the French armed invasion of Tunisia mentioned by the Libyan delegation had in fact amounted to the loan of two helicopters and two light aircraft. Apparently, that small amount of armament had sufficed to put to flight those forces whose recent reversals in other parts of Africa suggested that their talents were not suited to action beyond the occupation of a foreign embassy.

France's policy in Africa was based solely on the desire to promote genuine development on the basis of mutual respect.

Mr. FAWZI (Egypt), speaking in exercise of the right of reply, said that, despite the Syrian representative's assertions, the Camp David agreements were the only available serious process for the Palestinian people to recover their right to self-determination. Moreover, it was the first document in which Israel committed itself to resolve the Palestinian problem in all its aspects and to withdraw from the West Bank and the Gaza Strip.

The Syrian representative had refuted Egypt's right to negotiate with Israel the settlement of the problem. According to the Camp David agreement, however, the self-governing Palestinian authority would be the competent authority to negotiate the procedure for solving the refugee problem, and to decide, by means of negotiation, the modalities for the return of persons displaced from the West Bank and Gaza in 1967.

Finally he repeated that his Government was ready to examine all options and alternatives aimed at a just and lasting peace including an independent Palestinian State.

Mr. AREBI (Observer for the Libyan Arab Jamahiriya), said that Libya had always maintained a friendly attitude towards France, as the diplomatic and trade relations between the two countries showed. It was regrettable therefore, that the French representative should have replied so intemperately to the Libyan delegation's earlier statement.

Despite what the representative of France had just said, it was clear from numerous sources, including the French press itself, that French military activity along Libyan territorial boundaries had been on a considerable scale. Indeed, French public opinion had been strongly divided about French military activity in Chad, which bordered on Libyan Territory. Moreover, the assertion that Libyans had been in Tunisia instigating unrest was unfounded; it was well known that very many Tunisians were opposed to the current régime in that country.

Mr. LADJIMI (Observer for Tunisia) said that the extravagant remarks of the delegation of the Libyan Arab Jamahiriya did not hide the fact that the Government of that country was interfering in the internal affairs of other States; one example was Libyan pitiable intervention in Uganda, and even at the present time it was occupying part of Chad. The Libyan Government had also manifested

considerable hostility towards the PLO, which was the legitimate representative of the Palestinian people. Without having either the wealth or the arsenal of the Libyan Arab Jamahiriya, Tunisia would repulse any interference from that country.

Mr. BARROMI (Observer for Israel) pointed out in reply to the representative of the Syrian Arab Republic that the goal of the Camp David agreements was peace. It was regrettable that the representative of Egypt had given the impression that Israel had been forced to sign that agreement: his country had accepted sacrifices and undertaken long negotiations in the interest of peace in the Middle East.

The CHAIRMAN invited the Commission to consider the draft resolutions before it one by one, beginning with the draft resolution in document E/CN.4/L.1485.

Mr. MBODJ (Senegal) said that at previous sessions of the Commission his delegation had traditionally been one of the sponsors of draft resolutions similar to that contained in document E/CN.4/L.1485. With regard to the present draft resolution, however, it had felt unable to do that because of the inclusion in the operative part of paragraphs which referred to Camp David accords as globally negative. In his delegation's view, those agreements, even if imperfect and incomplete, could not be regarded as wholly negative since they had permitted certain improvements in the situation. His delegation sincerely regretted, however, that those agreements offered no reliable guarantee of exercise by the Palestine people, in the near future, of its inalienable right to national independence and sovereignty.

Mr. SHESTACK (United States of America) said that his delegation would vote against the draft resolution under consideration because Israel and Egypt, with the full support of his country, were now engaged in negotiations designed to bring about a lasting peace in the region with full regard for the rights of all concerned. The rejection of the Camp David agreements was contrary to the purposes of the United Nations to achieve peace among nations and was not an action in furtherance of human rights.

Mr. van der STOEL (Netherlands) said that although his delegation believed that the rights of the Palestinian people should, in every respect, be taken fully into account in any overall settlement of the problems in the Middle East region with a view to ensuring a just and lasting peace there, nevertheless it found the text of the draft resolution unacceptable, in particular because of its criticism of the Camp David agreements, and would therefore vote against it.

Mr. FARHANG (Iran), referring to remarks made by the representative of the United States of America at an earlier meeting, wished to make it clear that he was present in the Commission as the representative of the Government of Iran and that any views he expressed were therefore those of that Government. If the United States representative disagreed with those views, he should address himself to their substance and not launch an attack on him personally.

Mr. VARELA (Costa Rica) said that, consistent with its traditional position, his delegation would be able to vote in favour of any paragraph of the draft

resolution which affirmed the rights of the Palestinian people, and in particular their right to self-determination, but it would be obliged to vote against operative paragraphs 4 to 7 because it could not agree to the condemnation of any effort contributing to the attainment of a peaceful solution in any part of the world where there were problems.

Mr. ADENIJI (Nigeria) said that his delegation had consistently given its full support to the Palestinian people and their rights, especially the right to self-determination, and it would therefore vote for the draft resolution.

Miss EMARA (Egypt) requested that separate votes by roll-call should be taken on the first and eighth paragraphs of the preamble of the draft resolution and also on operative paragraphs 1, 2, 3, 4, 5, 6 and 7.

The draft resolution as a whole was adopted by 23 votes to 8 with 10 abstentions. a/

Mr. SOYER (France) said that his delegation had abstained in the vote on the draft resolution as a whole because it had voted against operative paragraphs 4 to 7, which condemned the Camp David accords. His delegation could not associate itself with that condemnation since those accords showed the willingness of the parties to them to take a first step towards a global settlement of the problems of the region.

Mr. ALMEIDA RIBEIRO (Portugal) said that his delegation had always been in favour of an effective and lasting solution to the problem in the Middle East region, with respect for the right of the Palestinian people to self-determination and national independence, and for the sovereignty and territorial integrity of all countries in the region. It believed that the Camp David accords represented a positive step towards such a solution. It could not, therefore, agree to their condemnation, and had voted against the draft resolution.

Mr. DAVIS (Australia) said that his delegation supported the aims and principles of the Camp David agreements and looked forward to a comprehensive settlement of the Middle East situation which would take account of the interests of all parties concerned, including the legitimate desire of the Palestinian people for a homeland of their own.

Mr. CHAVEZ-GCDOY (Peru) said that his delegation had always been in favour of the cause of the Palestinian people and their right to self-determination and independence. It had also always accepted the need for a global solution of the Middle East problem by all parties concerned, if possible within the context of the United Nations. It had therefore voted for the draft resolution as a whole. It had, however, abstained in the vote on paragraphs 4 to 7 because it believed that any attempt to contribute to the ultimate solution of the Middle East problem should be accepted in good faith.

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a/ For details of the votes, see the Report of the Commission on Human Rights on its thirty-sixth session (E/1980/13-E/CN.4/1408), chap. VII, para. 174.



Mr. PAPASTEFANOU (Greece) said that his delegation had abstained in the vote on the draft resolution as a whole. It was, however, in favour of the right to self-determination of the Palestinian people, as it had proved many times in the past.

Mr. GIAMBRUNO (Uruguay), speaking in explanation of vote, said that his country was convinced that any conflict could be solved through mediation and reconciliation. The State of Israel was an irreversible reality, with the right to exist and to enjoy secure and established boundaries. The Palestinian people, too, had a right to self-determination and to the establishment of their own State. His Government would support any international efforts to bring the parties closer to an understanding; it desired to see the conclusion of a total agreement in which there was mutual recognition and in which the parties were placed on an equal footing.

Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation had voted in favour of the draft resolution on considerations of principle: the need to support all peoples in their struggle for independence and for their right to self-determination. The fact that certain Western countries, led by the United States, had voted against the resolution showed the emptiness of their protestations of support for self-determination.

Mr. BOUA (Ivory Coast) said that his delegation had abstained in the vote on draft resolution E/CN.4/L.1485 because it did not share the view that the Camp David agreements were invalid. His country would continue to support any attempts to bring the parties together and to find a solution to the Middle East problem.

The CHAIRMAN invited the Commission to consider draft resolution E/CN.4/L.1488.

Mr. ERDEMBILEG (Mongolia) proposed, in accordance with rule 65, paragraph 2 of its rules of procedure, that the Commission should adopt the following draft decision:

"The Commission on Human Rights

Decides not to take a decision on the draft resolution in document E/CN.4/L.1488".

Mr. AKRAM (Pakistan) said that the Mongolian proposal came as no surprise to his delegation. The Commission was aware of the position of the delegations of the socialist countries on the draft resolution, and of their reasons for that position. The draft resolution dealt with the right to self-determination of 15 million people in Afghanistan - a right that was being denied by brutal military force. There were half a million refugees on the territory of his country. The problem was one that the Commission could not ignore, and it could not be prevented from pronouncing itself clearly on the vast human problem or on the reign of terror in Afghanistan. His delegation therefore strongly opposed the draft decision proposed by the Mongolian representative, and formally proposed that an immediate vote should be taken on it so that the Commission could proceed with its substantive consideration of draft resolution E/CN.4/L.1488.

Mr. VARELA (Costa Rica), speaking on a point of order, said that he would like to have an interpretation from the Chairman of the provisions of rules 63, 64 and 65 of the Commission's rules of procedure. In his delegation's view, the Mongolian proposal was not an amendment in accordance with rule 63. It was a separate proposal designed to prevent the taking of a decision on the draft resolution. In the circumstances, draft resolution E/CN.4/L.1488 should take precedence. If the Chairman ruled otherwise, he wished to request a roll-call vote on the Mongolian proposal.

The CHAIRMAN ruled that, under rule 65, paragraph 2 of the rules of procedure, the Mongolian proposal should be put to the vote first.

Mr. RWAMIBANGO (Burundi), supported by Mr. AL-DJABRI (Iraq), suggested that, in accordance with rule 51 of the rules of the procedure, the vote on the Mongolian proposal should be deferred to enable delegations to consult their Governments.

After a procedural discussion in which Mr. ERDEMBILEG (Mongolia), Mr. AKRAM (Pakistan), Mr. ORTIZ RODRIGUEZ (Cuba), Mr. CHARRY SAMPER (Colombia), Mr. DAVIS (Australia), Mrs. WARZAZI (Morocco), Mr. ADENIJI (Nigeria) and the CHAIRMAN took part, Mr. RWAMIBANGO (Burundi) withdrew his proposal.

The CHAIRMAN said that the Commission would proceed to vote on the draft decision proposed by the Mongolian representative.

Mr. FARHANG (Iran) said that, before a vote was taken, he wished to know whether the Mongolian proposal had been made in anticipation of any substantive change in the situation in Afghanistan, or merely as a proposal without any substance.

The CHAIRMAN said that the Iranian representative's question was not a point or order, and was therefore out of order.

At the request of the representative of Costa Rica, a vote was taken by roll-call on the decision proposed by Mongolia.

The draft decision proposed by Mongolia was rejected by 26 votes to 9, with 6 abstentions. b/

Mr. ADENIJI (Nigeria) reminded the Commission of the statement he had made on the item under consideration, in which he had voiced his delegation's belief that any interference in the internal affairs of one State by another violated the right of peoples to self-determination, and in which he had stressed in particular that the inviolability of the sovereignty and territorial integrity of non-aligned States should be strictly respected if the latter's role in international relations was to be maintained. It was in that light that his delegation viewed the situation in Afghanistan arising from the introduction of Soviet troops into that country -

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b/ For details of the vote, ibid., para. 177.

a development with far-reaching implications for the conduct of international relations; a violation of the principle of non-interference and an act contrary to Article 2, paragraph 4 of the Charter of the United Nations and to Article 3 of the Charter of the Organization of African Unity. Concern for regional peace and stability could not be a justification for one country to interfere in the affairs of another, particularly through armed intervention.

Nigeria, which did not believe in double standards in international relations, could not deplore a violation in one area and condone it in another. It had consistently deplored the overthrow of African Governments through the action of external forces and must similarly deplore changes brought about in Afghanistan through external intervention. It therefore reiterated the call made by the General Assembly in its resolution ES-6/2 for the withdrawal of Soviet troops from Afghanistan.

The introduction of cold war rhetoric would not, in his delegation's view, expedite a return to normality in Afghanistan or in the region. In the interest of Afghanistan and neighbouring countries, therefore, the Commission should contribute to a solution of the problem based on General Assembly resolution ES-6/2, his delegation would have preferred the draft resolution before the Commission to follow faithfully the resolution of the General Assembly, as the main political body for the discussion and solution of what was an essentially political issue. The human rights aspect should be seen in its proper perspective. His delegation would have preferred parts of draft resolution E/CN.4/L.1488 to be formulated differently. In view of the overriding consideration of maintaining the principle of non-interference in the internal affairs of State, and of the concern for maintaining the right to self-determination, his delegation would vote in favour of the draft resolution as a whole; but if separate votes were requested on operative paragraphs 1 and 4, it would take the appropriate decision.

Mr. ERDEMBILEG (Mongolia) said that he wished to express his delegation's astonishment and indignation at the dictatorial manner in which the voting machinery of the Commission was being used. The draft resolution under consideration contained language which was contrary to the ideals and principles proclaimed in the Charter of the United Nations. Operative paragraph 1 made a libellous attack on a peace-loving socialist State which throughout its history had resolutely sought the self-determination of peoples, while paragraph 4, the terms of which were unprecedented in any United Nations document on human rights, were illogical in a draft resolution that claimed to be concerned about the fate of the Afghan people. Any delegation voting in favour of the draft resolution would be assuming a heavy responsibility.

Viscount COLVILLE (United Kingdom) said that the Soviet invasion of Afghanistan, coming within weeks of the detention of the Nobel Prize winner Dr. Sakharov, reflected a cynical disregard of world opinion. No credence could be given to the Soviet explanation of the events, which were a naked violation of a neighbouring country's sovereignty as well as of the United Nations Charter and international human rights instruments, and had demonstrated that the Soviet Union's accumulation of military power over many years was not defensive in character.

It was ludicrous to describe the massive military build-up as "limited contingents"; and the excuse that the Soviet Union had intervened in order to remove a tyrant was unacceptable, since Hafizullah Amin had until recently been regarded as a socialist hero. The Soviet statement that it would withdraw its forces once the situation returned to normal, and that it had no further territorial ambitions, was all too reminiscent of a certain leader's assurances, whose consequences in the recent past were well remembered.

The Soviet Union was in fact invoking, as a pretext for its intervention, the results of its own influence on recent developments in Afghanistan; to do so set a precedent of virtually unlimited application.

The Soviet action constituted a total denial of the right of all peoples to self-determination - a right set forth in Article I of both International Covenants on Human Rights, to which the Soviet Union was a party. Therefore, the situation in Afghanistan was relevant to item 9 of the Commission's agenda, and the United Kingdom delegation would vote in favour of draft resolution E/CN.4/L.1488, which reflected the condemnation of Soviet action, and the call for the withdrawal of Soviet forces from Afghanistan, expressed by the overwhelming majority of world public opinion.

Mr. SOLA VILA (Cuba) said that draft resolution E/CN.4/L.1488 constituted an attempt to cloak a number of merely political statements in a guise of legality, and ultimately to promote the interests of those anxious to oppose the revolutionary process and the right of peoples to choose their own socio-economic system. It was indeed ironic that the principles of the Charter should now be championed loudly by those who had been willing to see them set aside so often in the past. The international community should not fail to take account of such manoeuvres.

The motives underlying the submission of draft resolution E/CN.4/L.1488 reflected the attempt to justify the armaments escalation which the imperialists had been carrying out long before the situation referred to had arisen - a matter to which the Cuban delegation had drawn attention in the General Assembly at its Sixth Emergency Special Session.

Cuba had always unswervingly upheld the rights of all peoples to sovereignty and supported all those who struggled against racism, apartheid, colonialism and imperialism. Cuba had strongly denounced the actions of the racist authorities in Israel and southern Africa, as well as the genocide committed in Viet Nam - opposition to which had regrettably been stifled in the Commission at its thirty-fifth session - and would vote against draft resolution E/CN.4/L.1488, which was an imperialist attempt to cause international tension and instability as a means of interfering in the affairs of a sovereign State.

Mr. HILALY (Pakistan), speaking in exercise of the right of reply, said that the Soviet delegation's attempts to justify the Soviet military intervention in Afghanistan did not bear scrutiny.

It was said that the Soviet Union had intervened at the invitation of the Afghan Government in response to aggression from outside that country. But President Hafizullah Amin had been killed on 27 December 1979, the day after the

large Soviet airlift into Afghanistan had begun, and only on 28 December had a statement appeared, quoted by TASS and attributed to the Karmal régime, that Afghanistan had requested Soviet assistance pursuant to the 1978 bilateral treaty of friendship, goodneighbourhood and co-operation.

In any case, such a bilateral treaty could not take precedence over the provisions of the Charter of the United Nations or of other international instruments governing sovereignty, territorial integrity and non-intervention. Moreover, the only foreign troops to have entered Afghanistan were those of the Soviet Union.

Pakistan had persevered in its attempts to establish friendly relations with successive Afghan Governments. But the régime in office since 29 December 1979 had been imposed by a foreign military Power and was therefore illegal.

Apologists for the Soviet Union's action had variously described the Afghan refugees in Pakistan as "seasonal nomads" or as people whose return home Pakistan was preventing. But nomads did not attempt to cross high mountain passes in their thousands in midwinter; and it was not force by Pakistan, but fear of conditions in Afghanistan, which induced them not to return home. The refugee camps had always been open to inspection and were visited constantly by impartial observers, including representatives of UNHCR, who had attested to Pakistan's exemplary efforts to deal with the refugee problem. The allegations that Pakistan was training Afghan insurgents were likewise unfounded.

Pakistan remained a non-aligned country with no interest in great Power rivalry; indeed, its refusal to compromise that position had recently resulted in the cessation of aid to Pakistan from a certain great Power. But it could not disregard such threats as the claim to parts of Pakistan by the present Karmal régime, which was a nominee of the Soviet Union, or recent comments about threats to the Soviet Union's "southern boundaries" - boundaries which had already been expanded by absorption of Islamic lands during the nineteenth and early twentieth centuries.

The Soviet Union had apparently labelled the Islamic countries "reactionary". But the recent Islamic Conference had passed resolutions upholding the rights of the Palestinian people and deploring the measures taken by one super-Power against the new Government in Iran - actions which were surely not reactionary.

The Soviet representative had said that the situation in Afghanistan had nothing to do with the Commission's work. The Commission, however, would be seriously neglecting its duties if it failed to consider that situation, which involved the denial of a people's right to self-determination and constituted an armed intervention overwhelmingly deplored by Member States of the Organization at the General Assembly's sixth emergency special session. The wording of draft resolution E/CN.4/L.1488 was fully commensurate with the gravity of the situation and with the need for the international community to pronounce strongly against the acts perpetrated.

At the request of some supporters, two amendments would be made to operative paragraph 4 of draft resolution E/CN.4/L.1488: the words "form of recognition or" were to be deleted, and the word "illegal" was to be replaced by "imposed".

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Mr. CALERO-RODRIGUES (Brazil) said that international peace and security were based on respect for the principles of the right of peoples to self-determination, the sovereign equality of States and non-intervention in the domestic affairs of States. It was for that reason that his delegation had voted in favour of General Assembly resolution ES-6/2. Any violation of the right to self-determination necessarily involved violation of human rights and fundamental freedoms. Therefore his delegation felt that the Commission was entitled to examine the situation in Afghanistan and it would vote in favour of draft resolution E/CN.4/L.1488.

Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that he wished to draw attention to the inconsistency of draft resolution E/CN.4/L.1488, which was in flagrant contradiction with the facts. It was indisputable that Afghanistan had been and still was threatened by the imperialist aggression being conducted by Washington and Peking from the territory of Pakistan, and the preventive action undertaken by its Government, with the assistance of a friendly country which it had requested in a perfectly legal way, was intended only to thwart that aggression and to defend the country's revolutionary achievements. No body in the United Nations system had either the legal or the moral right to intervene in the domestic affairs of Afghanistan and to hinder its democratic and peaceful development.

His delegation would vote against draft resolution E/CN.4/L.1488, which was designed only to stir up international tension, to undermine détente and to accelerate the arms race. It appealed to all members of the Commission to do likewise.

Mr. HASSON (Observer for Democratic Yemen) said that his delegation wished to become a co-sponsor of draft resolution E/CN.4/L.1490. His delegation also supported the underlying principles of draft resolution E/CN.4/L.1489, of which it was also a sponsor.

Referring to draft resolution E/CN.4/L.1488, he said it was regrettable that the Commission should have been called upon to examine a matter which was exclusively within the domestic jurisdiction of a sovereign State, namely Afghanistan.

The discussions which had been initiated on the so-called situation of human rights in Afghanistan bore witness to the intention of certain circles to divert world public opinion from their imperialist aims throughout the world. The Carter doctrine in the Middle East, for example, had certain similarities with the Monroe doctrine; its aim was to show the United States in the role of a protector against alleged Soviet threats. The countries of the Middle East had no need of any protector and they knew who their friends were. They supported the Afghan people and the Afghan revolutionary Government, which alone were entitled to decide their fate. The victory of the Afghan people was a happy augury for the victory of the peoples of Palestine, Namibia, Azania and Zimbabwe in their struggle to exercise their right to self-determination.

Mr. INAN (Observer for Turkey) said that his Government had already had an opportunity to state its position with regard to the Afghan question in the General Assembly and at the Islamic Conference in Islamabad and it had associated itself with the resolutions adopted by those two bodies. Soviet military intervention in Afghanistan and the complete occupation of that country, a sovereign State and full Member of the United Nations, by the USSR was a flagrant violation of the principles which should govern relations between sovereign States. For that reason his delegation supported the basic idea underlying draft resolution E/CN.4/L.1488.

Mr. IDRIS (Observer for the Sudan) said that his delegation had become a sponsor of draft resolution E/CN.4/L.1488 because it was convinced that the occupation of a non-aligned country by a super-Power - an event without precedent in history - was to be condemned as a flagrant violation of the norms of international law which constituted a serious threat to international peace and security. Moreover, the General Assembly and the Islamic Conference in Islamabad had made a point of declaring their opposition to that unjustifiable armed intervention. His delegation therefore called on all States to support the inalienable right of the Afghan people to self-determination, freedom and independence.

The Sudan declared its solidarity with the Islamic countries neighbouring Afghanistan against any threat to their sovereignty, security, national independence and territorial integrity.

MR. SCEK-OSMAN (Observer for Somalia) reaffirmed the faith of his country, which had experienced all kinds of colonialism in the past, in the right of peoples to self-determination.

His delegation, which was a sponsor of draft resolution E/CN.4/L.1488, denounced the tendentious character of the statement made at a previous meeting by the representative of the Soviet Union, which had painted a false picture of the third world countries and had questioned the sovereignty and sincerity of the sponsors of the draft resolution and of the delegations supporting it. His statement that the countries of the third world were manipulated by the United States of America and by China was not only ill-intentioned and highly subjective but was also a flagrant interference in the affairs of independent and non-aligned countries. Unlike the countries of Eastern Europe in their relations with the USSR, the third world countries were not manipulated. The USSR was attempting to defend a cause which was indefensible in the light of international law and of morality. The delegation of Somalia therefore appealed to all States members of the Commission, and particularly to the non-aligned countries, to vote without reservation in favour of the draft resolution, in accordance with their principles.

His delegation protested against the lies uttered by the USSR representative concerning Somalia, which was sovereign, proud of its independence and faithful to the principles of non-alignment. The Soviet representative's statement that Somalia had allowed the establishment of foreign military bases on its territory was not only untrue but also contained hidden intentions. Somalia reaffirmed that the Indian Ocean should be an area of peace and it called on all countries

which were alien to that region, and the Soviet Union in particular, to withdraw their troops and their mercenaries from the region and to cease all military intervention there, so that the peoples of the region might exercise their fundamental right to self-determination and live in peace.

Mr. YU Mengjia (Observer for China) said that, bearing in mind General Assembly resolution 32/130, the Commission was fully entitled to examine the Soviet invasion and occupation of Afghanistan, which had taken place in open defiance of international public opinion. Draft resolution E/CN.4/L.1488, on which it was called to take a decision, was a just resolution.

In order to cover up his country's naked aggression the Soviet representative had not hesitated to distort the facts, accusing China of hegemonism and expansionism. Everyone knew that China had not one single soldier on foreign soil. As for the conflict on the Sino-Vietnamese border in the spring of 1979, it had been provoked by the expansionist aims of the Vietnamese authorities, strengthened by the support of the Soviet Union, and on that occasion China had done no more than exercise its right of self-defence. China was concerned only with its peaceful construction and had no territorial aims. It was the Soviet Union and Viet Nam which should be accused of such aims.

Mr. MOKAMMEL (Observer for Afghanistan) protested against the dangerous allegations contained in draft resolution E/CN.4/L.1488 and against the slanderous attacks upon his Government which had been made by certain delegations. In his view, the changes made in the draft resolution by the delegation of Pakistan were a step backwards in comparison with that delegation's initial position, and showed the weakness of the arguments used by some delegations to demonstrate the alleged illegality of the Government of the Republic of Afghanistan, which had the full support of the Afghan people.

With regard to operative paragraph 5 of the draft resolution, which urged all States to provide generous assistance and succour to the alleged refugees from Afghanistan, he pointed out that those of his compatriots who had been compelled to flee their country in order to escape from the atrocities of the Amin régime could no longer be considered refugees since Mr. Karmal's new Government had officially invited them to return to their country. By opposing their return home and forcibly enrolling them in armed bands which were carrying out subversive activities against Afghanistan, Pakistan was deliberately prolonging their refugee status so as to receive on their behalf substantial foreign aid which was enabling it to improve its own financial position.

Mr. OLSZOWKA (Poland) said that his delegation, which had welcomed with hope the return of Afghanistan to the ideals of the April revolution, would vote against draft resolution E/CN.4/L.1488, since it believed that the adoption of the draft resolution would not serve the interests of the Afghan people and could only hinder the peaceful evolution of the situation in Afghanistan.

Mr. TOSEVSKI (Yugoslavia) said that his country had voted in favour of resolution ES-6/2 adopted on 14 January 1980 by the General Assembly because, faithful to the principles and objectives of its policy of non-alignment, it



considered that any foreign intervention in the affairs of a sovereign State was unacceptable for it and believed that each State was entitled to solve its own problems and to choose its own social and political system without foreign interference. His delegation had, however, decided to abstain on the draft resolution before the Commission, as some parts of that text went further than what it thought desirable in the present circumstances.

Mr. GHAREKHAN (India) recalled that his country had always displayed solidarity with oppressed peoples struggling for their independence, and that it had, on that account, firmly supported the Palestinian people and the peoples of southern Africa. The Indian delegation considered, however, that the right of peoples to self-determination which the Commission was now considering under item 9 of the agenda applied only to peoples under colonial or foreign domination and consequently could not apply to a country like Afghanistan whose sovereignty had long been recognized by the whole international community, including the sponsors of draft resolution E/CN.4/L.1488.

Moreover, the Indian delegation, which had always defended the right of self-determination without any distinction based on race or religion, was convinced that the introduction of religious factors into the consideration of that right would distort the very concept of self-determination. Nor could it subscribe to paragraph 4 of the operative part of draft resolution E/CN.4/L.1488, which called upon all States to refrain from providing any form of assistance to the present régime of Afghanistan, for India traditionally maintained friendly relations with Afghanistan, whose independence, solidarity and territorial integrity were of vital interest to it.

Lastly, the Indian delegation considered that, far from contributing to a de-escalation of tension in the region, draft resolution E/CN.4/L.1488 tended to create an atmosphere of confrontation which could only harm the efforts being made to defuse the crisis. It could therefore not support the draft resolution.

Mr. KHURELBAATAR (Mongolia) said that he too was opposed to draft resolution E/CN.4/L.1488 which, in his view, was unacceptable and unjustified. The draft resolution, if adopted, would be binding only on its sponsors.

The Mongolian delegation would vote against the draft resolution.

Mr. MBODJ (Senegal) said that his country, which believed in the principles of non-alignment and the sacred right of peoples to self-determination, unreservedly condemned the Soviet intervention in Afghanistan: the violation of that country's territorial integrity by a foreign Power was an intolerable infringement of its independence and a serious breach of all international norms. Senegal would therefore vote in favour of draft resolution E/CN.4/L.1488.

Mr. van der STOEL (Netherlands) said that, although he had reservations about certain paragraphs, he would vote in favour of draft resolution E/CN.4/L.1488, since he considered that the Soviet intervention in Afghanistan was totally unwarranted and that the withdrawal of all Soviet troops stationed on Afghan territory would create a climate that was more conducive to further negotiations on disarmament.

Mr. ZORIN (Union of Soviet Socialist Republics) said that draft resolution E/CN.4/L.1488 was totally unacceptable and was contrary to the Commission's objectives for, far from promoting a peaceful settlement of the question, it could only result in a heightening of tension in the region and a confrontation between the parties. Moreover, it was an unwarranted interference in the domestic affairs of the Afghan people and in the exercise of their right to self-determination. His delegation believed that the sole purpose of the draft resolution was to undermine détente and that its adoption would be prejudicial to peace and international co-operation, as well as to the sovereign rights of the Afghan people.

The statement of the representative of Pakistan showed that his Government had no wish to stop exacerbating the situation in that region. Pakistan's refusal to initiate negotiations with the Government of Afghanistan bore witness, yet again, to its aggressive stand, which was encouraged and supported by the United States of America and China. The statements made by the United States representative and by the observer from China confirmed that view. The amendment proposed by Pakistan to operative paragraph 4 of the draft resolution was a further act of hypocrisy. Its purpose was to weaken the text, since it called for opposition to the existing Government of Afghanistan, which was contrary to the Charter of the United Nations and to all international norms. His delegation would therefore vote against the draft resolution.

Mr. ROS (Argentina) said that, despite certain reservations, his country, which had always upheld the right of peoples to self-determination, would vote in favour of draft resolution E/CN.4/L.1488.

Mr. KERLL (Federal Republic of Germany) said that, in his view, the right to self-determination was not the privilege of peoples under colonial or foreign domination, as the Indian representative had stated, but belonged to all peoples of the world, irrespective of their political system.

The CHAIRMAN invited the members of the Commission to vote on draft resolution E/CN.4/L.1488, as amended.

At the request of the representative of Pakistan, a vote was taken by roll-call.

Draft resolution E/CN.4/L.1488, as amended, was adopted by 27 votes to 8, with 6 abstentions. c/

Mr. NYAMEKYE (Ghana) stated that his delegation had voted in favour of the resolution contained in document E/CN.4/L.1488. However, he would have preferred the language used in certain paragraphs to be in accordance with the resolution adopted by the sixth special emergency session of the General Assembly on the subject (ES-6/2).

Mr. HELMAN (United States of America) said that the resolution adopted manifestly condemned the invasion of and the violations of human rights in

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c/ Ibid., para. 178.

Afghanistan and, moreover, affirmed the Commission's competence in the matter. His delegation considered, however, that the statement in paragraph 7 of the resolution did not constitute a binding commitment, and that the expression "countries neighbouring" did not apply to the USSR.

Mr. CHAVEZ-GODOY (Peru) said that, in the General Assembly, his country had called for the withdrawal of all foreign forces from Afghanistan, in accordance with the principles of its foreign policy which were the same as those enunciated in the Charter of the United Nations, those of the Organization of American States and those of the non-aligned movement, of which Peru, like Afghanistan, was a member. His delegation had voted in favour of draft resolution E/CN.4/L.1488, although it would have favoured certain improvements.

Miss BOA (Ivory Coast) said that her delegation had voted in favour of the resolution, despite reservations regarding certain paragraphs, because her country was opposed to interference in the domestic affairs of States and to the use of force.

Mr. GARVALOV (Bulgaria) said that his delegation had already stated the reasons for its negative vote. Although changes had been made to an initial, nonsensical, text, Bulgaria could not feel bound by the existing text. The question fell outside the competence of the Commission. The partial text that had been adopted did injustice to the Government and people of the Democratic Republic of Afghanistan, served to create a climate of confrontation and played into the hands of the imperialists and the Chinese hegemonists.

Mr. EL-FATTAL (Syrian Arab Republic), referring to remarks made by the Egyptian delegation, said that the Camp David and Washington agreements were the greatest fraud of all times. Now, Egypt was even keeping quiet about the establishment of Jewish colonies in Hebron, which had, however, been criticized by the United States of America. Egypt was not seeking a solution in the Middle East but rather a position in the service of the imperialists; having turned away from the Arab countries, it was becoming a foreign base for the United States of America.

Mr. GHAREKHAN (India), replying to an objection raised by the representative of the Federal Republic of Germany, said that for India the right of peoples to self-determination applied to peoples under a colonial régime or foreign domination. It was the Indian delegation's hope that that position would be respected, just as India was willing to respect the position of the Federal Republic of Germany that the right must apply to all peoples.

Mr. AKRAM (Pakistan) said that the Soviet allegations against his country had already been rebutted at the highest level. The camps which were situated in Pakistan had already been visited by international bodies, and the fact was that that country was not involved in the Afghan situation. The Minister of Foreign Affairs of Pakistan had stated only the day before that his country would hold discussions with Afghanistan when the Soviet forces had been withdrawn, as requested in resolution E/CN.4/L.1488.

Mr. EL-SHAFEI (Egypt) said it was disgraceful for the representative of the Syrian Arab Republic to level serious accusations against Egypt when his delegation had just abstained in the vote on resolution E/CN.4/L.1488, which would benefit a Muslim people - the Afghan people.

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Mr. DAVIS (Australia) asked the sponsors of draft resolution E/CN.4/L.1489 to delete the preambular paragraph relating to General Assembly resolution 3452 (XXX).

Mr. SKALLI (Morocco) said that neither the United Nations nor the Organization of African Unity had ever "noted" - as stated in the draft resolution - a violation of human rights in the region concerned; in any case, it would be presumptuous of the Commission to approve recommendations by the General Assembly or OAU.

Mr. SALAH-BEY (Algeria) said that the sponsors agreed to the Australian delegation's request.

Human rights were clearly being violated in the Western Sahara, and discussion of the matter was within the Commission's competence.

Mr. BEAULNE (Canada) said that self-determination could be asserted in other ways than by establishing independent States; and OAU had advocated for the people of Western Sahara a referendum to allow a choice of either independence or the status quo.

Mr. GIAMBRUNO (Uruguay) said that independence implied self-determination and territorial integrity; and the territorial integrity of neighbouring States must be borne in mind.

Debate on the situation should be deferred to a later session. But if a vote was called for, there should be separate votes on the last two preambular paragraphs, since the Commission had no details of OAU's work or of human rights violations in the region.

Mr. NZUE-NKOGHE (Observer for Gabon) said it would be unwise for the Commission to pronounce at present on the topic, since the General Assembly had deferred a decision pending consideration by OAU.

Mr. MOYILA NGONDA BEMPU (Observer for Zaire) said it would be deplorable to adopt a resolution, especially one so strongly worded, before efforts at the regional level had been exhausted.

Mr. NYAMEKYE (Ghana) said that, whilst the desire not to offend any Government was understandable, the right to self-determination of the Sahrawi people was paramount. The situation constituted a denial of human rights, and the Commission was entitled to look into it.

Mr. AKRAM (Pakistan) said that the wording of draft resolution E/CN.4/L.1489 prejudged the outcome of the exercise of the right to self-determination by the people of Western Sahara. He called for a separate vote on the second part of paragraph 1. In such a vote, his delegation would abstain. He supported the draft resolution in all other respects.

Mr. NZANZE (Burundi) said that in both South Africa and Rhodesia, the rights of Africans were being sacrificed. The Commission must resist the temptation to relegate the grave situation prevailing in Namibia to a place of secondary importance. Moreover, any compliance on the part of the five Western Governments towards the South African authorities would deal a blow to the hopes that they had raised in Africa and throughout the world and might rebound against them, with serious consequences. The negotiations should therefore be reactivated and pursued to a conclusion.

It was in the vital interest of the United Kingdom that the decolonization of Zimbabwe should be carried out in accordance with the spirit and the letter of the Lancaster House Agreement. Unfortunately, recent events in Zimbabwe had given rise to serious doubts as to the impartiality of the authorities there. The United Kingdom Government could jeopardize the future of Zimbabwe unless it refrained scrupulously from any collusion with one party at the expense of the others. The alternative was the resurgence of a war more murderous than the preceding one.

His Government's position with regard to Western Sahara was consistent with the principles of self-determination to which the Heads of African States had subscribed in resolution A/HG/DEC.114(XVI)/Rev.1, in which all parties concerned had been called on to respect scrupulously the right of the people of Western Sahara to opt either for independence or for the maintenance of the status quo. The conflict over Western Sahara was essentially an African issue, and therefore the most appropriate forum in which to seek a solution was the Organization of African Unity.

Mr. ADENIJI (Nigeria) said it was somewhat disheartening that the earlier confidence of non-African members of the Commission and General Assembly in the ability of the African countries to resolve the question of Western Sahara seemed to have been shattered. Nigeria had consistently advocated that essentially African problems should be solved by the African countries. However, that position was becoming increasingly difficult to maintain, because of efforts by some countries to delay a decision. He believed that the discussion of the question in the Commission should be seen as an attempt to assist the Organization of African Unity in implementing the decision on Western Sahara taken at its summit meeting in Monrovia in July 1979.

In order to be more acceptable, the draft resolution should enable the Commission to include the question on the agenda of its next session, so that further consideration could then be given to possible action if the Organization of African Unity had been unable to find a solution. It would be preferable to terminate operative paragraph 1 of the draft resolution with the words "self-determination".

Mr. CHARRY SAMPER (Colombia) said that the question of the future of Western Sahara was essentially an African problem. Consequently, the decision of the Organization of African Unity, as the regional grouping concerned, should be respected. However, the text of draft resolution E/CN.4/L.1489 effectively eliminated one of the choices offered to the people in that decision. Accordingly, his delegation would abstain from the vote on the draft resolution.

Mr. RAOELINA (Observer for Madagascar) said that it was not for a Latin American country, such as Uruguay, to pass judgement on a decision adopted by the Organization of African Unity.

Operative paragraph 1 of the draft resolution simply reiterated the terms of the decision adopted by the Organization of African Unity at its sixteenth summit of Heads of State and Government. The question of Western Sahara was one of decolonization, which fell within the purview of item 9 of the Commission's agenda. He expressed the hope that the draft resolution would be adopted.

Mr. GIAMBRUNO (Uruguay) said that his delegation's proposal appeared to have been misunderstood. He had asked for a separate vote on the last two preambular paragraphs of the draft resolution, and not on operative paragraph 1.

Mr. SALAH-BEY (Algeria), speaking on behalf of the sponsors, said that the text of the draft resolution was based on decision A/HG/DRC.114(XVI)/Rev.1 of the Organization of African Unity, on General Assembly resolution 34/37 and on the recommendation made by the Ad Hoc Committee of Heads of State of the Organization of African Unity. The denial of the exercise by the people of Western Sahara of the right to self-determination constituted a violation of fundamental human rights, as defined in various international instruments relating to human rights. His delegation opposed most strenuously the suggestion that discussion of the question should be deferred until the following session of the Commission.

He opposed the amendment proposed by the representative of Pakistan to operative paragraph 1 of the draft resolution.

Mr. SKALLI (Morocco) said that the Algerian representative had quoted incompletely both from the OAU decision and from Mr. Young's statement.

Mr. SALAH-BEY (Algeria), speaking on a point of order, said that the representative of Morocco was not speaking in exercise of the right of reply but was making a new statement. He appealed to the Chairman to keep the discussion within the rules of procedure.

The CHAIRMAN said that the rules of procedure had so far been applied flexibly, and the Moroccan representative should be allowed the same freedom as other delegations.

Mr. SKALLI (Morocco) said that if the Algerian representative wished to quote the views of the Organization of African Unity they should be the views of all its members. In attempting to induce the Commission to go further than the African Heads of State had done, the Algerian representative was making a mockery of the document which he himself had quoted.

Mr. VARELA (Costa Rica) said that, with some reservations, his delegation intended to vote in favour of draft resolution E/CN.4/L.1489. The principle of self-determination was part of the fundamental right to freedom set forth in article 1, paragraph 3 of the Charter of the United Nations. His delegation attached the same legal importance to General Assembly resolution 1541 (XV) as to resolution 1514 (XV). The right to self-determination should be exercised in

whatever form was chosen by the people, in accordance with article 21 of the Universal Declaration of Human Rights. The right to alternative choices was recognized in decision A/HG/DEC.114(XVI)/Rev.1 of the sixteenth Summit of Heads of State and Government of the Organization of African Unity.

Mr. DIEYE (Senegal) said that the solution should be found within Africa; the OAU discussions might offer a compromise. Facts should not be presented incompletely. If the draft resolution was pressed to a vote, he would ask for a separate vote by roll-call on operative paragraph 2.

The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/L.1489. The fifth preambular paragraph had been deleted, as agreed by the sponsors.

At the request of the representative of Algeria, a vote was taken by roll-call on the last two preambular paragraphs.

The last two preambular paragraphs were adopted by 20 votes to 1, with 18 abstentions.

A vote was taken by roll-call on the proposal to delete the second phrase of operative paragraph 1.

The proposal was rejected by 19 votes to 3, with 16 abstentions.

The CHAIRMAN said that the words "in the situation", in paragraph 2 should be replaced by the words "in this situation", and the words "under the item", after the words "Western Sahara", in the same paragraph should be replaced by the words "within the framework of".

A vote was taken by roll-call on paragraph 2, as amended.

Paragraph 2, as amended, was adopted by 26 votes to 1, with 12 abstentions.

A vote was taken by roll-call on draft resolution E/CN.4/L.1489 as a whole, and as amended.

Draft resolution E/CN.4/L.1489, as a whole and as amended, was adopted by 25 votes to 1, with 13 abstentions. d/

Mr. van der STOEL (Netherlands) said that his delegation had abstained in the vote on resolution E/CN.4/L.1489 because paragraph 1 implied that only one choice was open for the exercise of the right to self-determination, whereas the Organization of African Unity had recognized that there were alternative choices.

Mr. MADI (Jordan) said that the casting of a positive or negative vote could not help to bring about a peaceful solution to the conflict; his delegation had therefore abstained in the vote on the resolution.

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d/ Ibid., para. 186.

Mr. MORENO-SALCEDO (Philippines) said that his delegation had abstained in the vote on the resolution as a whole because the available information was insufficient to enable it to take an appropriate decision.

Mr. CHAVEZ-GODOY (Peru) said that his delegation would have liked to see the observations of delegations taken into account by the sponsors. That could have avoided his abstention on the second part of paragraph 1 and on the last two preambular paragraphs.

Mr. DAVIS (Australia) said that Australia believed that self-determination in the Western Sahara should be brought about by peaceful negotiation. He hoped that the resolution, which his delegation had supported, would not impede the negotiating process, and said in particular, that the last preambular paragraph should not be taken to prejudice the rights of all parties to participate fully in negotiations. He hoped all parties would take every opportunity of reaching agreement before the Commission's 1981 session.

Mr. ROS (Argentina) said that his delegation had voted in favour of the resolution for the reasons it had explained when supporting the resolutions on the same subject at the thirty-third and thirty-fourth sessions of the General Assembly. The Organization of African Unity should be encouraged in its efforts to ensure that the people of the Western Sahara could freely determine their future in peace and harmony in the region.

Mr. SKALLI (Morocco) said that the adoption of the draft resolution was part of a political manoeuvre against Morocco - a country which had freed the Western Sahara from colonization after a long struggle. Algeria was trying to gain control over a territory to which it was in no way entitled. The resolution was tendentious and unjust and had rightly been criticized by persons of justice and integrity.

Mr. M'BAYE (Senegal) said that his delegation had voted against the resolution because the matter was still before the Organization of African Unity, and it was important to avoid doing anything that might impede that body's efforts to find the right solution. No particular issue should be given a special place under item 9.



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Mr. ORTIZ RODRIGUEZ (Cuba) announced that Nigeria and Democratic Yemen had joined the sponsors of draft resolution E/CN.4/L.1490/Rev.1.

Mrs. DJORDJEVIĆ (Yugoslavia) said that her delegation was also joining the sponsors of draft resolution E/CN.4/L.1490/Rev.1.

Mr. CHARRY SAMPER (Colombia) said that his delegation would vote in favour of the text as a whole, which took account of some of his suggestions, with, however, express reservations regarding operative paragraph 2, as the reference to armed struggle was in conflict with the principles and the practices of his country's foreign policy. Furthermore, the Colombian delegation would have liked paragraph 8 of the draft resolution to have made reference to the new situation created in Zimbabwe by the Lancaster House Agreement.

Viscount COLVILLE (United Kingdom) said that despite the relatively moderate nature of the terms used in operative paragraph 8 of the draft resolution on the situation in Rhodesia, his delegation could not regard that text as reflecting in a balanced and faithful manner developments in the Rhodesian situation since the thirty-fifth session of the Commission. The Commission should make a precise evaluation of the role it could play in the process under way by encouraging all the parties concerned to act for the success of such an ambitious and delicate undertaking. In those circumstances, the United Kingdom delegation regretted that it would have to vote against draft resolution E/CN.4/L.1490/Rev.1.

Mrs. ODIO BENITO (Costa Rica) said that her delegation would vote in favour of draft resolution E/CN.4/L.1490/Rev.1 with, however, some reservations concerning the contents of operative paragraph 8, in which the Commission should have invited the parties concerned to abide by the outcome of the elections, whatever the result of the voting might be.

Nor could the Costa Rican delegation entirely accept paragraph 2 of the draft resolution since, in its view for reasons of principle, no United Nations body should encourage armed struggle.

Mr. BYKOV (Union of Soviet Socialist Republics) said that his delegation would vote without reservations in favour of draft resolution E/CN.4/L.1490/Rev.1, whose implementation would contribute to the liberation of peoples under foreign domination.

With regard to the reservations expressed by several delegations concerning operative paragraph 2 of the draft resolution, which the USSR delegation considered an essential part of the text, he was surprised at the idea that a subjugated people could be denied the possibility of recourse to armed struggle to liberate themselves.

He noted that the United Kingdom delegation, in its decision to vote against draft resolution E/CN.4/L.1490/Rev.1 because of the wording of operative

paragraph 8, seemed to be opposing the much more strongly worded decision taken by the Security Council in its resolution 463 (1980) of 2 February 1980.

Mr. TEMODROS AMANUEL (Ethiopia) said that in his delegation's view the wording of paragraph 8 of the draft resolution E/CN.4/L.1490/Rev.1 should remain unchanged. His delegation would vote in favour of the draft resolution.

At the request of the representative of Portugal, a separate vote was taken by roll-call on operative paragraphs 2, 5 and 8 of draft resolution E/CN.4/L.1490/Rev.1.

Paragraph 2 of draft resolution E/CN.4/L.1490/Rev.1 was adopted by 25 votes to 9, with 6 abstentions.

Paragraph 5 of draft resolution E/CN.4/L.1490/Rev.1 was adopted by 26 votes to 11, with 3 abstentions.

Paragraph 8 of draft resolution E/CN.4/L.1490/Rev.1 was adopted by 24 votes to 9, with 7 abstentions.

At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/L.1490/Rev.1 as a whole.

Draft resolution E/CN.4/L.1490/Rev.1 was adopted by 29 votes to 8, with 4 abstentions. e/

Mr. van der STOFEL (Netherlands) drew attention to the fact that the Netherlands Government abhorred the policy of apartheid, condemned the illegal occupation of Namibia by South Africa and encouraged the emergence of a free Zimbabwe and the creation of a homeland for the Palestinian people within the framework of a peace settlement. He said that his delegation had been unable to vote in favour of the resolution for several reasons: because armed struggle and intervention were legitimized and because the responsibility for guaranteeing free and fair elections in Southern Rhodesia was given to the United Kingdom alone, whereas it should be shared by all the parties concerned.

Mr. ALMEIDA RIBEIRO (Portugal) re-emphasized the importance his delegation attached to the effective implementation of the right to self-determination, to national sovereignty and to territorial integrity. His delegation had nevertheless voted against paragraph 2 of the resolution because Portugal was in favour of peaceful solutions, against paragraph 5 because it did not think that isolating South Africa could encourage positive developments in that country and against paragraph 8 because its provisions prejudged a process which had been agreed to by all the parties concerned. The Portuguese delegation had nevertheless abstained in the vote on the resolution as a whole because it was in favour of the peaceful settlement of disputes arising from colonial situations, which it condemned.

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e/ Ibid., para. 191.

Mr. IVRAKIS (Greece) said that he wished to reaffirm his delegation's support for the right of peoples to self-determination and its condemnation of the policy of apartheid. The Greek delegation had nevertheless been obliged to abstain in the vote on the draft resolution as a whole because incitement to armed struggle did not serve the cause of oppressed peoples or of world peace, because it could not associate itself with the way in which paragraph 5 was worded and because the provisions of paragraph 8 did not take account of the efforts which had led to the Lancaster House Agreement.

Mr. ROS (Argentina) said that his delegation had voted in favour of the resolution, as that action was consistent with the policy of the Argentine Government on the different situations involved, with the observations already made by Argentina in the General Assembly and with its respect for the principles enunciated in the Charter of the United Nations.

Mr. HELMAN (United States of America) reaffirmed his country's support for the right of peoples to self-determination and for the elimination of racism, foreign occupation, apartheid and all such violations of human rights. However, the United States delegation had been obliged to vote against the resolution for a number of reasons: armed struggle against States Members of the United Nations was recognized in the draft resolution as a legitimate means of resolving disputes; the situations in South Africa and in Palestine were treated in the resolution as colonial questions, which did not help either to end the policy of apartheid or to secure a just and negotiated settlement of the Palestinian question, within the framework of the Camp David accords; United States legislation prohibited the recruitment of mercenaries within the United States and provided no basis for the adoption of some of the measures advocated in paragraph 4 of the resolution just adopted; the breaking off of all political, economic, military and other relations with the racist régimes in southern Africa recommended in paragraph 5 would serve no useful purpose since the effect of such relations should be to encourage the white minority in South Africa to ensure the full participation of all South Africans in the life of the nation. That was, moreover, the aim of the relations between the United States of America and South Africa, which was perhaps not the case of the economic relations which the Soviet Union and its Eastern European allies maintained with South Africa. In paragraph 6, it would have been preferable to have condemned the cycles of repression and violence and their tragic consequences for innocent peoples of southern Africa: finally, the provisions of paragraph 8 did a disservice to the cause of democracy and self-determination in Southern Rhodesia. The task undertaken there by the United Kingdom was difficult and deserved the full support of the Commission.

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Annex VIII

ABRIDGED RECORD OF THE DISCUSSION ON AGENDA ITEMS 6, 7, 16 AND 20

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORTS OF THE  
AD HOC WORKING GROUP OF EXPERTS (6)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF  
POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN  
TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA (7)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION  
AND PUNISHMENT OF THE CRIME OF APARTHEID (16)

STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF  
ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING  
ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (20 (a))

IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO  
COMBAT RACISM AND RACIAL DISCRIMINATION (20 (b))

Meetings: 1547th to 1553rd and 1556th, held from 19 to  
22 February and on 26 February 1980

Mr. PRIETO (Assistant Director, Division of Human Rights) referring to agenda item 6, drew attention to the mandate of the Ad Hoc Working Group of Experts on southern Africa, as renewed by the Commission in its resolution 12 (XXXV), and the request of the Economic and Social Council to the Group in resolution 1979/39 concerning infringements of trade union rights in South Africa. The Group had prepared the reports in documents E/CN.4/1365 and E/CN.4/1366 in accordance with those resolutions. The first document gave a list of persons held to be guilty in Namibia of the crime of apartheid and the second provided information on the torture and murder of detainees in South Africa. He also referred to the study which the General Assembly, in paragraph 20 of the annex to resolution 34/24, had asked the Group to undertake in 1980 and to the General Assembly's requests to the Commission on Human Rights, set forth in paragraphs 8 and 9 of resolution 34/27.

With regard to agenda item 7, he drew attention to the provisional list of individuals and organizations providing assistance to the colonial and racist régimes in southern Africa (E/CN.4/Sub.2/415), which Mr. Khalifa had submitted in accordance with Commission resolution 7 (XXXIII) and resolution 1 (XXX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and pointed out that a revised provisional list (E/CN.4/Sub.2/425) had been published as requested by the Commission in resolution 9 (XXXV). The Secretary-General had sent the revised provisional list to the Governments of the following countries for their comments: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Denmark, France, Germany, Federal Republic of, Greece, Israel, Italy, Japan, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom and the United States of America. By 7 January 1980, he had received replies from the following Governments: Canada, Denmark, Germany, Federal Republic of, Japan, Netherlands, Spain and the United Kingdom (E/CN.4/Sub.2/425, annex II and Add.1-4 and 6).

In compiling his revised list, Mr. Khalifa had drawn on new information from United Nations bodies and from Governments. At its thirty-second session, the Sub-Commission had requested the Commission to decide on ways and means of keeping the list up to date and to transmit the list to the Economic and Social Council and the General Assembly so that it would be widely disseminated. The Sub-Commission had also requested States to give the list extensive publicity and had decided to place the item it concerned on its agenda periodically.

With regard to agenda item 16, he stated that 54 States had ratified or acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid. In resolution 31/80, the General Assembly had invited the Chairman of the Commission at its thirty-third session, to appoint a working group. In accordance with article VII of the Convention the Group had considered 12 reports from States parties at its first session, in 1978, and five others at its second session, in 1979. At its thirty-fifth session, the Commission had noted the report of the Group with appreciation and had made recommendations on that subject in resolution 10 (XXXV), to which he drew attention. He also referred to the substance of General Assembly resolution 34/27 on that question.

At its third session, held in Geneva from 21 January to 1 February 1980, the Working Group had considered a note by the Secretary-General and reports from States parties (E/CN.4/1353 and Addenda) and had drafted a report (E/CN.4/1358), which was now before the Commission.

In resolution 10 (XXXV), the Commission had also taken steps to implement the article of the Convention to which the Secretary-General had drawn the attention of the competent bodies of the United Nations. In particular, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had reacted by requesting the administering Powers to submit information to the Secretary-General. With regard to the implementation of article X, he drew attention to the substance of General Assembly resolution 34/27. For its consideration of item 16, the Commission had before it, in addition to the documents already referred to, a note by the Secretary-General on the implementation of the Commission's decisions concerning article X (E/CN.4/1357).

With regard to agenda item 20 (a) and (b), he drew attention to the provisions of General Assembly resolution 34/24 and the Programme of activities annexed to it, making special reference to the activities referred to in paragraphs 18, 19 and 20, which he read out. The Sub-Commission had taken certain decisions in resolution 2 (XXXII), A and B, with a view to implementing the Programme for the Decade for Action to Combat Racism and Racial Discrimination; he drew attention to the two specific recommendations to the Commission in that resolution. He also referred to certain activities carried out in 1979 on the initiative of the Secretary-General in accordance with the decisions taken by the Assembly at its thirty-third session: a seminar on recourse procedures available to victims of racial discrimination, held at Geneva from 9 to 20 July 1979, and a round-table on the teaching of problems of racial discrimination, also held at Geneva, from 5 to 9 November 1979. The reports on the seminar and the round-table would be submitted to the Economic and Social Council at its first regular session in 1980.

Mr. M'BAYE (Senegal), Chairman of the Ad Hoc Working Group of Experts on southern Africa, introduced the two reports of the Group appearing in documents E/CN.4/1365 and 1366. He referred to the composition of the Group, mentioned in the introduction to the reports, and said that the Group was carrying out its mandate as defined in Commission resolution 12 (XXXV): first, to study the policies and practices which violated human rights in South Africa, Namibia and Zimbabwe; second, to carry out a study on the action taken to implement the recommendations made by the Ad Hoc Working Group of Experts since its establishment - in that regard, the Commission should provide the Group with guidelines on how to carry out the study requested in General Assembly resolution 34/24; third, to institute inquiries in respect of any persons suspected of having been guilty in Namibia of the crime of apartheid or of a serious violation of human rights - a list of those persons was to be found in paragraphs 307 to 310 of the report in document E/CN.4/1365; fourth, to investigate the cases of torture and murder of detainees in South Africa - the results of that investigation were described in the report in document E/CN.4/1366; fifth, to consider complaints concerning trade union rights - the Group was drawing up a file on South Africa, which was not a member of the ILO, for the Economic and Social Council.

Turning first to the situation in South Africa, he rejected the criticism that the Commission was always hounding South Africa and Israel; such a criticism showed ignorance of the seriousness of the problems in southern Africa and lack of comprehension of the Africans. As a result of such an argument, some were unfortunately reluctant to co-operate effectively with the United Nations and its organs against apartheid. Despite certain statements by the Botha Government, the Ad Hoc Group of Experts had been forced to conclude that South Africa's fundamental policy remained unchanged. The general plan for separate development upon which that policy was based applied more and more strictly, and "bantustanization" and the migrant black labour system were being maintained. That stubborn attitude was giving rise to growing resistance among black nationalists and to brutal repression.

He gave some statistics concerning that repression: on 30 June 1978, there had been 85,540 persons detained in South Africa, including 262 condemned to death; from 1 January 1977 to 30 June 1978, 250,957 persons had been sentenced and 145 executed; in 1978, 132 persons had been executed. Newspapers had reported that South Africa held the world record for executions. Salomon Malanga, whose case had been referred to at the thirty-fifth session of the Commission, had been executed less than three weeks after the end of that session. In 1978, the police had killed 204 people, including 12 children, during peaceful demonstrations. The witnesses heard by the Ad Hoc Group of Experts had described the tortures used. People had disappeared, among them adolescents and children. Within the framework of the repression, there had also been trials, upon which the Group reported in paragraphs 67 et seq. of its report in document E/CN.4/1365. Mass transfers of the population continued and malnutrition, sickness and distress were rife in the resettlement areas where it was intended to resettle nearly 300,000 people.

The Group had always considered that the homelands policy violated the right of peoples to self-determination, since it was in fact a new form of slavery for the benefit of the whites. On 13 September 1979, a third homeland, the Vendar territory, had been declared "independent" by the racist régime. In accordance with General Assembly resolution 32/105 N, the United Nations could not but refuse to recognize such a flagrant violation of the right to self-determination, because the racist régime was merely using the policy to strengthen its system of apartheid, as the situation of the black workers in that country testified.

Unemployed blacks were arrested, interned or transferred to the homelands under various pieces of legislation. The report described in detail the deplorable situation and the ill-treatment of that sector of the population. Racial discrimination was rife in the universities, where strict measures were imposed on the few white militants in the student movements fighting against apartheid. South Africa thus continued unperturbed to flout the opinion of the international community and to follow its policy, which amounted to defiance of mankind.

That policy was extended also to Namibia. The United Nations was redoubling its efforts to obtain a peaceful settlement of the Namibian problem. The South African Government, however, had refused to annul the fake elections which it had held while claiming that it was ready to co-operate. The Special Representative of the Secretary-General had visited South Africa at the beginning of 1979,



basically to hear a reaffirmation of the South African Government's opposition to proposals for a cease fire. On 31 May 1979, the General Assembly had noted South Africa's duplicity and had solemnly declared that the occupation of Namibia by that country was a serious threat to peace and security. It had also requested the Security Council to implement the measures provided in Chapter VII of the Charter if necessary. As stated in paragraphs 287 to 306 of the report, South Africa was nevertheless continuing its policy of repression, while SWAPO regularly appealed to the United Nations and humanitarian organizations to put an end to the Namibian people's distress. The Commission should once more show its solidarity with that people struggling for freedom.

The Lancaster House Agreement had shed a ray of hope on the situation in Zimbabwe. Lord Soames, the envoy of the United Kingdom Government who was responsible for putting the Agreement into effect, had arrived in Salisbury on 12 December 1979 entrusted with the mission of creating the necessary conditions for free elections. He had unfortunately come up against the manoeuvres of the illegal Government; the state of emergency decreed on 5 November 1965 and the martial law of September 1978, the contents of which ran counter to the provisions of certain principles adopted at Lancaster House, remained in force. Lord Soames' good will could not prevent South Africa from casting its shadow over Zimbabwe or the fact that the release of political prisoners was being carried out in a somewhat dilatory fashion. Furthermore, several African personalities and the Organization of African Unity itself had had reason to complain of violations of the Lancaster House Agreement by the United Kingdom as a result of Lord Soames' conduct towards Bishop Muzorewa's adversaries. Lastly, the Ad Hoc Group of Experts drew the Commission's special attention to the problem of the refugees, to whom the United Nations High Commissioner for Refugees was giving considerable assistance.

The Commission had also instructed the Ad Hoc Group of Experts to draw up a special report on the 39 cases of murder and torture noted by the Special Committee against Apartheid. To that end, the Group had based its work on the provisions of both the International Convention on the Suppression and Punishment of the Crime of Apartheid and the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. It had carried out that work with great care and considered that the 37 cases it had finally retained were punishable under the first Convention referred to. It recommended that the Commission should take note of its conclusions and publish them as a contribution to the struggle against apartheid. The final report would be submitted to the Commission at its thirty-seventh session.

Mr. ALMEIDA RIBEIRO (Portugal) referred to the decisive role played by Portugal in recent years in changing the face of Africa by facilitating the access of five countries to independence after five centuries of colonization. By its actions both in the past and in the present, his country had shown that it considered apartheid an anti-human attitude which should be eliminated everywhere. It was none the less true that the answer to the problems of southern Africa could not be found through violence, and especially not through armed conflict, but rather through negotiations and political pressures such as those which had already led to certain changes in the various discriminatory laws in force in South Africa. A policy of isolation was not always effective, and a few African countries even maintained economic relations with South Africa. The international community should be careful not to replace white racism by black racism, which was quite as detestable, or colonialism by neo-colonialism, which was often even more rapacious.

Mr. LAMB (Australia) said that the recent changes in Southern Rhodesia could give increased hope to the peoples of South Africa and Namibia. The settlement and the preparations for elections could justify the policies followed for many years by Australia and certain other countries. Widespread understanding of the problems confronting the peoples of the territories in question was essential. His delegation had supported most of the recommendations of the Special Committee against Apartheid, together with the Declaration on South Africa adopted by the General Assembly.

The situation with regard to capital punishment in South Africa, as described in the report of the Ad Hoc Working Group of Experts (E/CN.4/1365), was a matter of particular concern in a year in which the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would be considering capital punishment. His country looked forward to studying the recommendations to be made by the Group in its final report.

South Africa could claim no special relationship with genuinely free countries when its governmental structure was based on a racist system rightly characterized as a crime against the conscience and dignity of mankind. The Ad Hoc Working Group of Experts should continue its work and the United Nations should, through effective work in the public information field, bring the human rights activities of the Commission to world attention.

Real progress should be made towards independence for Namibia, and the South African Government should recognize its obligation to move swiftly in that direction. Credit should be given to the United Kingdom and other countries for their work in that respect.

While companies associated with the South African economy should recognize their responsibility, his delegation did not agree that all forms of contact were necessarily harmful. Mr. Khalifa had failed to take into account the volume of trade or the fact that trade existed between South Africa and many countries, including certain socialist countries. The Commission should help to restore the consensus on the programme for the Decade against Racism. His delegation also drew the attention of the Commission to the Lusaka Declaration of the Commonwealth on Racism and Racial Prejudice and suggested that the Secretariat should make use of it as a background paper for seminars and other projects.

Mr. ROS (Argentina) said that the principle of equality was enshrined in his country's Constitution, and teaching on the subject was included at all levels of education. Argentina had supported all United Nations activities and resolutions against apartheid. South Africa's policy was a danger to the peace and security of the African continent.

A distinction should be made between support which helped to consolidate the existing system, and the maintenance of a dialogue. Diplomatic and communication channels should be kept open.

He asked what progress had been made in preparations for the seminar referred to in paragraph 18 of the annex to General Assembly resolution 34/24. Particular attention should be paid to article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination. His delegation welcomed the efforts made by the United Kingdom in Zimbabwe, and also the efforts of the Council for Namibia for training future leaders. He wished to know the dates on which the seminar to be prepared in conjunction with ECLA was to be convened and the stage reached in the consultations with Latin American countries. The Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid should analyse the relationship between that Convention and the International Convention on the Prevention and Punishment of the Crime of Genocide. A clear idea should be given of the machinery by which the list referred to in article 10 of the former Convention was to be formulated.

Mr. CALERO-RODRIGUES (Brazil) said that the violations reported in the documents before the Commission deserved the strongest condemnation. Action so far taken by the United Nations had not proved sufficiently effective, but the consistent refusal of the racist régimes to abide by United Nations resolutions would strengthen the determination to eliminate racism. He drew attention to General Assembly resolutions 32/24 and 34/93 C and to Commission resolution 12 (XXXV) in that connexion. South Africa had continued its policy of apartheid, had made repeated incursions into neighbouring countries and had renewed its attempts to annex parts of Namibia. There could be no recognition of any internal settlement for prolonging the racist occupation of Namibia.

His delegation welcomed the recent developments in Zimbabwe resulting from the consensus reached at the Commonwealth Conference at Lusaka, and hoped that the Lancaster House Agreement would lead to an independent Zimbabwe. He called on all parties to fulfil their commitments in that respect. A peaceful and negotiated settlement should be sought.

Mr. SUSSEX (International Confederation of Free Trade Unions), referring to the Progress Report of the Ad Hoc Working Group of Experts (E/CN.4/1365), said that the Group should have taken account of the preliminary analysis by the ILO (GB.211/CD/4/2) and of certain ICFTU material. The new legislation gave administrators discretionary powers unilaterally to grant concessions to black trade unions or to refuse or withdraw them; it also maintained job reservation and favoured racially-segregated trade unions. A secure legal framework was indispensable for trade union action. Trade union membership was restricted, and there was a new system of provisional registration applicable to newly-admitted trade unions which would allow interference. Registration could be withdrawn without right of appeal and newly-registered black unions could be denied access to the industrial councils, thus restricting their bargaining rights. The new legislation encouraged racially-segregated trade unions.

Fourteen of the persons mentioned in his Confederation's complaint in 1976 remained banned. Because of those developments, the ICFTU at its twelfth World Congress had adopted a resolution opposing the Industrial Conciliation Amendment Act.

The Congress had been informed that the work force in Namibia was composed

mainly of contract workers living in primitive conditions and that Namibian workers wished to see a halt to outside investment. ICFTU had called for mandatory economic sanctions against South Africa if it obstructed a United Nations settlement and had protested against the arrest of the Chairman of the National Union of Namibian Workers, as well as of three other trade union leaders.

Mr. MORENO-SALCEDO (Philippines) said that the world had never witnessed a worse case of human rights violations than the treatment of the black peoples in southern Africa. Since the reports contained in documents E/CN.4/1365 and E/CN.4/1366 showed that the situation there was not improving, it was time to denounce the South African Government strongly and publicly before the whole world. Therefore, the Commission should publish a summary of the two reports in all the world's leading newspapers, together with a condemnation by the Commission; and the latter should agree to give the topic highest priority at its thirty-seventh session.

Mr. FRAMBACH (Observer for the German Democratic Republic) said that the growth in determination to overthrow colonialism and imperialism and in solidarity towards that end had greatly affected the balance of forces, particularly in southern Africa. But the remaining forces of racism and apartheid still threatened world peace, not only by their oppression and exploitation of African peoples but by their aggression and terrorism, heightened by their intention to develop nuclear weaponry.

A comprehensive international policy, including a boycott of nuclear technology, was required in order to sever all political, economic and military contact with the South African régime. The Security Council, too, should impose stricter sanctions and adopt measures to restrict monopoly profit-making.

The activities, detailed in the reports, of Western companies' collaboration with the apartheid régime, together with the imperialist Powers' continued aggressive policies, jeopardized the process of détente. The oppressed peoples looked to the United Nations for action; the Commission could and should take effective steps - in particular, by adopting the measures set forth in General Assembly resolution 34/24.

Mr. BEAULNE (Canada) said that the continued violation of human rights in southern Africa was of constant concern to Canada. Mankind's conscience could not be appeased while the peoples of southern Africa were still denied equal rights in the political and economic life of their respective countries.

In that connexion, the Commission must welcome the efforts by all parties concerned in seeking a peaceful solution in Zimbabwe.

It was deplorable that South Africa had not yet shown such encouraging signs. Canada had imposed an embargo on the delivery of arms to South Africa long before the Security Council had acted. The Canadian Government had adopted a code of conduct in the matter of employment practices for Canadian companies having activities in South Africa. Such codes of conduct could, if implemented, contribute to the elimination of apartheid. The Special Rapporteur might wish to analyse that point.

The Special Rapporteur's mandate as it stood was too vague. The word "assistance" (to South Africa) in the terms of reference was ambiguous. The undertaking might give rise to unjust or erroneous impressions. The Canadian Government did not consider that commercial exchanges constituted assistance to Governments.

Canada has been contributing actively to United Nations and Commonwealth programmes for southern Africa. In the case of Namibia, Canada would continue to lend support to the people of Namibia so that they could achieve independence in conditions of peace and democracy.

Mr. ADENIJI (Nigeria) said that the violation of human rights in southern Africa was the most inhuman and intractable situation the Commission had to deal with. The Commission, in dealing with the four interrelated agenda items on southern Africa at once, hardly permitted delegations to do justice to each of the items. Coming after the passionate debates on Mr. Sakharov and Afghanistan, the consideration of the items on southern Africa would give his delegation an opportunity to see whether those who had spoken about human rights issues in Afghanistan genuinely felt equal concern for the situation in southern Africa.

He paid a tribute to the Ad Hoc Working Group of Experts for the reports contained in documents E/CN.4/1365 and E/CN.4/1366. The Commission should pay particular attention to the parts dealing with trade union reform, in view of the South African authorities' assertions on that topic.

It was clear that nothing short of complete severance of political, economic and military ties would bring the South African régime to book. But it was disappointing to note that only 54 States - including not a single Western country - had ratified or acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid. Nigeria had no dealings at all with South Africa, and had penalized all businesses operating in Nigeria which did.

Nigeria appealed to Western countries to cease assisting the apartheid régime through the supply of aid and through failure to support appropriate measures in international forums.

Although the Security Council had lifted economic sanctions against Southern Rhodesia following the Lancaster House Agreement, the continued presence of South African troops and other events could jeopardize free and fair elections there. Nigeria hoped that the Administering Power would live up to its responsibilities, but reserved the right not to recognize any resultant Government which could not be deemed fairly elected.

Mr. SENE (Senegal) said that he noted with consternation that the excellent documents on the matters before the Commission provided evidence of an intensification of the policy of apartheid and racial discrimination in southern Africa. In spite of the unanimous and repeated condemnations of the racist minority régime of Pretoria pronounced by the United Nations and other international bodies, that régime was continuing its barbarous acts both against the African population, which it had robbed of its natural and most elementary rights and banished to arid and infertile land, and against its liberation movements.

The moment had come for the Western countries, which up to the present had shown indulgence and timidity in the face of that abominable attitude and had even helped to perpetuate it, to join the international community in its efforts to eradicate once and for all that gangrene of human civilization. He welcomed the initiatives taken by the European Economic Community, the Nordic countries and Australia in line with the United Nations resolutions, as also the work of certain organizations of white men in favour of racial equality. The effect had been to shake the Pretoria Government to its very foundations and induce it to introduce a series of electoral reforms enabling Coloured or Asian South Africans, but not members of the black majority, to be elected to Parliament, abolishing racial segregation in certain public places, and making provision for rescinding certain racist legislation. Those, however, were nothing but legal stratagems which made no change in the apartheid system.

The true problem of southern Africa consisted in a decolonization problem in Namibia, where the South African Government was committing the same violations of human rights as it did on its own territory and where the proper course was to pursue efforts towards a peaceful settlement in conformity with the relevant resolutions of the Security Council and the other competent international organizations; in Zimbabwe, all political parties should be guaranteed freedom to express their beliefs and to defend their ideological positions during the elections provided for in the Lancaster House Agreement; lastly, the eventual decolonization of the African continent would depend, as would its security and its stability, on the elimination of the policy of apartheid in South Africa, a policy that was all the more dangerous since the Government which pursued it was committing aggression against its neighbours and was on the verge of possessing the absolute weapon of nuclear armament. In that connexion the idea of three-sided discussions between Africa, the Arab world and Europe suggested by the President of the French Republic might lead to a peaceful settlement of the burning questions not only of southern Africa but also of Palestine.

The Senegalese delegation wished to express its solidarity with the Patriotic Front, SWAPO, the African National Congress and the Pan Africanist Congress, which could all be trusted to replace the present racist régime in southern Africa by a democratic and equalitarian system. With that prospect in view, Africa should develop a legal framework and take vigorous action to defend, protect and promote human rights. That was the aim of the draft African Charter of Human Rights.

His delegation was in favour of applying to South Africa the sanctions provided for in Chapter VII of the Charter of the United Nations and, to that end, of the organization in 1980 of an international conference on sanctions against South Africa under the joint auspices of the United Nations and the Organization of African Unity. It further considered that a study should be undertaken on the legality and legitimacy of the South African Government in view of its policy of apartheid and its systematic refusal to apply the principles of the charter of the United Nations, of the law of nations, and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. It therefore appealed to all Member States to become Parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid and would welcome the convening as soon as possible of a diplomatic conference of States parties to the Convention to draw up the juridical rules and procedures leading to the establishment of an international penal tribunal responsible for trying the persons, organizations, institutions or State representatives recognized as being guilty of crimes of apartheid.

All must help to establish in southern Africa a just society in which all the inhabitants of all races would be able to enjoy their inalienable rights and to participate in building a new, juster, more human and more brotherly international order.

Mr. NYAMEKYE (Ghana) expressed appreciation for the quality of the reports of the Ad Hoc Working Group of Experts (E/CN.4/1365 and E/CN.4/1366). Unfortunately, as was clear from document E/CN.4/1365, the South African Government was pursuing its criminal policies with determination. That was a reflection of the international community's failure to achieve its objective to bring the apartheid régime to an end, one cause of which was the continued collaboration of certain States Members of the United Nations with the Pretoria régime. The representative of Senegal had referred, in that connexion, to the growth of armed resistance. To his delegation that was the most important development in recent years, but there had been little mention of it in the international press. He suggested that all the information that came to the attention of the Ad Hoc Working Group of Experts in that respect should be immediately publicized, so as to give potential investors cause to reflect upon how unsafe it was to put their capital in South Africa.

With regard to the reference of the representative of Senegal to the assistance being rendered by the High Commissioner for Refugees in neighbouring countries, he appealed to all States to provide assistance and to grant asylum to persons who refused to serve in the South African military or police forces, in accordance with General Assembly resolution 33/165. In that connexion, he reminded the Commission that in 1979 the Ad Hoc Working Group of Experts had met representatives of the Committee on South African War Resistant (COSWAR), and suggested that the Group should consider monitoring the implementation of that resolution. Furthermore, at the spring session of the Economic and Social Council, the Commission should renew the request which it had already made to the Council regarding inspection by the Working Group of prison conditions in South Africa and Namibia.

With respect to Namibia, he emphasized that South Africa's defiant violations of the decisions of the General Assembly, the Security Council and the International Court of Justice should be brought to an end through the imposition on South Africa by the Security Council of mandatory sanctions, as prescribed under Chapter VII of the Charter. He expressed the hope that in Zimbabwe, the transition to majority rule would be carried out in accordance with the Lancaster House Agreement, thereby defusing the present explosive situation.

The revised provisional list of firms and organizations which gave assistance to the colonial and racist régimes in southern Africa submitted by Mr. Khalifa (E/CN.4/Sub.2/425), should be disseminated as widely as possible through the media. That list could provide the basis for sanctions, in accordance with the International Convention on the Suppression and Punishment of the Crime of Apartheid. With regard to that Convention, he noted, with respect to agenda item 16, that the reports submitted by States parties were generally of good quality. He wished to congratulate the group appointed by the Chairman of the Commission on the report it had submitted (E/CN.4/1358). It was regrettable, however, that, so far, only 54 Member States had ratified or acceded to the Convention. Member States should translate their condemnation of apartheid into action by ratifying or acceding to the Convention. He endorsed the group's recommendation that the Secretary-General should study the possibility of convening a diplomatic conference of States parties with a view to the establishment of a penal tribunal pursuant to article V of the Convention.

With regard to agenda item 20, he was pleased to note that a seminar on recourse procedures available to victims of racial discrimination and a round-table on the teaching of problems of racial discrimination had been held in Geneva in 1979, pursuant to General Assembly resolutions 33/99 and 33/100. The Sub-Commission on Prevention of Discrimination and Protection of Minorities had recommended to the Economic and Social Council, in resolution 2 (XXXII), that Mr. Chowdhury be entrusted with the preparation of a study on discrimination in police and judicial proceedings; the Commission should endorse that proposal.

He stated that his Government was also anxious to see the realization of the programme of activities referred to in the annex to General Assembly resolution 34/24 and, in particular, in paragraph 18, which he read out. The Commission should make a point of consulting the various United Nations bodies concerned with a view to determining the modalities of the study referred to in that paragraph. The Commission might also wish, in connexion with that programme of activities, to request the Sub-Commission to undertake a study, for consideration at its next session, of ways and means of ensuring the implementation of the relevant United Nations resolutions.

The brutality of the repression in South Africa, which reflected a policy of extermination, and the announcement of a nuclear test by that country, and the information contained in a pamphlet to be published that day by the Special Committee against Apartheid on South Africa's nuclear programme cast a heavy responsibility on those States Members of the United Nations which were collaborating with the apartheid régime. He therefore hoped the Commission on Human Rights would give its full support to the International Conference on Sanctions against South Africa which, pursuant to General Assembly



resolution 34/93 C, was due to convene under the auspices of the United Nations and the Organization of African Unity at UNESCO headquarters on 28 July 1980.

Mr. ZORIN (Union of Soviet Socialist Republics) said that efforts should be directed to the total elimination of racism in all its forms and under any name, since that policy was contrary to the principles of international law and to the elementary standards governing relations between human beings. As the Security Council had stated earlier, it represented a threat to international peace and security.

The documents before the Commission showed clearly the aggressive character of the racist régimes in southern Africa, which, on the pretext of fighting terrorism, were guilty of aggression against the countries with which they had common frontiers.

The only purpose of South Africa's large armed forces and high level of military expenditure was to perpetuate the apartheid régime and the racist oppression of the majority by a minority. The effect of the brutal practices of the racist régimes was to strengthen the opposition movements, while the success of the national freedom fighters was compelling the authorities to change their attitude by eliminating some of the most blatant measures. Some Western countries tried to present those decisions as signs of a weakening of apartheid but, on the contrary, they were simply manoeuvres designed to prolong indefinitely the situation in southern Africa.

In the particular case of Rhodesia, the Lancaster House Agreement should be considered not from the point of view of their content but from that of the way in which they would be applied. Actually, the authorities were already violating those agreements, as was shown by the obvious disequilibrium of the electoral campaign and the retention of troops from South Africa in the country. The United Kingdom was entirely responsible for the situation, which was going from bad to worse in Rhodesia, as the group of African countries had pointed out at United Nations Headquarters in New York. The British Governor had himself adopted an aggressive attitude towards the Zimbabwe liberation movement. Simply on the basis of the large amount of information received, it was clear that resolution 463 (1980) adopted by the Security Council on 2 February 1980 was not being respected. The Commission could not ignore that situation and the British Government must explain why it was not carrying out its obligations under Article 25 of the Charter.

In fact, it would seem evident that Pretoria was seeking to set up a buffer State between South Africa and the anti-imperialist countries of Africa, to serve later as an outpost and point of departure for a push northwards. The Commission should denounce such manoeuvres on the part of South Africa, as also the attempts made by certain countries to break down that country's isolation. It was impossible to ignore the fact that the racist régimes of southern Africa were receiving assistance from certain Western countries and could not survive without it. The Government of the United Kingdom bore special responsibility in that respect, together with the United States. The interest of the Western countries in South Africa could easily be explained, since a large number of banks and enterprises belonging to the NATO countries, as also various Japanese companies, maintained

regular relations with South Africa, which in turn provided those countries with strategic materials and also maintained official relationships with Israel.

The arguments put forward by the Western countries to justify those links were not convincing. One thing that was above all certain was that the monopolies which those countries defended profited from the trade with South Africa and that profits were more important to those countries than human rights.

He denied the allegations that the USSR maintained economic links with South Africa; they had no basis in truth and simply represented a manoeuvre to distract the attention of the Commission.

Similarly, the steps taken by the Western countries to put an end to the sanctions against Rhodesia actually represented a way of helping it to maintain its racist régime. The Security Council was the only body that could rescind a decision that it had previously taken. The Commission should condemn such practices.

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Mr. CONDE (United Nations Educational, Scientific and Cultural Organization) said that UNESCO attached increasing importance to education and teaching in the elimination of racism and the promotion of human rights. Accordingly, UNESCO had endeavoured to participate actively in the United Nations Round Table on the Teaching of Problems of Racial Discrimination, held in Geneva from 5 to 9 November 1979. In co-operation with the United Nations, UNESCO would make every effort to ensure the necessary follow-up was given as quickly as possible to the recommendations made by the Round Table.

UNESCO intended to organize a number of meetings concerning racial discrimination, including a meeting of journalists, newspaper publishers and information specialists late in 1980 or early in 1981 to study the role of information in action to combat racism. Mention should also be made of the preliminary study on the methods used by South Africa to set up and maintain pressure groups in various countries and also of the comparison study of the principles proclaimed in the Universal Declaration of Human Rights and the situation actually prevailing in South Africa.

Mr. MOYILA NGONDA BEMPU (Observer from Zaire) said that the situation of the indigenous peoples of South Africa was worsening. In Namibia, too, the South African Government was using every method to retain power and was continuing its war of repression against the people, aided and supported by its allies. In supporting South Africa, the countries in question were knowingly flouting the principles of the United Nations and were undermining all the efforts of the international community to combat apartheid. The representatives of those countries, in stating that the activities of foreign interests in southern Africa contributed to the well-being and development of the peoples of that region, sought to mislead international opinion.

His Government appealed for an end to assistance to South Africa and supported the imposition of economic sanctions against South Africa in accordance with Chapter VIII of the Charter. He called on the Commission and the States Members of the United Nations to implement the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and of the International Convention on the Elimination and Repression of the Crime of Apartheid. Only then would the peoples of southern Africa be able to enjoy their fundamental rights and freedoms. He welcomed the prospect that the people of Zimbabwe might soon win the full exercise of their rights although there were still some points to be cleared up.

Zaire would continue to support the national liberation movements of South Africa and Namibia until they achieved the full exercise of their fundamental rights and human dignity.

Mr. KHURELBAATAR (Mongolia) said that the policy of apartheid represented the worst form of racism. The South African régime was currently endeavouring to extend that policy to the territory of Namibia.

In spite of the efforts of the international community, the racist régime of southern Africa continued to exist, mainly because of the lack of will on the part of the Western countries to eliminate them. In providing assistance to those régimes, countries such as the United States, the United Kingdom, the Federal Republic of Germany and Israel descended to the same level as those régimes. The determination of the imperialist Powers to sustain the South African régime had been demonstrated clearly by facts presented by the representatives of the socialist countries and by a number of African countries during the course of the debate on the items under discussion. Those same representatives of Western countries had sought to divert the work of the present session of the Commission from its main task by raising the so-called "question of Afghanistan". In that regard, the Ambassador of Nigeria had rightly noted during the previous debate that Western delegations which had taken a firm stand on the Afghan issue were "marginally concerned" with the long-standing violations in southern Africa. The only proper solution to the situation prevailing in southern Africa was to eliminate the racist systems and to transfer full power to the peoples of Namibia and Zimbabwe on the basis of the genuine expression of their will.

Mr. TERRESE (Ethiopia) said that his Government supported all progressive movements against racism, including the Patriotic Front of Zimbabwe and SWAPO, whose efforts were being blocked by various moves on the part of the imperialists. The Council of Ministers of the OAU had strongly condemned the United Kingdom Government for its actions. The Western Powers continued to supply arms and to give other support to South Africa, whose military build-up and nuclear capability were a threat to world peace and security. Apartheid was contrary to the Charter of the United Nations, the Universal Declaration of Human Rights and international law. A united struggle was required to eradicate that scourge. His Government had prohibited import and export trade and banking and other transactions with South Africa, had expressed its opposition to the "Bantustan" policy, had extended its moral and material support to the people of southern Africa and had condemned apartheid. The reports before the Commission describing the situation in southern Africa showed that that situation could not exist without the support of certain Western Powers. The Commission should support the recommendations in Mr. Khalifa's report (E/CN.4/Sub.2/383/Rev.2).

Mr. RAHIM (India) said that his country's opposition to racial discrimination had been inspired by Mahatma Gandhi. South Africa was unique in that segregation and racial discrimination were institutionalized as State policy. The progress report of the Ad Hoc Working Group of Experts (E/CN.4/1365) showed the viciousness of the South African authorities. His delegation was deeply concerned at the tortures and murders described in document E/CN.4/1366. The black people of South Africa were justified in using all available means to pursue their struggle.

The argument that maintenance of economic links with southern Africa helped to raise the standard of living of the black peoples was unacceptable; the real motive was that of profit.

His delegation associated itself with the concern expressed by the Group of Three at the fact that only 54 States had so far acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, and it

endorsed all of the Group's recommendations. His country prohibited all forms of discrimination, and the Indian Parliament had under consideration an anti-apartheid bill in implementation of the International Convention.

The Commission should ensure that there was no duplication in the studies being carried out.

His delegation hoped that the elections in Zimbabwe would herald the end of the shameful situation in southern Africa.

Mr. GARVALOV (Bulgaria) said that racism, racial discrimination and apartheid were a threat to world peace. Black Africans in southern Africa were daily subjected to violations of their right to life, political persecution, imperialist exploitation and inequalities in living and working conditions. The reports before the Commission presented a gruesome picture which, together with the case of the occupied Arab territories, should claim the Commission's priority attention. One should ask why Security Council decisions on elections in Rhodesia and Namibia remained unimplemented by those responsible, and why the racist régimes continued to receive protection and assistance from certain Western States.

After describing the economic and military support given to South Africa by certain Western States and transnational corporations, which was in clear violation of relevant United Nations resolutions, he observed that South Africa was one of the few States which had refused to ratify the Non-Proliferation Treaty. Its growing nuclear strength, and the increasing investments of Western capital in uranium in Namibia posed a threat to international peace and security and to self-determination and independence for Namibia. NATO's co-operation with South Africa resulted in increased repression of the peoples of Zimbabwe, Namibia and South Africa.

The argument that it was not the formal accession of the United States to the International Covenants on Human Rights that mattered, but rather the record of observance of human rights in a given State, could hardly be reconciled with the fact that that country had also failed to ratify the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The reasons for the non-participation of Western countries in the struggle against racism, racial discrimination and apartheid were well known. Such discrimination was not confined to southern Africa but was manifest in capitalist society and in Israel's policy in the occupied (Arab) territories. Racial discrimination affected millions of black Americans, Chicanos, Puerto Ricans and American Indians, as well as migrant workers in western Europe. In its recommendations to the Economic and Social Council, the Commission must propose ways and means of combating such practices and supporting the national liberation movements, and it must take an active part in implementing the Programme for the Decade to Combat Racism and Racial Discrimination and the Programme of Action adopted by the World Conference on the subject.

Mr. SHESTACK (United States of America), speaking in exercise of the right of reply, said that his delegation was pleased to note that the Soviet Union had discovered article 15 of the International Covenant on Economic, Social and Cultural Rights. Many Ukrainians, Lithuanians, Jews and others in the Soviet Union

who had for many years been denied freedom of expression, religion, language and cultural rights would no doubt share that pleasure. The emphasis on international contacts, in particular, would be welcomed by many Soviet citizens who for years had been trying to leave the country. The Soviet Union representative must be aware that the United States decision on the Olympic Games had been taken because of the Soviet Union's invasion of Afghanistan, in which connexion he drew that representative's attention to article 1 of the International Covenant on Economic, Social and Cultural Rights, on the right to self-determination. In reply to a question by the United Kingdom representative, the Soviet Union representative had stated that the date for free elections in the Soviet Union would be 24 February; perhaps he would now indicate on what date the USSR planned to leave Afghanistan.

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Miss ILIĆ (Yugoslavia) said that the situation in South Africa and Namibia, far from having changed, was becoming an increasingly serious threat to peace and security. Tens of thousands of persons were still under detention in South Africa, hundreds of thousands of others would be affected by the forced removal of population, and the rights of black workers were still being flouted. The policy of apartheid, directed not only against Africans but against the human person in general, was a threat to peace in the region and in the whole world. The racist régime of South Africa was able to pursue that policy because of the assistance of certain countries which maintained close economic, military and other relations with it. The non-aligned countries had always asserted that the policy of apartheid must be brought to an end, mainly by helping the peoples of southern Africa, represented by their national liberation movements.

Yugoslavia hoped that prompt measures would be taken against South Africa, including the mandatory sanctions provided for in Chapter VII of the Charter, and that all co-operation with that country would be forbidden.

Mr. CHEN Shiqiu (Observer for China) said that China felt strong sympathy with the struggle of the peoples of Namibia and Zimbabwe against oppression and for liberation. In South Africa the black population was being oppressed and persecuted with increasing brutality. In Namibia the South African authorities sought to perpetuate their occupation of the territory in defiance of General Assembly and Security Council resolutions. In the case of Rhodesia, the Lancaster House Agreement must be applied strictly and impartially. At the same time hegemonism, which was waving the banner of "support of national liberation movements", must be prevented from taking advantage of the situation in southern Africa in order to step into the shoes of traditional colonialism, and from extending its sphere of influence.

The Commission on Human Rights should renew its condemnation of the racist domination in southern Africa and take steps to put an end to the violations of human rights in that region.

Mr. YOUSSEF (Iraq) said that South Africa was the only country where racism was written into the constitution and where apartheid applied to everyone and in every area of life. Under article 1 of the International Convention on the Suppression and Punishment of the Crime of Apartheid, that policy was a crime against humanity. The policy of the Bantu homelands, which represented the division of South Africa into 10 black States under the authority of one white State, was particularly scandalous. It could be compared to the policy pursued in the occupied Arab territories, where the Zionist entity was establishing settlements in defiance of all the international conventions.

With respect to the recommendations of the Ad Hoc Working Group of Experts (E/CN.4/1366), the Iraqi delegation considered that the list of persons guilty of crimes of apartheid, prepared by the Group, should be transmitted to the States Parties to the International Convention on the Suppression and Punishment of the

Crime of Apartheid and that those States should then take the necessary steps to ask Interpol to extradite those persons so that they could be tried.

With respect to the assistance being given to the racist régimes in southern Africa, the situation was not improving and co-operation between the Zionist entity and South Africa, particularly in the nuclear field, was increasing. It would be remembered that the World Conference to Combat Racism and Racial Discrimination had condemned that co-operation and had proclaimed apartheid as a crime against humanity and a violation of a binding rule of international law.

It should also be noted that the régime in South Africa was a colonial régime that had been installed by the United Kingdom and other countries and was being assisted by, among others, the United States.

The world could not understand how the United States could boycott conferences concerning the struggle against racism and at the same time refuse to apply the international boycott of the régime of South Africa that had been decided on. Freedom of trade could not justify the refusal of certain Western countries to boycott the South African régime, since apartheid was a crime.

The Iraqi delegation condemned all colonialist and racist régimes in the world and proclaimed its solidarity with the African people fighting apartheid.

Mr. KHOURY (Syrian Arab Republic) said that apartheid and racial discrimination were products of imperialism and colonialism and were based on the doctrine of racial superiority. The régimes in southern Africa and the Zionist entity were able to pursue those policies because of the aid they received from Western countries and reactionary circles.

According to the two reports of the Ad Hoc Group of Experts (E/CN.4/1365 and E/CN.4/1366), repression in southern Africa was increasing and the African people continued to be exploited in accordance with a policy which clearly constituted a crime against humanity under the terms of the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Syrian Arab Republic therefore supported the recommendation of the Ad Hoc Group of Experts that a list of persons guilty of that crime should be published by all information media. His country also hoped that all States would accede to the Convention and that an international criminal court would be established to try those guilty of the crime of apartheid.

According to the report of the Special Rapporteur of the Sub-Commission, co-operation between South Africa and the Western countries and Israel was increasing, in defiance of United Nations resolutions. It must also be stated that since the Camp David agreements and the Washington treaty the Egyptian Government had turned its coat and, according to recent information, was acting as an intermediary in the arms field between certain European countries and South Africa.

The Commission on Human Rights should support the liberation movements in southern Africa and ask all States to apply the United Nations resolutions. In addition, the Security Council should adopt against South Africa all the sanctions



provided for in Chapter VII of the Charter. The Syrian Arab Republic would continue to give all possible help to the peoples of southern Africa fighting for their liberation.

Mr. FODA (Egypt) said that the right to self-determination should apply to Namibia, Azania and Zimbabwe in the ultimate interests of international peace. Despite repeated condemnations by the United Nations, the policy of apartheid was continuing, which testified to the need for effective economic measures against South Africa.

In Namibia, the withdrawal of foreign troops, followed by free elections, was certainly the only acceptable course. In particular, Egypt supported Security Council resolution 385 (1976), which, like all other decisions of the United Nations, should be fully implemented.

With respect to Zimbabwe, Egypt had hoped that the Lancaster House Agreement would constitute a step forward towards an acceptable solution. That agreement, however, must be fully respected in order to guarantee genuinely free elections.

In South Africa, oppression continued and the policy of apartheid was being maintained thanks to the relations which that country maintained with various other Powers. His delegation supported the conclusions of the Ad Hoc Group of Experts and welcomed General Assembly resolution 34/24. Egypt renewed its appeal to countries to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid and reaffirmed its support for the national liberation movements of Azania, Namibia and Zimbabwe.

His delegation rejected the allegations made by the representative of the Syrian Arab Republic about Egypt's alleged role as an intermediary between certain countries and South Africa. Such statements were both unfounded and malicious.

Mr. HILALY (Pakistan) said that the policy of apartheid was being maintained through economic co-operation with South Africa on the part of a large number of companies that were based in States that did not themselves practice apartheid and even condemned such practices. Everything seemed to show that only specific measures could be effective, since, despite the many condemnations issued by the United Nations, South Africa had extended its odious system to Namibia.

With respect to Zimbabwe, Pakistan had already welcomed the Lancaster House Agreement but regretted that the situation was still not what it should be. He hoped that any misgivings that might be felt would soon prove to be unfounded.

Mr. STROJWAS (Poland) said that the maintenance of apartheid in South Africa was due to both internal and external factors. His delegation fully supported the conclusions presented in documents E/CN.4/1365 and 1366, which gave the clearest possible account of the situation. In particular he drew the Commission's attention to annex III in document E/CN.4/1366, and fully supported the recommendation in paragraph 385 of that document on the publication of a list of persons guilty of the crime of apartheid. Only a strict implementation of United Nations resolutions and genuine international joint action could put an end to the practices of the racist régimes in southern Africa.

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Poland, entirely freed from its colonial past, had been helping the African liberation movements for many years. It was a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid and reaffirmed on all occasions its condemnation of apartheid, which it considered to be contrary to human dignity and a danger to international peace.

Poland had been closely following the development of the situation in Rhodesia since the Lancaster House Agreement, in particular the measures taken by Lord Soames, which would have grave consequences for the future of Zimbabwe. Poland hoped that the right to self-determination of the peoples of Zimbabwe would be respected.

Mr. FISSENKO (Byelorussian Soviet Socialist Republic) said that South Africa was truly a hell for human beings, since even the right to life itself was flouted there and the indigenous population was deprived of all political and trade union rights.

South Africa had even extended its racist régime to Namibia, whose people were deprived of their right to self-determination. The United Nations had repeatedly condemned that colonialist expansion, which was also a threat to world peace. Yet South Africa, with the complicity of the main Western Powers belonging to NATO, was pursuing its manoeuvres. The Commission should condemn those practices.

In Zimbabwe, the people were still unable to exercise their right to self-determination because the imperialist forces were striving to prevent it. The United Kingdom bore a particular responsibility in that connexion.

The situation in southern Africa was being maintained by the Western monopolies, which were working closely with the South African capitalists. In many resolutions the General Assembly had condemned the activities of the transnational corporations in South Africa and their co-operation with the racist régimes, but the behaviour of the Western countries showed that they did not intend to respect those decisions, a fact that was also demonstrated by the reports in documents E/CN.4/Sub.2/383/Rev.1 and E/CN.4/Sub.2/415 submitted to the Commission. Thus racism clearly appeared as the manifestation of the capitalist exploitation of man, which existed not only in southern Africa but also in some other Western countries.

Effective steps must be taken to put an end to such activities. Furthermore, it had been noted that the same racist policy was being applied in the territories occupied by Israel, whose links with South Africa were well known.

The Byelorussian delegation attached great importance to the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid and supported all efforts to ensure the widest possible accession of States to that instrument. It had actively worked for the adoption of General Assembly resolution 34/27, which laid down specific tasks for the Commission on Human Rights.

In accordance with the mandate entrusted to it by the General Assembly, the Commission should continue its efforts to keep an up-to-date list of those responsible for the crimes defined in article 2 of the Convention.

The first half of the Decade for Action to Combat Racism and Racial Discrimination had shown useful results, and an effective stimulus to the fight against apartheid would be provided by General Assembly resolution 34/24, which recommended a body of specific measures for the second half of the Decade, the implementation of which involved an important role for the Commission.

Mr. ORTIZ RODRIGUEZ (Cuba) said that the tragic fate of the African peoples of southern Africa, in spite of their liberation struggle and the support they received from the independent African countries and the international community, was explained by the military, technical, economic, political, diplomatic and other assistance given to the régimes in southern Africa by the imperialist countries. The General Assembly had in fact expressed that view at its most recent session, when it had specifically singled out by name countries like France, the Federal Republic of Germany, the United Kingdom and the United States as the chief supporters of colonialist and racist régimes. No credibility could be attached to statements by the self-proclaimed champions of human rights, who nevertheless made every effort to keep those abhorrent régimes in power.

Mr. ZORIN (Union of Soviet Socialist Republics) said that strict application of the International Convention on the Suppression and Punishment of the Crime of Apartheid would lead to the elimination of racism in general and of apartheid in particular. The latter was a crime against humanity being perpetuated daily against the black people of southern Africa fighting for their freedom and against repression, as pointed out in the special report of the Ad Hoc Working Group of Experts (E/CN.4/1366), whose conclusions his delegation supported.

Similarly, application of the International Convention on the Suppression and Punishment of the Crime of Apartheid had a major part to play in the implementation of United Nations resolutions on racism, particularly in carrying out the Programme for the Decade of Action to Combat Racism and Racial Discrimination. The Programme envisaged a number of measures conducive to the world-wide elimination of racism, racial discrimination and zionism, which was a form of racial discrimination. In that connexion, the Soviet delegation regretted the failure of the United States and other countries to observe international agreements concluded for the purpose of combating those scourges and to take part in certain actions organized with that end in view; that was tantamount to supporting racism.

The Soviet delegation was pleased to point out that Soviet socialist society was free from exploitation, oppression and discrimination. The dream of its founder, Lenin, has thus been realized. It was therefore pointless to attempt to misrepresent the USSR's cultural policy, as the United States representative had done when he had been unable to explain away the blatant violations of human rights committed by his Government in the cultural field, including sports. The question raised by the representative of the United States with regard to Afghanistan had

no basis in fact. It was obvious to all that the limited detachment of Soviet troops sent to Afghanistan at the specific request of the Afghan Government in order to defend it against foreign aggression would be withdrawn as soon as that threat was removed. If the United States wished to speed up the process of withdrawal, it should immediately cease its operations launched from Pakistan and designed to undermine Afghanistan.

Viscount COLVILLE (United Kingdom) said that he would confine his statement to a few comments on Southern Rhodesia, to be supplemented by a factual document on the progress towards independence in Rhodesia that his delegation would distribute in order to allay the doubts and anxieties expressed by some delegations.

Developments in the Southern Rhodesia situation should be welcomed, since they were to culminate in free and fair elections. The report of the Special Rapporteur (E/CN.4/Sub.2/383/Rev.2) had thus been superseded: the Security Council had lifted sanctions, the freedom fighters were taking part in the electoral campaign as members of legitimate political parties, fighting had practically ceased and over 30,000 refugees had returned to the country. That was the result of the initiative of the Commonwealth countries which had endorsed the Lancaster House Agreement. The United Kingdom undertook to secure strict and impartial observance of those agreements in order to keep alive the glimmer of hope to which they had given rise.

Mr. ARNOLD (United States of America), referring to the progress report of the Ad Hoc Working Group of Experts (E/CN.4/1365), deplored the inhuman and discriminatory treatment which the Pretoria Government continued to mete out to the black people of South Africa. Moreover, it was making them stateless persons, in violation of international law. The situation in South Africa had to change, for the whites as much as for the blacks, but only by peaceful means through a dialogue leading to the building of a multiracial society. The United States Government had committed itself to that course and it intended to honour its commitment.

Mrs. SLAMOVA (Observer for Czechoslovakia) stressed the value of the reports of the Ad Hoc Working Group of Experts (E/CN.4/1365 and E/CN.4/1366). Racism was one of mankind's most serious problems and one which required urgent solution. Czechoslovakia ceaselessly combated racism, both within the United Nations and outside it. There was no racial discrimination in her country, where equality of rights for all citizens was proclaimed in article 20 of the Constitution. Czechoslovakia strictly applied all the relevant United Nations resolutions and it had submitted information reflected in the report of the Committee on the Elimination of Racial Discrimination (A/33/18).

South Africa was a symbol of racism in the modern world. The Government of that country not only violated human rights on its territory and practised a policy of repression - 80 per cent of the persons detained were Africans - but it also engaged in military forays against neighbouring countries, particularly Angola. South Africa could not engage in such activities were it not for that country's political, economic and military relations with the Western countries. Moreover, some developed capitalist countries, while professing

to be defenders of human rights, had laws which discriminated against their own nationals on the basis of race, political opinions, religion and on other grounds.

The Czechoslovak Minister for Foreign Affairs had recently restated his country's support for the struggle of the peoples of Zimbabwe and Namibia. She quoted excerpts from the statement he had made.

Mr. VARGA (Observer for Hungary) referred to the evidence in the report of the Special Committee Against Apartheid (A/34/22) to the effect that the South African régime had built up the largest arsenal in the whole of Africa, had created a powerful army of mercenaries and had even acquired the capacity to produce nuclear weapons. More particularly, when it had become clear that South Africa was planning a nuclear explosion in Namibia, a territory under United Nations jurisdiction, the Western countries co-operating with South Africa in the nuclear field had done nothing to end that relationship. He referred to a statement on the subject made by Mr. Clark of Nigeria, which was reflected in document A/34/PV.47. It was deplorable that the Western countries, while professing to be champions of human rights, maintained important relations with the racist régime, in violation of United Nations resolutions and decisions and of the Charter.

The Hungarian Government and people provided moral and financial aid to the peoples and liberation movements fighting colonialism, racism and foreign aggression. Hungary was one of the founding members of the Special Committee Against Apartheid and was a party to all the major international conventions adopted in defence of civil rights and for the elimination of discrimination. Furthermore, it strictly applied all United Nations sanctions against the racist South African régime.

His delegation unreservedly supported the recommendations of the Group of Three appearing in document E/CN.4/AC.33/CRP.1. It hoped that the recommendations would be given due publicity in the Commission's debates. In particular, his delegation shared the Group's concern over the fact that only 54 States had become parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid. Only 23 of the 43 members of the Commission had done so. The Commission might appeal separately to the others to accede to the Convention.

Mr. HASSON (Observer for Democratic Yemen) spoke of the humiliating and degrading character of racism and apartheid and said that the reports of the Ad Hoc Working Group of Experts stressed the danger that those policies represented to international peace and security. Some Western countries, instead of joining in the action taken by the international community, unfortunately encouraged the racist régimes to persist in their aggressiveness and their refusal to recognize the right of self-determination for Azania, Namibia and Zimbabwe. The complicity of the Zionist State was also clear. That, however, would not prevent the peoples of southern Africa, like the people of Palestine, from triumphing over their oppressors.

Mr. ARMALIE (Observer, Palestine Liberation Organization) reaffirmed his organization's unconditional support for the Pan Africanist Congress and the

African National Congress of South Africa, the Patriotic Front of Zimbabwe and the South West Africa People's Organization (SWAPO) of Namibia. The Palestinian people and the peoples of southern Africa, whose sufferings were described in the reports of the Ad Hoc Working Group of Experts, had to face the same racist and colonizing enemy. In that context, the attitude of the Western Governments, acting in collusion with the racist régimes, was deplorable. Mr. Khalifa's report showed clearly that they were playing a double game. The Zionist State bore the heaviest responsibility for that state of affairs. He reminded the Commission of Mr. Vorster's visit to Israel three years earlier and of the recent visit to South Africa by Mr. Erlich, a former Israeli Finance Minister, which had enabled that country to evade the boycott measures more easily, in particular by exporting semi-manufactures to Israel for final processing prior to sale to the EEC countries and to the United States. In the military field, Israel provided South Africa with heavy weapons and fighter planes and pilots in exchange for massive financial aid. He referred in that connexion to statements by Mr. N'komo and Mr. Mugabe appearing in the 5 October 1979 issue of the weekly paper Al-Hawadess published in London. Mr. N'komo had said that the Israelis were "providing cadres and training the Rhodesian army" and Mr. Mugabe had claimed that "the Israelis are killing our people". Because of the collaboration between the Zionist and apartheid régimes, which had the same racist laws and engaged in the same repressive practices, relations between the PLO and the southern African liberation movements would become even stronger.

Mr. KAMMINGA (Amnesty International) said that an Amnesty International mission had visited Zimbabwe from 3 to 12 January 1980. Following that visit it had sent a telegram signed by its Deputy Secretary-General to Lord Soames, the Governor of Zimbabwe. In its final paragraph, the telegram called for the release of all martial law detainees; immediate access by humanitarian bodies such as the International Committee of the Red Cross to martial law detainees and other political prisoners; public assurance that existing repressive legislation would not be used under British authority; measures to ensure that all those arrested and detained during the period of British administration were released or properly charged; effective action on the question of torture and ill-treatment, particularly measures to ensure that all those newly arrested and detained would be granted the right of legal and family access after a maximum of 48 hours; and publication of the names of all those executed since 1975, with dates and places of execution.

The CHAIRMAN called on any representatives who wished to do so to exercise their right of reply.

Mr. KHOURY (Syrian Arab Republic) said that Egypt had described as "allegations" information given in a Syrian statement which had been obtained, not from Syrian sources, but in fact from a Western newspaper, the Sunday Times of 17 February 1980. That newspaper, which was respectable according to Western standards, had reported on that date that a certain Government, which the Syrian delegation would not identify, was negotiating the secret sale to South Africa of £40 million worth of sophisticated arms, using Egypt as an intermediary to disguise the nature of the transaction and the origin of the arms. He hoped that that information would be given to the Special Rapporteur so that he could investigate the question.

Mr. SHESTACK (United States of America) regretted that the Soviet delegation, instead of replying to the questions asked about Afghanistan, had resorted to propaganda against the United States. The facts contradicted the justifications put forward by the Soviet delegation, and the Soviet Government had still not stated when it intended to withdraw its troops in accordance with United Nations resolutions, including a resolution by the Commission.

Mr. AMARE (Ethiopia), replying to the comments made by the United Kingdom, echoed the concern about the effective application of the Lancaster House Agreement regarding free elections in Zimbabwe expressed recently at a Ministerial Meeting of OAU held from 6 to 15 February 1980.

Mr. EL-SHAFEI (Egypt) said that he had already expressed his indignation that Egypt should be accused of turning its back on the African liberation movements after the Camp David agreements. He did not consider that that accusation was any justification for a further right of reply. The representative of the Syrian Arab Republic would not achieve anything by making accusations against Egypt. Egypt's role in Africa and in OAU was well known, and it was continuing, at the request of the African States, to strengthen their means of defence against any aggression or foreign intervention.

Mr. DAAR (Observer for the Organization of African Unity) said that the OAU had adopted many resolutions in which it condemned the evil system of apartheid, which condemned over 80 per cent of South Africa's peoples to servitude and humiliation. The OAU also condemned South Africa's policy of establishing the so-called "homelands", suppressing the majority's trade union rights, and securing a cheap and abundant labour supply. South Africa's policy of aggression, which included the development of nuclear capability with the collaboration of certain Western Powers, was a threat to peace and security, particularly the peace and security of the front-line African States. The OAU had drawn the attention of the international community to the South African régime's crimes and called upon South Africa to withdraw its illegal presence from Namibia.

The OAU Council of Ministers, at a recent meeting, had expressed concern at the many violations of the Lancaster House Agreement on Rhodesia and had condemned the continued presence of South African troops there in contravention of Security Council resolutions 460 (1979) and 463 (1980). It had called upon the United Kingdom to ensure conditions for free and fair elections in that country.

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Mr. NSANZEV (Burundi) said that the racist régimes in southern Africa were motivated largely by fears about their own fate under black majority rule. But the record of recently transformed societies, such as Angola and Mozambique, and the African peoples' manifest respect for the principles of the Charter, made such fears groundless.

The situation in southern Africa involved three basic factors: the African peoples' determination to obtain their rights at all costs; the apartheid minority's fear of dispossession; and the continued use of Africa by outside Powers as a theatre of conflict. A fresh and positive approach was needed, in which, as a first step, the United Nations, the Organization of African Unity and South Africa's Western Power associates might together encourage the white minority to accept a peaceful transformation of South African society, under suitable guarantees, with the OAU acting as a keystone in the construction of a new social order.



Mr. DIAGNA (Senegal) introduced draft resolution E/CN.4/L.1495, "Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts" (agenda item 6), on behalf of the sponsors. He read it out, commenting briefly on certain parts, and announced that the Syrian Arab Republic had joined the sponsors.

Miss OBAFEMI (Nigeria) introduced, on behalf of the sponsors, draft resolution E/CN.4/L.1499 on "The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa" (agenda item 7). She referred to article 11 of the International Convention on the Elimination of All Forms of Racial Discrimination and, with respect to the sanctions imposed by the United Nations against racist régimes, she expressed regret at the negative attitude which was adopted by certain member States and resulted in the persistence of apartheid; the political, military, economic and other forms of assistance given to racist régimes supported and perpetuated them. She then read out the text of draft resolution E/CN.4/L.1499, commenting briefly upon it, and announced that Jordan had also become a sponsor. She concluded by stating that the sponsors of that text considered it to be balanced and hoped that it would be adopted by consensus.

Mr. ADENIJI (Nigeria) introduced, on behalf of the sponsors, draft resolution E/CN.4/L.1497, which related to the same agenda item as draft resolution E/CN.4/L.1499. He stated in that respect that the Commonwealth High Commissioners had met in London on 21 February 1980 to review the situation in Rhodesia and the implementation of the Lancaster House Agreement. Following their meeting, they had expressed some concern about the implementation of that Agreement to the Commonwealth Secretary-General. Moreover, the Security Council, when it had met earlier in February, had voiced its concern at the presence of South African troops in Zimbabwe, contrary to the Lancaster House Agreement. One week before, the Council of Ministers of the Organization of African Unity, meeting at Addis Ababa, had also discussed the implementation of the Agreement. At all those meetings, emphasis had been placed on the responsibility of the United Kingdom as the Administering Authority and on its duty to ensure that the objectives of General Assembly resolution 1514 (XV) were attained.

The parties to the Lancaster House Agreement were all of the opinion that the 1965 unilateral declaration of independence did not satisfy the terms of that resolution and admitted that the "internal settlement" did no more than substitute a black puppet Prime Minister for Mr. Ian Smith. In participating in negotiations, Mr. Smith and Bishop Muzerewa had recognized that a government established on that basis would collapse as a result of the intensification of the liberation struggle.

Unfortunately, many violations of the Lancaster House Agreement had been reported since December: South African forces remained in Zimbabwe with the consent of the Administering Authority; Rhodesian auxiliaries loyal to Bishop Muzerewa were operating freely; the arbitrary arrests of members and

supporters of the Patriotic Front continued; and Amnesty International had affirmed that human rights were still being violated. He drew attention in that respect to the arrest of Mr. Nyoka, who had subsequently been released, and that of candidates and supporters of ZANU. Violations had also been imputed to ZANU, but they had been reported by the police and security forces, which were acting as agents provocateurs and whose impartiality was open to doubt. Moreover, South Africa, after openly contravening the sanctions imposed by the Security Council and providing Rhodesia with military aid, thus enabling the illegal régime to survive, had made it clear on more than one occasion that it would intervene militarily if it did not approve of the results of the elections to be held the following week. It was regrettable that the Administering Authority had called upon South Africa for technical assistance in the physical preparations for the elections.

The Commission on Human Rights should pronounce itself on the situation. The purpose of draft resolution E/CN.4/L.1497 was to enable it to take a simple and straightforward decision in favour of self-determination for Zimbabwe. The text underlined, in particular, the responsibility of the Administering Authority for the impartial implementation of the Lancaster House Agreement. He then read out the draft resolution, commenting briefly on certain parts of it.

Mr. DIAGNA (Senegal) introduced draft resolution E/CN.4/L.1494 on behalf of the sponsors.

Mr. ORTIZ RODRIGUEZ (Cuba) introduced draft resolution E/CN.4/L.1496 on behalf of the sponsors, who had been joined by the Syrian Arab Republic. He hoped that the Commission would be able to adopt the text without much difficulty.

Mr. NYAMEKYE (Ghana) introduced draft resolution E/CN.4/L.1498 on behalf of the sponsors and expressed the hope that the Commission would adopt it without a vote.

Mr. MADI (Jordan) said that his delegation wished to join the sponsors of draft resolution E/CN.4/L.1499.

Draft resolution E/CN.4/L.1495

Draft resolution E/CN.4/L.1495 was adopted by 32 votes to none.

Mr. SHESTACK (United States of America), speaking in explanation of vote, expressed a reservation with regard to paragraph 8 of the draft resolution. He considered that the publication of the summary should be undertaken by the Office of Public Information rather than be made a separate budget item.

Viscount COLVILLE (United Kingdom) said that his delegation, while welcoming the adoption of the resolution by consensus, was encouraged by a number of changes in South African policy which seemed to indicate some hope of improvement in the situation there.

Mr. FAWZI (Egypt), Miss ILIĆ (Yugoslavia), and Mr. ORTIZ RODRIGUEZ (Cuba), said that they wished to be recorded as having voted for the draft resolution.

Mr. JAHN (Federal Republic of Germany) welcomed the adoption of the draft resolution, but expressed a reservation with regard to the use in paragraph 4 of the words "competent organs", which seemed to cast some doubt on the role of the Council for Namibia.

Mr. DAVIS (Australia) welcomed the consensus on the draft resolution, but expressed a reservation on the concept of the crime of apartheid as referred to in paragraph 5.

Draft resolution E/CN.4/L.1497/Rev.1

Viscount COLVILLE (United Kingdom) said that his delegation could not support draft resolution E/CN.4/L.1497/Rev.1 because of its over-all lack of balance. He expressed regret that operative paragraph 1 merely took note of the Lancaster House Agreement, rather than positively welcoming it. It was also difficult to identify which institutions were referred to in operative paragraph 6.

Finally, the language of paragraph 7 was immoderate and unsuitable for adoption by the Commission. His delegation would therefore abstain in the vote.

Mr. ADENIJI (Nigeria) said that the sponsors had revised the original text of the draft resolution in an effort to accommodate the wishes of a number of delegations. By taking note in an operative paragraph of the Lancaster House Agreement, the Commission would be going further than any other United Nations body. He failed to understand why the fact that paragraph 1 did not start with the word "Welcomes" or with the words "Takes note with appreciation" rather than the words "Takes note" should be cause enough for delegations not to support the draft resolution. He hoped that following the changes the sponsors had already made, those delegations that still had misgivings would reconsider their position.

Viscount COLVILLE (United Kingdom) said that he appreciated the effort made by the representative of Nigeria to meet his delegation's points. There were only comparatively minor points preventing a consensus.

Mr. HILL (Observer for Jamaica) suggested that a vote on the draft resolution E/CN.4/L.1497/Rev.1 might be postponed, so that efforts could be made to reach a consensus. He also suggested a number of amendments to the draft resolution.

At the request of the representative of Nigeria, the vote on draft resolution E/CN.4/L.1497/Rev.1 was taken by roll-call.

The draft resolution was adopted by 33 votes to none, with 9 abstentions. a/

Mr. IVRAKIS (Greece) said that, while his delegation had voted in favour of the draft resolution, he had to point out that the wording of certain paragraphs was not as balanced as his delegation would have wished.

Mr. DAVIS (Australia) said that his delegation had abstained in the vote because the text of the draft resolution was unbalanced in some respects and was unlikely to help the situation in Zimbabwe.

Draft resolution E/CN.4/L.1499

The CHAIRMAN announced that Iran had become a sponsor of the draft resolution.

Mr. PRIETO (Assistant Director, Division of Human Rights) made a statement on the financial implications of the draft resolution.

Mr. EL-FATTAL (Syrian Arab Republic) introduced his delegation's amendment (E/CN.4/L.1504) to the draft resolution.

Mr. KHURELBAATAR (Mongolia) proposed that the words "including the delivery of nuclear supplies and equipment to the racist régime of South Africa" should be inserted in the seventh preambular paragraph and that, in operative paragraph 3, the words "and nuclear" should be inserted after the word "military".

Mr. BARROMI (Observer for Israel) said that the reports referred to in the proposed Syrian amendment to the draft resolution were completely unfounded. It would be scandalous if the Commission were to adopt an amendment based on unverified press reports. Israel had always rejected the policy of apartheid and was opposed to racial discrimination of any kind. The Syrian Arab Republic's proposed amendment was motivated by political rather than humanitarian considerations.

Mr. SHESTACK (United States of America) said that it might not be appropriate to include in the draft resolution an amendment based merely on press reports, particularly since there was evidence that the reports in question might be inaccurate.

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a/ For details of the vote, see the Report of the Commission on its thirty-sixth session (E/1980/13-E/CN.4/1408), chap. V, para. 98.

At the request of the representative of the Syrian Arab Republic, a vote was taken by roll-call on the amendment proposed by the Syrian Arab Republic (E/CN.4/L.1504).

The amendment proposed by the Syrian Arab Republic was adopted by 31 votes to 2, with 9 abstentions.

The amendment proposed by Mongolia to the seventh preambular paragraph of the draft resolution was adopted by 33 votes to 1, with 8 abstentions.

The amendment proposed by Mongolia to operative paragraph 3 of the draft resolution was adopted by 34 votes to none, with 8 abstentions.

Draft resolution E/CN.4/L.1499, as amended, was adopted by 31 votes to 4, with 6 abstentions. b/

Viscount COLVILLE (United Kingdom), speaking in explanation of vote, said that the amendments to draft resolution E/CN.4/L.1499 had not changed his delegation's vote on the resolution. His Government's policy was to use its political and economic links with South Africa to bring about peaceful change. An example was the Code of Conduct of the European Economic Community, which was designed *inter alia* to promote improved working conditions for black employees. Economic confrontation with South Africa would have severe consequences for the black inhabitants, as well as for surrounding independent countries and the United Kingdom.

Mr. PAPASTEFANOU (Greece) said that his delegation had abstained in the vote on draft resolution E/CN.4/L.1499 because it was unable to support some of its paragraphs, in particular paragraph 4. Its position on Security Council resolution 418 (1977) remained unchanged.

Miss DOA (Ivory Coast) said that her delegation had voted in favour of the Syrian amendment (E/CN.4/L.1504) because it wished to see Africa demilitarized and denuclearized. It had serious reservations, however, concerning the singling out of Israel as a country reported to be providing nuclear assistance to South Africa.

Mr. SHESTACK (United States of America) said that his delegation had reservations, in particular on paragraphs 2, 3 and 4 of the resolution. It had abstained in the vote on the Mongolian amendment and had voted against the resolution as a whole.

Draft resolution E/CN.4/L.1494

Draft resolution E/CN.4/L.1494 was adopted by 30 votes to 1, with 9 abstentions.

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b/ Ibid., paras. 101-103.

Draft resolution E/CN.4/L.1496

Mr. ORTIZ RODRIGUEZ (Cuba), speaking as a sponsor, said that the first preambular paragraph of Commission resolution 10 (XXXV) should be reproduced as the first paragraph of draft resolution E/CN.4/L.1496. Nigeria had joined the list of sponsors.

Mr. JAHN (Federal Republic of Germany) said that his delegation had abstained in the vote on resolution E/CN.4/L.1494, and would likewise abstain on draft resolution E/CN.4/L.1496, because of its juridical objections to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/L.1496.

The draft resolution was adopted by 32 votes to none, with 10 abstentions. c/

Mr. DAVIS (Australia) said that his delegation had abstained in the vote on draft resolution E/CN.4/L.1496 because of its position on the International Convention on the Suppression and Punishment of the Crime of Apartheid. It was, however, observing with interest the process for the establishment of the international penal tribunal referred to in paragraph 4 and, because of its interest in any attempt to clarify the relationship between international criminality and violations of human rights, would consider the possibility of submitting a written statement on that question.

Viscount COLVILLE (United Kingdom), explaining his delegation's abstention in the vote on draft resolutions E/CN.4/L.1494 and E/CN.4/L.1496, said that his country totally rejected apartheid but did not consider that the International Convention on Suppression and Punishment of the Crime of Apartheid could help to eliminate it.

Mr. CALERO-RODRIGUES (Brazil) said that his delegation would have abstained in the vote on paragraph 4 of draft resolution E/CN.4/L.1496 and on paragraph 7 of draft resolution E/CN.4/L.1494 if those paragraphs had been put to a separate vote. In the circumstances, it had voted in favour of both draft resolutions.

Mr. GIAMBRUNO (Uruguay) said that his delegation had abstained in the vote on draft resolution E/CN.4/L.1496 because of its juridical difficulties concerning the International Convention on the Suppression and Punishment of the Crime of Apartheid. Uruguay was totally opposed to apartheid and unreservedly supported other instruments on racial discrimination.

Mr. ROS (Argentina) said that his delegation would have expressed reservations on paragraph 4 of draft resolution E/CN.4/L.1496 if that paragraph had been voted on separately.

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c/ Ibid., Chap. XII., para. 295.

Draft resolution E/CN.4/L.1498

The CHAIRMAN announced that Senegal had become a sponsor of draft resolution E/CN.4/L.1498.

Mr. PRIETO (Assistant Director, Division of Human Rights) said that the financial implications of section A, paragraph 3, totalled \$3,050 for 1980 and \$5,900 for 1981, plus servicing costs of \$20,831.

Mr. NYAMEKYE (Ghana) said that the words "and foreign occupation" should be added after the words "foreign domination" in the fourth preambular paragraph of section A.

Mr. AL-JABIRI (Iraq) suggested that the words "the Committee on the Exercise of the Inalienable Rights of the Palestinian People" should be added after the words "Colonial Countries and Peoples" in paragraph 1 of section C.

Mr. JAHN (Federal Republic of Germany) requested that a separate vote should be taken on the various sections of draft resolution E/CN.4/L.1498.

Section A was adopted by 38 votes to none, with 2 abstentions.

Section B was adopted by 33 votes to 3, with 5 abstentions.

The Iraqi amendment to section C was adopted by 29 votes to 5, with 6 abstentions.

Section C, as amended, was adopted by 29 votes to 5, with 6 abstentions.

Section D was adopted by 33 votes to none, with 7 abstentions.

Draft resolution E/CN.4/L.1498 as a whole, and as amended, was adopted by 33 votes to none, with 8 abstentions.

Mr. MELLBIN (Denmark) said that, while strongly supporting the objectives of the Decade for Action to Combat Racism and Racial Discrimination, his country had been obliged to dissociate itself from the extraneous references made in General Assembly resolution 3379 (XXX) and subsequent resolutions endorsing the outcome of the World Conference to Combat Racism and Racial Discrimination. It had abstained in the vote on sections B, C and D of draft resolution E/CN.4/L.1498 for the same reason. Its vote in favour of section A had been cast in favour of the original aims of the Decade.

Viscount COLVILLE (United Kingdom) said that his Government was prepared to support constructive features of the Decade in accordance with General Assembly resolution 3057 (XXVIII). It was completely opposed to apartheid but considered that its links with South Africa could enable it to work constructively for peaceful change. It could not accept any implication that zionism was a form of racism. It would reserve its position on the financial implications of the resolution.

Mr. VARELA (Costa Rica) said that his delegation had voted in favour of draft resolution E/CN.4/L.1498 but had abstained in the vote on the Iraqi amendment

to section C. It had voted in favour of draft resolution E/CN.4/L.1499 but had been unable to support the Syrian amendment (E/CN.4/L.1504), which was based on hearsay.

Mr. CHAVEZ-GODOY (Peru) said that his delegation had abstained in the vote regarding the addition presented by the delegation of Iraq and on section C of draft resolution E/CN.4/L.1498, in line with its position on General Assembly resolution 3379 (XXX).

Mr. IVRAKIS (Greece) said that his delegation had abstained in the vote on sections B and C of the resolution because it had some doubts as to the effectiveness of some of the measures proposed.

Mr. HEINEMANN (Netherlands) said that his delegation had voted in favour of draft resolution E/CN.4/L.1495 despite certain reservations on paragraph 8. It had abstained in the vote on section D of draft resolution E/CN.4/L.1498 because of its reservations on General Assembly resolution 3379 (XXX). While supporting draft resolution E/CN.4/L.1497/Rev.1 in principle, it had serious reservations on the wording and had therefore been obliged to abstain. It had also abstained in the vote on draft resolution E/CN.4/L.1499 because it could not agree that all relations with South Africa amounted to assistance. The only United Nations body empowered to call for mandatory sanctions was the Security Council. The Commission was not competent, therefore, to make the request in paragraph 4. His delegation had been unable to support draft resolutions E/CN.4/L.1494 and E/CN.4/L.1496 because of its position concerning the International Convention on the Suppression and Punishment of the Crime of Apartheid.

Mr. HILL (Observer for Jamaica) appealed to the Commission to put the human rights of peoples before political considerations.

Mr. SHESTACK (United States of America) said that to equate zionism with racism, as had been done in the resolutions referred to in draft resolution E/CN.4/L.1498, was historically and currently inaccurate. His delegation, therefore, had not participated in the discussion or vote on the latter draft resolution.

The CHAIRMAN, referring to agenda item 20, said that the Governments of India and the United Kingdom had been exchanging information on the subject-matter of Commission resolution 7 (XXXV). It was hoped that they would be able to report a satisfactory outcome of their consultations to the Commission at its thirty-seventh session.



Annex IX

ABRIDGED RECORD OF THE DISCUSSION ON AGENDA ITEM 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Meetings: 1577th and 1578th, held on 11 and 12 March 1980

(b) QUESTION OF MISSING AND DISAPPEARED PERSONS

Meetings: 1552nd, 1553rd, 1554th, 1555th, 1560th and 1563rd, held on 22, 25, 28 and 29 February 1980

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT (10 (a))

1577th and 1578th meetings - 11 and 12 March 1980

Mr. MELLBIN (Denmark) said that reports of the practice of torture and other forms of inhuman and degrading treatment were still received from all parts of the world. It was important, therefore, that the Commission on Human Rights should comply as speedily as possible with the provisions of General Assembly resolution 32/62 and draw up a draft convention against torture and other inhuman or degrading treatment or punishment.

The open-ended working group had made good progress in its work on a draft convention against torture, but much remained to be done, particularly on the question of how the substantive articles of the future convention were to be implemented and the preamble. It was for that reason that the sponsors of draft resolution E/CN.4/L.1529 proposed that the Commission should recommend that the Economic and Social Council should authorize the open-ended working group to meet for a full working week before the thirty-seventh session of the Commission in order to complete its work on the draft convention. The sponsors hoped that the draft resolution would be adopted by consensus.

Mr. PAPASTEFANOU (Greece) said that throughout history mankind had suffered the scourge of torture. In the past, the practice of torture had been legal. After the Second World War, however, the international community had proclaimed the Universal Declaration of Human Rights, article 5 of which condemned the practice of torture and cruel, inhuman or degrading punishment. Later, that condemnation had been reproduced in article 7 of the International Covenant on Civil and Political Rights, and eventually, 27 years after the proclamation of the Universal Declaration of Human Rights, the General Assembly, by its resolution 3452 (XXX), had adopted the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Since the adoption of that Declaration, the international community had displayed greater awareness of the need to remove the scourge of torture, and the progress it had made in the matter contrasted favourably with the inertia and indifference that had prevailed in the period between 1948 and 1975.

The close and positive collaboration that had been built up in the working group established by the Commission to draft a convention on torture must be fostered and work on the convention must be accelerated. It was for that reason that his delegation had joined the sponsors of draft resolution E/CN.4/L.1529.

In conclusion, he stressed his delegation's interest in all matters concerned with respect of the physical and moral integrity of the human being. In view of that interest, his delegation considered that the elimination of torture should be a major concern of the Commission.

Mr. RANGACHARI (India) said that his delegation supported draft resolution E/CN.4/L.1529.

1577th and 1578th meetings

In the Working Group his delegation had expressed reservations with respect to the provisions of articles 3, 14 and 15 of the draft convention, which conflicted with the provisions of India's Constitution and laws. Those reservations should be reflected in the Working Group's report.

Mr. SHLSTACK (United States of America) drew the attention of the representative of India to paragraph 94 of the working group's report a/ (E/CN.4/L.1500/Add.16). The United States delegation shared the reservations expressed by the Indian delegation.

His Government accorded high priority to the speedy conclusion and adoption of a convention on torture. Indeed, in the working group his delegation had suggested that the working group should meet for two weeks before the thirty-seventh session of the Commission. It would be prepared to join in the consensus for a one-week meeting on the understanding that a full working week would be devoted to work on the draft convention on torture.

Mr. JEANRENAUD (Observer for Switzerland) expressed his delegation's satisfaction with the excellent work done by the open-ended working group established to prepare the convention on torture. Much remained to be done, however, particularly on the question of how the future convention was to be implemented. His delegation therefore agreed that a working group, again open to all members and observers, should meet, if possible for a full working week, before the thirty-seventh session of the Commission in order to complete the work.

Mr. van BOVEN (Director, Division of Human Rights) said that the financial implications of the recommendations made in draft resolution E/CN.4/L.1529 would amount to approximately \$30,165 under section 29 B of the budget.

Before voting on draft resolution E/CN.4/L.1529 the Commission ought perhaps to take account of the fact that it was also, in draft resolution E/CN.4/L.1513/Rev.1, requesting the Economic and Social Council to authorize a one-week session of an open-ended working group prior to the thirty-seventh session of the Commission to facilitate completion of the work on a draft convention on the rights of the child. In addition, in accordance with decisions already taken by the Commission, the group appointed under the International Convention on the Suppression and Punishment of the Crime of Apartheid, the working group on situations revealing a consistent pattern of gross violations of human rights and the working group on periodic reports were all scheduled to meet immediately before the thirty-seventh session of the Commission. It was doubtful whether the Division on Human Rights would be able to service five working groups meeting simultaneously. The Commission might, therefore, wish to give consideration to a suggestion, which had been made at a meeting of the Commission's officers, that the

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a/ The text of the report of the working group established to draft a convention against torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1367) appears in the report of the Commission on its thirty-sixth session (E/1980/13-E/CN.4/1408), chap. VIII, para. 205.

1577th and 1578th meetings

meeting of the working group on periodic reports should be postponed. In any case, it would seem necessary to establish an order of priorities, particularly in regard to the requests made in draft resolutions E/CN.4/L.1513/Rev.1 and E/CN.4/L.1529.

There then followed a discussion on the time-table for meetings of open-ended working groups that might meet before the thirty-seventh session of the Commission.

1578th meeting

At its 1578th meeting, on 12 March 1980, the Commission adopted draft resolution E/CN.4/1529 without a vote.

QUESTION OF MISSING AND DISAPPEARED PERSONS (10 (b))

1552nd meeting - 22 February 1980

Mr. van BOVEN (Director, Division of Human Rights) introduced agenda item 10.

On the question of missing and disappeared persons, the Commission might wish to consider how to deal with cases already on record and with those of recent disappearances. With regard to the former, it might decide on a way to establish an inventory of cases for investigation; as to the latter, some form of emergency action might be considered, since experience had shown that prompt action could save lives.

Mr. KAMMINGA (Amnesty International) welcomed the fact that the Commission was currently in a position to deal with the question of disappeared persons. In the experience of Amnesty International, involuntary or enforced disappearances comprised two essential elements. First, the arrest or kidnapping was carried out by Government agents or with direct or indirect Government support. Second, the Government subsequently refused to acknowledge any arrest or detention and denied the need to carry out an investigation. Such disappearances differed from conventional violations of human rights in that the Government refused to acknowledge that the person concerned was in its custody, thereby rendering all legal provisions designed to protect the individual useless.

Governments in several parts of the world had discovered that disappearances were a convenient way of ridding themselves of political opponents. In recent years, Amnesty International had submitted to the United Nations extensive evidence of the existence of such systematic practices in Afghanistan, Argentina, Chile, Democratic Kampuchea, Ethiopia, Nicaragua and Uganda. It was therefore a world-wide phenomenon which was not limited to Latin America and which consequently called for world-wide action.

Despite the difficulty of obtaining direct evidence regarding individual disappearances, the expert on the question of the fate of missing and disappeared persons in Chile had produced some extremely useful reports on disappearances in that country. In his most recent report (E/CN.4/1363), the Expert had concluded that, in at least 600 cases, the persons concerned had been arrested by State authorities and that their fate had not been clarified.

Two weeks previously, Amnesty International had published first-hand testimony of Oscar Alfredo Gonzalez and Horacio Cid de la Paz, who had managed to escape from secret detention camps in Argentina, 15 months after having been abducted in Buenos Aires in November 1977. They had been subjected to various forms of torture after having been detained in various military camps.

Mr. ROS (Argentina) asked whether it was permissible for the representative of a non-governmental organization to launch an attack against a member of the Commission on the basis of evidence provided by so-called witnesses.

Mr. BEAULNE (Canada), supported by Mr. SHESTACK (United States of America), said that the traditional practice of the Commission had been to allow the

representatives of non-governmental organizations to speak on questions relating to specific countries without any interruption. He saw no reason why the Commission should depart from that practice in the case of Amnesty International.

Mr. GIAMBRUNO (Uruguay) said that the representatives of non-governmental organizations should adhere strictly to the subject matter of the item under discussion and that the Commission should not allow the discussion of certain items to become a political debate.

Mr. TERREFFE (Ethiopia) refuted the allegations made against his Government by the representative of Amnesty International. That organization had repeatedly attacked certain countries on the basis of unfounded reports published in the Western press.

The CHAIRMAN said that the representatives of non-governmental organizations, while entitled to provide information on the situation prevailing in a given country, had no right to attack that country.

Mr. KAMINCA (Amnesty International) said that the two individuals in question had testified that members of the armed forces and police were involved in kidnappings and in the operation of the camps. They had also stated that prisoners were taken away in groups of 30 to 50 in trucks, never to be heard of again.

The international community must insist that Governments be held accountable for the fate of every disappeared person. The proposed working group should in particular be enabled to make immediate contact with the Government concerned whenever it received notice that someone had been abducted under suspicious circumstances. Such immediate action would save countless lives.

Mr. ERMACORA (Observer for Austria) said that the problem was both humanitarian and political. In its humanitarian aspect, the families of the missing persons suffered long years of anxiety about the latter's fate. States had a responsibility under international law for specific political situations. The international community could not be indifferent to what was a world-wide phenomenon. Although Governments need not be attacked, well-attested instances of disappearance must be attacked and preventive legal measures must be taken, including measures to ensure the safeguarding of certain human rights in emergency situations, in accordance with article 4 of the International Covenant on Civil and Political Rights. Repressive measures, including measures for investigation, were also essential, and there must be provision for restitution to the families of the victims.

Mr. ARTUCIO (International Commission of Jurists) said that disappearances frequently occurred following arrests by the security forces of a State. There were no means of ensuring that the human rights of victims were protected when the authorities denied the fact of their detention. Many human rights violations had been committed in such circumstances, including the violation of the right to life. The phenomenon was world-wide. Any machinery the Commission might establish for dealing with the problem should have the necessary authority to obtain information on specific cases by such means as governmental and family contacts, and should be flexible enough to take swift and decisive action.

Miss WEINGARTNER (International League for Human Rights), after referring to some of the international emergency measures for dealing with the situation of disappeared persons, said that the phenomenon was of grave concern to those devoted to the protection of human rights throughout the world. Governmental authorities responsible for disappearances frequently denied responsibility. Two Governments might even co-operate in moving persons across national borders. Attempts to keep their actions secret made prevention difficult. After outlining the action taken by various intergovernmental and non-governmental organizations, she said that the first few days following the arrest were crucial; if international attention could be directed within that time to the Government concerned, there was some chance that the disappeared person might reappear. Governmental acknowledgement that a person was in custody could be important: habeas corpus laws could be invoked, aid could be given by relatives and friends and the likelihood of torture diminished. Immediate international attention could help in securing acknowledgement of the disappearance, and illegal arrest or kidnapping could be dealt with under the country's legal procedures. She hoped account would be taken in the Commission of the need for urgent action.

Mr. FAURIS (France) said that his country had always taken a particular interest in the question of missing or disappeared persons. Resolution 33/173 adopted by the General Assembly on 20 December 1978 had been drafted in general terms which, although universally acceptable, were not precise enough, whereas the disappearances which concerned the Commission were involuntary and enforced. Such excesses might be ascribed to individuals or organized groups, but, in a growing number of cases, they were attributable to unlawful acts committed by authorities responsible for maintaining public order or by official or unofficial institutions acting with the complicity of the authorities. That was a particularly odious practice, and it was impossible to refrain from forceful protest against such procedures. Respect for certain inalienable individual rights was an established principle which the Commission must steadfastly uphold.

In that connexion, his delegation had prepared a precise proposal, of universal application, aimed at offering a remedy to all persons subjected to such practices. The text of the proposal would be circulated shortly. It was not directed against any particular country, but sought solely to provide a recourse procedure for the investigation of cases of involuntary or enforced disappearances. Adoption of the proposal would strengthen the means available to the Commission for discharging its mandate.

Mr. ALMEIDA RIBEIRO (Portugal), referring to agenda item 10 as a whole, reaffirmed his delegation's opposition to maintenance of the death penalty - which had been completely abolished in Portugal - and its indignation at the application of cruel, inhuman and degrading punishment in certain countries for political, racial or religious reasons, collective punishments which at times amounted to genocide, and administrative detentions with internment in psychiatric establishments, which the world's conscience abhorred as a violation of every individual's right to a fair and impartial trial, assistance from a defence counsel, and a right of recourse. His delegation welcomed the progress made, at the current session, in drawing up a convention relating to torture and other cruel, inhuman or degrading treatment or punishment.

If the countries in which the problem of missing or disappeared persons existed - a problem which should be depoliticized - were concerned with ensuring the rule of law, they should provide in their respective codes of criminal procedure the individual guarantees which were indispensable to respect for the human person.

His delegation was pleased to acknowledge the action taken by non-governmental organizations in defending human rights.

Mr. BEAULNE (Canada) said he thought that the Commission's action should be not only immediate and comprehensive but also effective. The aim should be threefold: to assist the victims, to discourage the pursuance of such practices by all available means and to ensure that the Commission would in future be in a position to deal with the question in full possession of the facts whenever over-all situations of systematic disappearances persisted and new situations arose. As his delegation saw it, there was no question of putting any particular country in the dock. Its sole aim at the current stage was to join with all delegations in seeking a means of putting an end to that odious phenomenon.



Mr. ROS (Argentina) said that his delegation endorsed the noble humanitarian spirit of resolution 33/173 and the idea, expressed by the delegation that had introduced the proposal in the General Assembly, that such cases might have their origin in "outbreaks of anarchic violence" resulting from the disruptive effects of terrorism. In certain countries, such situations had been checked as a consequence of improvements in internal security.

It was a mistake to ascribe disappearances to a single cause. There were politically motivated groups and organizations which attributed the phenomenon exclusively to repressive action by the State. In Argentina's view, however, the origin of the phenomenon lay in criminal activity by organizations which had opted for mindless violence as a means of imposing their will on a legally organized society. Such violent clandestine activity violated the principle of minimum security and created a collective feeling of insecurity. The problem of disappeared persons was to be viewed in that context; because of its complexity, figures free from political or emotional subjectivity were not easily available.

The factional struggles provoked by such aggression were calculated to establish a system of violence outside the law. The State had a duty to recover its exclusive right to the use of force in order to provide security for the populace and restore a system of justice.

The reasons for disappearances were many and varied.

Terrorists commonly disappeared so as to avoid punishment and continue their activities, or to escape from the organizations to which they had belonged. There were also disappearances caused by crime. International concern should be mindful of those experiences, and States must collaborate with one another in order to avoid misunderstandings and mistakes. The phenomenon would persist as long as terrorist groups practised violence. The international community ought not to be responsive to one problem while disregarding the other.

Mr. DAVIS (Australia) said that disappearances often took place with the connivance of the State security services, and in some cases Governments denied responsibility. An objective approach was needed. Governments were often faced by ruthless subversion which evoked ruthless response. Exceptional remedies carried to excess could never be justified, however. There was evidence of such excesses in the disappearance of many thousands of persons. The Commission's object was not to condemn Governments but to improve the human rights situation. In the face of Government unwillingness to acknowledge responsibility, the Commission should seek practical machinery to obtain a quick response to urgent situations. Governments should co-operate with it and give top priority to their humanitarian obligations. The Commission needed its own fact-finding machinery, which should be able to confer with Governments at short notice. A small group should be appointed for the purpose.

Mr. MELLBIN (Denmark) said that his Government wished to reiterate its condemnation of the enforced disappearance of persons. The international community could not remain silent in the face of such a phenomenon. Many Governments, including his own, and private organizations had taken steps to assist the victims. A number of Governments had, unfortunately, failed to heed the appeal in General Assembly resolution 33/173. In the face of denials by Governments of any knowledge of the fate of disappeared persons, special measures were urgently needed. The Commission had a special responsibility under General Assembly resolution 33/173. The establishment of a small group of eminent experts serving in their individual capacity would provide the best approach to the action required. In order to prevent future disappearances, the rule of law must be safeguarded and the laws on arrest and detention, in particular, must be strictly observed.

Mr. SHESTACK (United States of America) urged the Commission to take vigorous action. Government complicity in disappearances was an abhorrent practice which undermined the rule of law and flouted world order. The phenomenon was widespread and required immediate action. He emphasized a number of its aspects: the usual fate of those abducted was torture and death; victims came from all ranks; the perpetrators were military or paramilitary groups whose activities were condoned by the Government; families also suffered; information was difficult to obtain; the victim was deprived of life and liberty without trial; and there was no possibility of amnesty or reprieve. Governments sometimes claimed that because they were in a state of war against revolutionaries counter-excesses were justified. Even in war, however, the Geneva Convention should be followed. A Government engaging in terror undermined the rule of law and its own right to govern. Enforced disappearance was one of the most cruel and inhuman violations of human rights. Disappeared persons lost all three rights provided for under article 3 of the Universal Declaration of Human Rights. They were frequently tortured, in defiance of article 5, were granted no effective remedy in accordance with article 6 and were deprived of the protection of article 9. The provisions of articles 6, 7, 9, 10, 14, 15, 16, 17, 18 and 19 of the International Covenant on Civil and Political Rights were also violated. Lawyers who defended dissidents were themselves frequently abducted. Denial of effective remedies represented a breakdown in the

rule of domestic and international law. The Commission had a clear mandate from the General Assembly and the Economic and Social Council to create an effective means of dealing with the problem. The machinery must be generally applicable, focusing on victims and cases and not on individual countries. The use of experts had been effective in many situations and should be used now; the machinery must be prompt and open. The families of the disappeared awaited the Commission's decision. It must not fail to act.

Mr. CALERO-RODRIGUES (Brazil) said that the Commission was concerned with the problem both in its humanitarian and its general aspects. The Commission should not aim at popular decisions but should, rather, concentrate on solutions in a spirit of objectivity. It would be impossible for an international body of the kind proposed by the Sub-Commission to deal with the thousands of cases that would require investigation. All such a body could do was to submit reports, which would do little to alleviate the problem. The Commission's task was to prepare guidelines for internal legislation and to persuade Governments to take the necessary action at the domestic level. Governments might also be asked to provide information on existing national legislation and its application.

Mr. NYAMEKYE (Ghana) said that the question of missing persons sometimes stemmed from misgovernment or tyranny, sometimes from excesses on the part of Government agencies and sometimes from challenges to the existing order of society. It was the duty of the international community to help to ensure respect for universal values. It was clear that wide-scale disappearances were continuing, frequently as a result of organized action by those in authority, that the international community had a duty to ensure that such situations were investigated and that the Commission should take urgent action. In doing so, it should avoid accusing Governments but should help them to deal with their problems, and should adopt a universal approach. Disappearances should be documented, and evidence of responsibility should be given to Governments. Procedures should be flexible and should provide for urgent action. Positions of polarization should be avoided, and political considerations should not be allowed to prevent the necessary action. He expressed the hope that, instead of discussing the matter from a political or partisan point of view, the Commission would engage in a discussion to identify the various aspects of the phenomenon of disappearances and the types of action which the Commission might envisage and then take the most appropriate form of action which the Commission's deliberations suggested was warranted by the problem of disappearances.

Mr. van der STOEL (Netherlands) said that the Commission must act promptly with regard to cases of disappeared persons. In Argentina alone, disappearances attributable to action by security forces were estimated at many thousands; and reports on disappeared persons in many other parts of the world were growing alarmingly. It was up to the judiciary to uphold respect for due process of law, even in times of emergency; but the need to respect the rule of law, limit powers of arrest and prohibit secret detention was of concern to the international community. In that connexion, the United Nations lacked a mechanism for reacting promptly to reports on disappeared persons. Perhaps a small group of experts, able to use their good offices, could well fill the purpose.

Mr. TOSEVSKI (Yugoslavia) said that the Commission should base its approach neither on the notion of a Government faced with organized subversion nor on that of people terrorized by an oppressive régime, but on the ultimate responsibility of Governments and the applicability of international instruments. Under the circumstances, his delegation, although in general opposed to setting up further bodies, accepted in principle the idea of a group of experts to tackle the problem, and proposed a group within the Commission with a mandate for one year.

Miss EMARA (Egypt) said that, although the protection of citizens was the responsibility of Governments alone, the international community must concern itself with the fate of disappeared persons and should seek to adopt, by consensus, a procedure which, by its impartiality and recognition of State sovereignty, would ensure the full co-operation of all concerned.

Viscount COLVILLE (United Kingdom) said that the Commission had failed, at its thirty-fifth session, to agree on action concerning disappeared persons; but General Assembly resolution 34/175 left no excuse for further inaction. It was inescapable, both from the facts available and from international opinion, that courts everywhere must insist on due process of law in all situations, and that some form of international investigating body should be appointed, with powers to intervene urgently if necessary. But the authorities in countries where disappearances were reported should be given a fair hearing and, where appropriate, allowed to show the steps taken to remedy matters. It should not be ignored, however, that disappearances constituted a breach of certain fundamental rights in the Covenants from which no derogation was permissible.

Mr. SAHM (Federal Republic of Germany) said his country was concerned about the fact that many authorities had used their power to build up a system of injustice and insecurity for the individual citizen and that individuals disappeared without trace. Concerning Argentine Law No. 22062, he said that the provision concerning the issue of death certificates after 90 days prompted misgivings that that law might be abused. It was to be hoped that the Argentine authorities would amend the text of that law so as to avoid its abuse. He also referred to the Amnesty International pamphlet entitled "Testimony on Secret Detention Camps".

Mr. TRUCCO (Observer for Chile) gave details of Chile's collaboration with the International Committee of the Red Cross since 1976, and said that ICRC's acknowledgement of Chile's collaboration was in sharp contrast with the Ad Hoc Working Group's arbitrary approach to the Chilean authorities.

Not until 1979 had the Ad Hoc Working Group admitted that no disappearance had been reported since May 1977 in Chile and that the total number of allegedly disappeared persons was less than one third that which the Working Group had been claiming for the previous three years. In view of those facts, it was incredible that Chile's detractors should persist in maintaining that the situation in Chile was deteriorating. The Chilean Government would continue to discharge those obligations which it had entered into freely and to reject those which had been arbitrarily imposed on it, together with any interference in matters which should be resolved by its own authorities. It would continue to co-operate with technically competent bodies with genuinely humanitarian aims and to reject those with ulterior political motives.

Mr. NUCETE (Observer for Venezuela) said that the enormous increase in disappearances was a matter of grave concern. Those disappearances inflicted terrible suffering on both the individual and his family and were a direct contravention of fundamental human rights. His delegation shared the view that it was within the power of the Commission to ensure that effective action was taken in respect of such cases.

He congratulated the various organizations, in particular, the International Commission of Jurists and Amnesty International, which had been actively engaged in investigating cases of disappeared persons. Those organizations should be encouraged to continue their work.

Mr. HARPER (Commission of the Churches on International Affairs) recalled that, in 1975, the World Council of Churches had protested against the systematic increase in violations of human rights in Latin American countries, in particular disappearances and unexplained deaths. It was important to give universal exposure to such national situations.

Disappearances were primarily a denial of the basic guarantees of the right of life. The practice of arbitrary abduction and subsequent disappearance was used most often, but not exclusively, against real or imagined political opponents of a given régime. The resources of the churches and the international community should be mobilized to combat the practice.

Governments denied knowledge of the unexplained disappearances of individuals carried out by their own security forces, or blamed such disappearances on political parties, marginal movements or delinquent groups. The overwhelming experience of churches in that regard was that such assertions were inaccurate and self-serving. The World Council of Churches also possessed dossiers on 116 children who had been abducted and had disappeared, or who had been born in detention, in five Latin American countries. Some had been adopted by military personnel, others were presumed dead. It was inadmissible that such patently innocent victims of adult inhumanity should be deprived of lasting protection.

The Commission must establish an adequate and appropriate mechanism, able to take prompt and effective action in response to the problems. The World Council of Churches would fully support the establishment of such a mechanism at the current session of the Commission.

Mrs. de QUINTEROS (Pax Romana) said that the number of disappeared persons continued to increase. Pax Romana received daily numerous communications reporting cases of disappeared persons in Latin America and other parts of the world.

She expressed deep concern at the disregard for the most fundamental civil, political and economic rights in some areas of the world. Many of her own compatriots had disappeared, some of them several years earlier, and had not been heard of since. Moreover, many of them had disappeared in other countries in the region where they had been under the protection of the United Nations High Commissioner for Refugees. Her own daughter had been abducted in the Venezuelan Embassy in 1978. In April 1979, her country's ambassador to the United States had told her that her daughter was alive and in detention, and on 2 March 1979, the

representative in the Commission of the country whose officials were responsible for the abduction had informed her that her daughter was in detention and would be handed over to the country from whose embassy she had been abducted. Since that time, she had received no further news of her daughter, apart from denials that she was in detention.

She requested the Commission to set up machinery which could take rapid and flexible action with regard to cases of disappeared persons and to seek information from the representatives of Uruguay on the specific case of her own daughter.

Mrs. ZUMSTEIN (International Federation of Human Rights) said that, in a particular country in the southern hemisphere, the practice of disappearances as a method of repression was carried out by the military and security forces, acting on the instructions of the Government. Although the victims were arrested publicly, the authorities nevertheless denied any knowledge of the arrest or of the subsequent fate of the victims. A common feature of abduction was the ransacking of the residences or offices of the victims by armed groups. The arrest of up to 12,000 persons, their detention in secret concentration camps, their subjection to every type of abuse and torture and the execution of the majority of them could not be tolerated by a free democratic world. Such a situation was a denial of the most fundamental principles of any legal order and constituted a crime against humanity.

She called on the Commission to establish a working group on disappeared persons, to consider cases of grave violations in public, rather than in private, and to appoint a committee or a special rapporteur to consider such cases in depth.

Mr. GIAMBRUNO (Uruguay), speaking in exercise of the right of reply, recalled that, when a number of Governments had requested information on the case of Elena Quinteros Almeida, he had stated that he had no further information on the subject, despite the investigations carried out by the Uruguayan authorities. At the time of her disappearance, his Government had instituted a meticulous investigation into the circumstances surrounding it and was continuing such an investigation. He himself had never had any knowledge of her whereabouts; as he had said the previous year, he would undertake to inform the authorities of the concern that had been expressed in order that the result of the investigations might be made available.

Mr. ROS (Argentina), speaking in exercise of the right of reply, said that the observations made by the representative of the Netherlands with respect to Argentina demonstrated a completely distorted view of the situation in Latin America in general and in Argentina in particular. A number of Western countries adopted a superior attitude to the question of human rights in Argentina and regarded terrorists responsible for abduction and intimidation as heroes.

His Government rejected the report of the Amnesty International as a pure fabrication.

1555th meeting - 25 February 1980

Mr. van der STOEL (Netherlands), speaking in exercise of the right of reply, said that he had referred to the matter of missing or disappeared persons in Argentina simply as an example, and that he could supply evidence in support of his statement. There was no basis for the idea that the statement - in which he had stressed that similar disappearances had also occurred in other continents - was politically motivated. The Argentine delegation ought to have assured the Commission that its Government would do its utmost to find out what had happened to disappeared persons and to bring to justice those responsible for abductions.

Mr. ROS (Argentina) said that the members of the Commission, as the representatives of sovereign States, were entitled to place whatever interpretation they deemed the most correct on any statement which directly concerned them. Argentina had not acceded to independence only to remain silent while being put in the dock for political reasons. It believed in dialogue in a spirit of true co-operation, free from intolerable pressures aimed at distorting reality in furtherance of another country's internal policy.

1560th meeting - 28 February 1980

Mr. SOYER (France), introducing draft resolution E/CN.4/L.1502, said that its purpose was to establish a specialized and flexible system to deal urgently with cases of disappearance anywhere in the world.

Basically, the system would consist of a group of experts able to look at the subject as a whole and to deal with individual cases. He would welcome any suggestions aimed at improving its practical application.



Mr. AL-JABIRI (Iraq) said that the amendments to draft resolution E/CN.4/L.1502, submitted by the delegations of Cyprus, Iraq, Senegal and Yugoslavia in document E/CN.4/L.1505 were prompted by the wish to solve the problem of missing or disappeared persons in co-operation with the Governments concerned and to guarantee that cases submitted to the Commission would be considered without any prejudice. The amended text represented a compromise which all the members of the Commission should be able to support.

Mr. SALAH-BEY (Algeria) noted that the problem of missing or disappeared persons was not only a human but also a political problem, since it involved States in regard to the operation of their institutions. The Commission must therefore take care to ensure that the problem was examined impartially and objectively. The machinery provided for by the draft resolution must take that requirement into account and must not become a tool used by a particular country or group of countries to stir up tension in certain regions of the world or to create difficulties for certain States. If those guarantees were afforded, the machinery envisaged under the amended draft resolution could provide a solution to the problem of disappeared persons.

He proposed that, in operative paragraph 1, in document E/CN.4/L.1505, the words "the question of" should be replaced by the words "questions relating to". He hoped that the draft resolution, as amended, would be supported by the Commission as a whole and adopted by consensus.

Mr. OYEDELE (Nigeria) supported the amendment submitted by the Algerian representative.

Mr. SOYER (France) supported the amendments in document E/CN.4/L.1505 and the Algerian subamendment; those proposals seemed to him to be most constructive and aimed exactly in the direction of the French draft resolution, whose purpose was to establish specialized and flexible machinery offering every guarantee of objectivity.

Mr. CALERO-RODRIGUES (Brazil) proposed that, in operative paragraph 8, in document E/CN.4/L.1505, the words "as envisaged in its resolution 5 B (XXXII) and to report thereon" should be replaced by the words "with a view to making general recommendations", in accordance with Economic and Social Council resolution 1979/38.

Mr. CALATAYUD BOSCH (Uruguay) said he found the Brazilian proposal sensible, since it would avoid conflicts of competence between the proposed working group and the Sub-Commission. For his part, he thought that the amendments (E/CN.4/L.1505) to draft resolution E/CN.4/L.1502 did not offer all the requisite safeguards to States whose situations might be examined by the Commission. In his opinion, the Working Group should not submit its conclusions regarding any State to the Commission until that State had had an opportunity of expressing its point of view to the Commission.

He therefore requested the sponsors of the amended draft resolution to postpone consideration of the draft in order to enable him to submit an amendment.

Mr. van BOVEN (Director, Division of Human Rights) made a statement b/ concerning the administrative and financial implications of draft resolution E/CN.4/L.1502, as amended in document E/CN.4/L.1505.

The CHAIRMAN announced that Costa Rica and Iran had asked to be included among the sponsors of the draft resolution as amended.

Mr. SOYER (France) accepted the subamendment submitted by Brazil.

Mr. AL-JABIRI (Iraq) also accepted the subamendment submitted by Brazil, and asked the representative of Uruguay not to insist on his proposal.

Mr. CALATAYUD BOSCH (Uruguay) agreed to withdraw his proposal, on the understanding that a State whose situation was to be considered would have an opportunity to give an explanation and that its observations would be submitted to the Commission at the same time as the Working Group's report.

Mr. ZORIN (Union of Soviet Socialist Republics), having expressed concern regarding one aspect of the problem under discussion, said that, as the Soviet delegation interpreted the resolution adopted, the Working Group would naturally be established on the basis of the principle of equitable geographical distribution, after consultation of all the regional groups, and for a period of only one year; it would use only information which met the criteria of admissibility defined in resolution 1 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; it would meet for a period of two or three weeks immediately prior to the Commission's next session and adopt its decisions by consensus; it should not serve as a precedent; and it must be able to look into situations of missing persons in countries whose Governments had agreed to co-operate with it.

His delegation would attentively follow the Working Group's activities and their results.

Mr. SHESTACK (United States of America) said that, although his delegation would have preferred a more forceful text, it would like to become a sponsor of the resolution just adopted by a consensus which gave grounds for satisfaction, especially since it was clear that under the resolution material on individual cases would be accepted from families, non-governmental sources and other reliable sources.

Mr. DAVIS (Australia) said that his delegation had joined in the consensus since it thought the decision fair in every sense of the term. He also referred to the comments of the Soviet representative in explanation of vote on the way the Working Group should work, and outlined his delegation's views to the contrary.

Mr. EDIS (United Kingdom) welcomed the decision just taken by the Commission by consensus on that very serious problem. It was right that the international

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b/ E/CN.4/L.1521. For financial implications, ibid., annex III.

community should confront and tackle such questions effectively. The resolution was the continuation of a process begun with General Assembly resolution 33/177 and Economic and Social Council resolution 1979/38, which had also been agreed by consensus.

Mr. ROS (Argentina) said that, if the draft resolution had been put to the vote, his delegation would have voted against certain parts of it, which it considered vague and liable to give rise to misunderstandings. However, it had joined in the consensus in a spirit of compromise.

His delegation took it that the Working Group would be analysing the problem of missing or disappeared persons in depth and in all regions of the world, as stipulated in General Assembly resolution 33/173, that its members would be appointed by the Chairman of the Commission at its thirty-sixth session in consultation with the members of the Bureau, that its methods of work must not contravene the provisions of Economic and Social Council resolution 1503 (XLVIII) and related resolutions, that it must exercise all due discretion in carrying out its task and, finally, that the information it used must conform to the criteria of admissibility set forth in resolution 1 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Mr. CHAVEZ-GODOY (Peru) said it was his understanding that the Working Group would be established by the Chairman of the Commission under the same conditions as other, similar working groups of the Commission - that was to say, on the basis of the principle of equitable geographical distribution and in consultation with all the regional groups - and that, in determining its methods of work, it must take account of the rules already established for other working groups of the Commission and of observations made to the Commission; in other words, it should proceed wherever possible by consensus and act with discretion.

Mr. IVRAKIS (Greece) said that his delegation welcomed the consensus and would like to become a sponsor of the resolution just adopted.

Mr. POUYOUROS (Cyprus) welcomed the spirit of compromise and understanding shown by delegations in reaching a consensus concerning one of the most tragic of human problems, to which the international community could not remain indifferent.

Mr. van der STOEL (Netherlands) said that he found the resolution adopted excellent, and that the Working Group for which it provided must formulate its methods of work and meet as it saw fit. The Commission might extend the Group's initial one-year mandate, in view of the scale of the problem of disappeared persons.

Mr. NYAMEKYE (Ghana) said that his delegation, which had been hoping that the Commission, at its current session, would adopt effective measures to solve the problem of disappeared persons, welcomed the adoption of the resolution as amended.

Mr. LIVERMORE (Canada) said that, although the text adopted differed quite considerably from France's initial proposal, it was balanced and moderate and had thus been able to gain wide acceptance. The Working Group to be established must be guided by the provisions of General Assembly resolution 33/173, which,

inter alia, called for co-operation among Governments. It must also look into specific cases of disappearances, particularly those which seemed the most urgent. Since the doubts held by certain States concerning the original proposal had now been dispelled, it was to be hoped that all States would co-operate with the Working Group and that the Group would be able to begin its work as soon as possible.

Mr. VARELA (Costa Rica) said he welcomed the adoption of draft resolution E/CN.4/L.1502, with the amendments contained in document E/CN.4/L.1505; it would enable a humanitarian effort to be undertaken to reassure the families of disappeared persons.

Mr. AMARE (Ethiopia) said that his delegation had joined the consensus although it had strong reservations on the wording of certain paragraphs in the resolution. Those words, in the view of his delegation, were construed in a very general and ambiguous manner and could give rise to unforeseeable and unwarranted interpretations. In the circumstances, he recorded his delegation's reservation on those paragraphs. His delegation also expressed the hope that the Working Group would remain aloof from organizations whose motives were contrary to the objectives of the Commission.

Annex X

ABRIDGED RECORD OF THE DISCUSSION ON AGENDA ITEM 11

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION: ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Meetings: 1559th to 1563rd, held on 27, 28 and 29 February 1980

Mr. NYAMEKYE (Ghana) introduced draft resolution E/CN.4/L.1506 on behalf of its sponsors. The object of the draft was to associate the Commission on Human Rights with the General Assembly's request, in resolution 34/47, that consideration should be given to redesignating the Division of Human Rights as a Centre for Human Rights. Since matters of organization and staffing were within the province of the Secretary-General, there was no question of giving him directives, but simply of expressing views. He cited relevant extracts from Commission resolution 22 (XXXV) and Economic and Social Council resolution 1979/36, mentioned in the first preambular paragraph, and referred to other resolutions mentioned in the second preambular paragraph and to General Assembly decision 34/417 and resolution 34/47, mentioned in the third preambular paragraph. Commenting on the operative part of the resolution, he emphasized that the designation of a Centre for Human Rights would not merely be a matter of prestige; it would provide the Secretariat with the staff, resources and infrastructure needed for more effective action.

Mr. BEAULNE (Canada) introduced draft resolution E/CN.4/L.1509. He reminded the Commission that at the thirty-fourth session of the General Assembly his delegation had proposed the appointment of an Under-Secretary-General for Human Rights. The delegations of Costa Rica and Uganda had suggested the appointment of a High Commissioner for Human Rights. Those initiatives merited further review and detailed consideration. He also would like to know whether, in accordance with the relevant resolutions of the Commission and of the Economic and Social Council, a date had been set for the annual publication of the Yearbook on Human Rights; he hoped that the Commission would be able to expand the scope of its information programmes in 1980.

The purpose of draft resolution E/CN.4/L.1509 was to renew the appeal made more than 30 years earlier in the Universal Declaration of Human Rights by calling upon all Governments to encourage and support individuals and groups "exercising their rights and responsibilities to promote the effective observance of human rights". After commenting briefly on the preambular and operative paragraphs of the draft, he expressed the hope that it might be adopted by consensus, considering that it was based on the preambles to the Universal Declaration and to the two International Covenants on Human Rights.

Mr. von TRESKOW (Federal Republic of Germany) said that his delegation, which was a sponsor of draft resolution E/CN.4/L.1509, associated itself with the previous speaker's remarks. He emphasized that the draft aimed at ensuring the Commission the support of Governments in seeing that civil and political rights were respected.

Mr. DAVIS (Australia), referring to ways of increasing the effectiveness of the Commission and of the Secretariat, first complimented the Secretariat on the work it had performed despite budgetary and staffing limitations. The enlargement of the Commission and the recent establishment of the Human Rights Committee had imposed new burdens on it; the Director of the Division had several times made

comments on the matter which were certainly altogether justified. His delegation had become a sponsor of draft resolution E/CN.4/L.1506, believing it appropriate that the Division of Human Rights should become a Centre for Human Rights.

In regard to information, he referred to Commission resolution 23 (XXXV). In introducing the agenda item, the Director of the Division of Human Rights had stressed the value to the Division of an information service; the suggestion should be given serious study. The United Nations Department of Public Information and its network of information centres in more than 60 countries already played an important role, which was bound to expand further. It was a matter for regret, however, that the world press devoted too little space to human rights and the activities of United Nations bodies in that field. A greater effort from the world's press and from Governments (documentation, press conferences, etc.) was desirable. He pointed out, in that connexion, that a report was submitted annually to the Australian Parliament on the Commission's activities. He referred to the exhortations to be found in the Universal Declaration which concerned the Commission on Human Rights and from which it followed that an increase in public information activities was a fundamental need.

Mr. VARELA (Costa Rica) said that his delegation, like a number of others, favoured the establishment of a post of United Nations High Commissioner for Human Rights, with responsibility for the protection and promotion of human rights and fundamental freedoms throughout the world, in keeping with Articles 1, 13, 55, 56 and 59 of the Charter of the United Nations and in accordance with the procedures considered appropriate by States Members of the United Nations. The attitude of the delegations opposed to the proposal revealed an evident lack of political will; the proof was in the existence of analogous regional mechanisms in Latin America and in western Europe.

Mr. ZORIN (Union of Soviet Socialist Republics) said that only co-operation by all United Nations States Members, on an equal footing and in a constructive spirit of reasonable compromise, would make it possible to reach decisions acceptable to all on ways of increasing the effectiveness of United Nations activities in the field of human rights. The work of the Commission at its thirty-fifth session in that connexion had been constructive and efforts must continue along the same lines with a view to arriving at an appropriate solution, such as, for instance, the possible convening of the Bureau of the Commission between sessions in exceptional cases.

His delegation felt it was high time that the Commission tackled the preparation of a balanced, long-term programme on the basis of the pertinent General Assembly resolutions, resolution 32/130 in particular.

His country, in its respect for human rights, in strict conformity with the Charter of the United Nations, which gave every State the right and prerogative of directly guaranteeing its citizens' rights, would oppose any proposal involving the use of the United Nations to conceal interference in the internal affairs of States, as well as any attempt instigated by Western countries eager to bring about a deterioration in the climate of international relations to set up supranational bodies and make administrative appointments which, however they were designated, would undermine the authority of representative organs. Nothing in

the Articles of the Charter of the United Nations referred to by the representative of Costa Rica authorized the establishment of a post of United Nations High Commissioner for Human Rights. His country also opposed proposals aimed at strengthening groups of experts or working groups which did not represent States, and the dangerous proposal to raise the Division of Human Rights to the status of a Centre for Human Rights. The Division was an administrative service responsible for assisting the representative bodies of the United Nations within its terms of reference. If its workload was too great, consideration might be given to establishing two or three additional posts in specific sectors in the Division, or linking it with other related Secretariat services. His delegation hoped that the domination exercised over the Division by a group of countries, namely the Western countries, especially the NATO member countries, could be brought to an end as soon as possible, for it was contrary to the principle of equitable geographical distribution.

Lastly, his delegation saw no need for the organization of periodic meetings of chiefs of Secretariat services; that would deprive the Commission of the prerogatives accorded to it in General Assembly resolution 33/54.

Mr. van der STOEL (Netherlands) said that the questions considered under agenda item 11 were of crucial importance for the success of the Commission's work. On the question of human and other resources at the disposal of the Division of Human Rights for carrying out its duties, the Division's workload had increased considerably over the three preceding years and was bound to increase further, to a striking degree, in the future, as was clear from the Division's medium-term plan for 1980-1983, submitted by the Secretary-General in document E/CN.4/CRP.1 in accordance with paragraph 9 of General Assembly resolution 34/46. That document brought out the scale of the tasks assigned to the Commission and the inadequacy of the human and other resources available to it for performing them.

To enable the Division of Human Rights effectively to fulfil its increasing responsibilities and make a valid contribution to the United Nations programme for human rights, the first essential was to not increase its workload unnecessarily and to avoid placing upon it new duties of no immediate urgency which could easily be postponed. Moreover, requests for assistance addressed to the Secretariat should be specific and be limited to the vital points at issue in the matter under consideration. Lastly, the Commission should make specific recommendations to the Economic and Social Council regarding means of strengthening the Division, as requested in General Assembly resolution 34/46. If the Commission was not ready to take steps to that end, the standard of its own work and the work of other bodies which looked to the Division of Human Rights for support would certainly suffer.

One of the measures the Commission should consider was to change the designation Division of Human Rights to Centre for Human Rights, as suggested in General Assembly resolution 34/47. His delegation felt that such a step would emphasize the importance of the role of human rights in international relations. It therefore supported draft resolution E/CN.4/L.1506, stressing the need to provide the new Centre with the infrastructure, staff and resources needed to carry out the United Nations programme in the field of human rights effectively. His



delegation was also in favour of establishing a post of United Nations High Commissioner for Human Rights, a matter which, in resolution 34/48, the General Assembly had decided to consider at its next session.

He also drew the attention of members of the Commission to two provisions set out in paragraphs 5 and 6 of the Economic and Social Council resolution 1979/36 which the Commission should consider implementing: in the first, the Council noted that "in certain circumstances the Commission may need to hold special sessions in order to complete unfinished business, including the drafting of human rights instruments"; in the second, the Council requested the Commission on Human Rights "to prepare suggestions on the possibility of convening meetings of the officers of the Commission in inter-sessional periods in exceptional circumstances". His delegation would be ready to participate in a small working group with interested delegations to formulate specific recommendations on the subject on a consensus basis.

Lastly, he drew the attention of members of the Commission to the report covering information activities in the field of human rights (E/CN.4/1368). Such activities were of vital importance for the realization of human rights. The Division of Human Rights had an important role to play in that field and must be given the necessary resources for that purpose. His delegation would therefore join in any initiative the Commission might take to that end.

Mr. ROS (Argentina) said that his delegation was awaiting the findings of the study requested in paragraph 9 of General Assembly resolution 34/46 before taking a position on the matter under consideration. It hoped that, meanwhile, the resources made available for human rights activities would be allocated according to the order of priorities laid down by the General Assembly. In the medium-term plan for the period 1980-1983 submitted by the Secretary-General in document E/CN.4/CRP.1, there was some lack of concordance between the priorities laid down by the General Assembly and the distribution of resources among the Division's subprogrammes, particularly with respect to the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

Mr. VARELA (Costa Rica) said he was not surprised by the negative reaction of the Soviet representative to the proposals under agenda item 11 since the Soviet Union had always systematically opposed any progress in the field of human rights.

Mr. ZORIN (Union of Soviet Socialist Republics) said that the allegation of the representative of Costa Rica was altogether untrue and that the Constitution of the Soviet Union fully guaranteed human rights.

Mr. MBODJ (Senegal) said that his delegation would support the establishment of a High Commissioner for Human Rights, and any resolution in line with General Assembly resolution 34/47 concerning the redesignation of the Division of Human Rights as a Centre for Human Rights, which should be considered simply as a phase in the progress towards the necessary establishment of an office of the United Nations High Commissioner for Human Rights.

The initiatives outlined in document E/CN.4/1368 as well as the decision to increase the Commission's membership to 43, the convening of meetings of the Bureau where necessary and the holding of special sessions of the Commission, were a welcome response to the Commission's need to adapt its methods to the growing world-wide awareness of human rights.

Still within the framework of the promotion and protection of human rights, Senegal had set up a human rights committee at the national level to keep its citizens better informed and more aware of that problem. It had also played an active part in drafting the African Charter on Human Rights in Monrovia, which was a prelude to the establishment of an African Commission on Human Rights.

Mr. ALMEIDA RIBEIRO (Portugal) said that the Commission, aided by the Division of Human Rights and the various groups of experts, did much to inform world opinion and concert the efforts of countries having different economic and social systems, for the promotion and protection of human rights. But the Commission lacked dynamism chiefly because of the inevitable influence of political considerations.

Although the Commission was not a tribunal, as was the European Commission on Human Rights, it was expected to be effective in its work. It must therefore find ways to make itself stronger and more dynamic.

Mr. GARVALOV (Bulgaria) said that the United Nations had helped peoples formerly under colonial rule to achieve their rights and freedoms and had drafted a number of instruments now recognized in international law. Its role was to promote human rights by encouraging co-operation among States while avoiding interference in States' internal affairs.

The alternative ways and means generally agreed upon for improving the effective enjoyment of human rights and fundamental freedoms were reflected in Commission resolution 22 (XXV). But the Commission's functions, pursuant to the Charter, could not be delegated to other administrative bodies or individuals. The Commission's mandate should be updated in order to bring it into line with current realities. The way to achieve further promotion of human rights and fundamental freedoms was to enable the Commission to discharge its mandate. Economic and Social Council resolution 1979/36 was very important in that it reaffirmed the Council as the only organ recognized as competent to co-ordinate human rights activities within the United Nations system.

The Commission must embark on the drafting of a long-term programme designed to give practical effect to the concepts of human rights formulated in General Assembly resolution 32/130.

He did not agree that any improvement in the existing United Nations system in the field of human rights could be accomplished only through the establishment of new organs. It was doubtful whether any new organ would be as effective as the Commission itself. The creation of a post of High Commissioner for Human Rights would certainly not promote co-operation. Nor could it be effective, since the Commissioner could not impose his will on sovereign States. Furthermore, his delegation was not convinced that redesignation of the Division of Human Rights as a centre for human rights was absolutely necessary.

Mr. MELLBIN (Denmark) said that the Commission continued to play a key role in the highly important transformation of the principles of the Universal Declaration of Human Rights into binding conventions and in achieving adherence to them by as many States as possible.

With regard to the Commission's work in respect of specific cases of human rights violations, he said that the confidential procedure should not be allowed to conceal lack of co-operation on the part of a Government. If that procedure failed to achieve its purpose of enhancing the promotion of human rights, it was no longer valid.

His delegation was willing to consider the convening of international meetings of the Bureau of the Commission in order to increase the Commission's ability to deal with urgent cases of human rights violations.

Referring to draft resolution E/CN.4/L.1506, of which his delegation was a sponsor, he said that Denmark had long been a proponent of strengthening the Secretariat in the field of human rights.

Mr. EDIS (United Kingdom) said that the existing United Nations human rights machinery, while valuable, had not been sufficient to deal with recent horrifying examples of human rights violations. New or additional methods of promoting and protecting human rights should harmonize with existing structures, result in practical improvements, and justify their costs.

The argument that the post of High Commissioner for Human Rights was not envisaged in the Charter reflected a narrow approach to the obligations of all Member States under the Charter. It was to be hoped that such a post would be established in due course.

He welcomed the decision of African countries to set up an African Commission on Human Rights and looked forward to the establishment of similar machinery in other regions. The United Nations and Member States should also seek to extend co-operation with non-governmental organizations and individuals in the field of human rights.

The Commission should re-examine its agenda with a view to making it more coherent. The Commission should also endeavour to decide an effective mechanism for the holding of meetings at the current session.

He shared the concern that the confidential procedure for investigating reports of human rights violations could be used to delay or prevent public discussion of such cases, as had happened in respect of the Amin atrocities in Uganda at the thirty-third session of the Commission. The existence of the procedure should not be allowed to preclude public examination of urgent cases of violations.

The idea of instituting a yearly report on the world human rights situation was worthy of consideration, provided it led to a fair and unselective assessment.

He supported the proposal made by the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding the improvement of its methods of work in accordance with Economic and Social Council resolution 1979/36.

The upgrading of the Division of Human Rights would be a long overdue recognition of its responsibilities. He expressed the hope that the financial implications of such a recommendation could be offset by savings elsewhere in the United Nations system.

Mr. RAHIM (India) said that the increase in the number of Member States which had acceded to or ratified various international instruments for the promotion of human rights indicated the wider acceptance of the importance of the role of the United Nations in that field. The primary responsibility for the protection and promotion of human rights devolved upon national Governments. The role of the United Nations was to provide universally acceptable guidelines and standards.

His delegation was unable to support proposals for the creation of new bodies or mechanisms within the United Nations system. It would be preferable to provide the Division of Human Rights with additional resources.

Each country should provide legal, administrative, judicial and other institutional mechanisms to ensure the observance and promotion of human rights. Existing institutions should also be encouraged and strengthened.

The fact that the advisory services programme did not even have sufficient resources to implement the very modest proposals approved by the Commission was a matter of considerable concern. The Commission should endeavour to ensure that adequate financial and other resources were provided to the programme. The number of fellowships should be maintained, or even increased. The Commission should also see that adequate resources were available for setting up seminars on important subjects. It might also be useful to defer discussion of specific proposals relating to alternative approaches to the promotion of human rights and to concentrate on the practical and effective steps that might be taken immediately.

Mr. SVERRE (Observer for Norway) said that much remained to be done by the Commission to fulfil the tasks assigned to it by General Assembly resolutions 32/130 and 34/25. Progress had been slow. It had taken 10 years to secure sufficient ratifications to bring the International Covenants on Human Rights into force. The request for an over-all analysis must be fully and properly met. His delegation strongly endorsed draft resolution E/CN.4/L.1509. The Secretariat's

service capacity must be strengthened. He welcomed draft resolution E/CN.4/L.1506. A post of United Nations High Commissioner, Under-Secretary or Special Representative for Human Rights, with stress on advisory and co-ordinating functions, could help the international community to deal more effectively with human rights questions and would in no way be contrary to the Charter. His delegation hoped the matter could be revived. Of the questions raised by the Director of the Division of Human Rights, his delegation wished to commend as elements for analysis the handling of the confidential procedure, human rights promotion through information and education, the press, and the role of regional, national and local institutions. Consideration might be given to some division of tasks between regional and global institutions. The many questions to be considered in the context of an over-all analysis might call for the establishment of a special working group at the Commission's thirty-seventh session.

Mr. KHURELBAATAR (Mongolia), drawing attention to General Assembly resolutions 34/46 and 32/130, said that his delegation attached great importance to United Nations human rights activities under the Charter. Among the Commission's priority tasks should be to consider gross and mass violations of human rights resulting from colonialism, neocolonialism, apartheid, genocide, foreign occupation and aggression, which threatened international peace and co-operation. The most important of all human rights was the right to life, which could only be safeguarded in conditions of international peace and security. The Commission should therefore concern itself with such questions as disarmament, the slowing down of the arms race and the establishment of a new international economic order.

The protection of human rights and fundamental freedoms was the internal responsibility of States. Such rights were not only provided for in his country by legislation, but the necessary conditions existed for their effective enjoyment. His country had been one of the first to accede to the various international human rights instruments. Improvements could best be brought about by strengthening existing institutions. His delegation was opposed to the establishment of a post of High Commissioner, Under-Secretary or Special Representative for Human Rights, which would lead to duplication of work and would have financial implications. It was also opposed to the proposed redesignation of the Division as a Centre for Human Rights.

Mr. ERMACORA (Observer for Austria) said that his delegation welcomed developments following the United Nations Seminar in Monrovia, including the efforts to establish an African regional institution for human rights. Other activities should also be mentioned, including those concerning a convention on torture, the problem of missing persons and discrimination against minorities. Much remained to be done in such areas as human rights and technological developments, data processing, the role of youth and the problem of conscientious objection. Particular attention should be given to paragraph 12 of General Assembly resolution 34/46. Further elements for consideration under the study recommended therein included the situation created by the denial of basic human rights to populations, oppression of ethnic or religious minorities, the crime of genocide and the problem of missing persons. Article 2, paragraph 7, of the Charter should be studied in relation to emergency situations. The obligations of individuals under human rights instruments might be considered as provided for in

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draft resolution E/CN.4/L.1509. The United Nations should seek ways and means of preventing the violation of diplomatic immunity. It should have the means of acting more swiftly to prevent human rights violations.

Item 11 had a bearing on many other agenda items, including items 8, 9, 10 and 12. While still a functional body, the Commission had also become highly political. It had a responsibility for developing new ideas on the protection of human rights.

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Mr. NYAMEKYE (Ghana) said that, following consultations with delegations, the sponsors of draft resolution E/CN.4/L.1506 had agreed to amend the single operative paragraph of that draft resolution so that it could be adopted by consensus. The paragraph would read "Joins in the request of the General Assembly to the Secretary-General to consider, if he deems it appropriate, the redesignation of the Division of Human Rights into a Centre for Human Rights and also requests the Secretary-General to pay particular attention to providing this service with the staff and resources needed for carrying out the human rights programme of the United Nations efficaciously."

Miss CAO-PINNA (Observer for Italy) said that her delegation fully supported draft resolution E/CN.4/L.1506, as amended by its sponsors, and linked it to her delegation's initiative at the thirty-fourth session of the General Assembly. She would therefore like to become a sponsor of the draft, which she hoped would be adopted by consensus. The upgrading of the Division of Human Rights to a Centre for Human Rights would help in the implementation of both the Commission's programme of work and the activities of the Secretariat services responsible for human rights.

She also hoped that, as suggested by the Director of the Division of Human Rights, it would be possible to draft an annual report on human rights, for the purpose of drawing the Commission's attention to situations which warranted special consideration.

Mr. JARDIM GAGLIARDI (Brazil) said that his delegation could join the consensus but would like the wording of the draft resolution to be modelled on that of General Assembly resolution 34/47. His delegation therefore proposed that the phrase "and also requests the Secretary-General ... the United Nations efficaciously" should be replaced by the following: "and in its invitation to the Secretary-General to ensure that adequate financial and other resources are allocated to the sector in the Secretariat concerned with human rights, so as to enable it to discharge its functions".

/para. 236/

Mr. ZORIN (Union of Soviet Socialist Republics) said that his delegation was not opposed to the resolution, on the understanding that it in no way prejudged either the Secretary-General's study on the redesignation of the Division of Human Rights or its outcome. Referring to a General Assembly resolution on the subject, he expressed the hope that the Secretary-General would take into account all the views expressed on the question in the Commission.

His delegation wished to reaffirm that, in order to increase the efficiency of the Division's work, it would be wiser, rather than changing its name, to consider the addition of one, two or three further posts, or to attach it to the Centre for Social Development and Humanitarian Affairs, because human rights questions were one aspect of social problems.

Mr. JARDIM GAGLIARDI (Brazil) said that his delegation had joined the consensus but took the view that changing the name of the Division of Human Rights was, in itself, a pointless exercise.

Mr. EDIS (United Kingdom) said that his delegation hoped that the Secretary-General, taking into account the resolution just adopted by the Commission and General Assembly resolution 34/47, would consider that he had a mandate to upgrade the Division of Human Rights to a Centre.

Mr. DERESSA (Ethiopia) said that his delegation had joined the consensus on the understanding that the resolution would not prejudice any measures the Secretary-General deemed it appropriate to take.

The CHAIRMAN invited the Commission to consider draft resolution E/CN.4/L.1509.

Mr. EL-FATTAL (Syrian Arab Republic) said he wished to make some amendments to the draft resolution in order to establish a balance in the preambular and operative parts.

His delegation proposed, first, the addition of a fifth preambular paragraph to read: "Bearing in mind also the International Convention on the Elimination of All Forms of Racial Discrimination,"; second, the addition of the words "in accordance with the provisions of the Charter of the United Nations;" at the end of operative paragraph 1; third, the addition of the words "without prejudice to articles 29 and 30 of the Universal Declaration of Human Rights;" at the end of operative paragraph 2; and, last, the replacement of the words "restrictions and obstacles, placed in the way of, or persecution of individuals and groups striving for the promotion and protection of human rights" in operative paragraph 3 by the following: "in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society and that unlawful limitations or persecution of anyone exercising his human rights and fundamental freedoms".

Mr. AL-JABIRI (Iraq) said he would like the text of the amendments proposed by the Syrian delegation to be circulated in writing. He therefore suggested that consideration of the draft resolution in question should be postponed until the following meeting.

Mr. GARVALOV (Bulgaria) proposed that the words "restrictions of various kinds imposed on individuals and groups engaged in the promotion of human rights" in operative paragraph 4 of the draft resolution should be replaced by the words "The interrelationship between rights and duties of everyone as indicated in articles 29 and 30 of the Universal Declaration of Human Rights".

Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that his delegation might submit amendments to operative paragraphs 3 and 4, depending on the action taken with regard to the amendments already proposed to those paragraphs. For the time being, it proposed that the existing paragraph 5 should be replaced by the following:



'Decides' to pay due attention at its thirty-seventh session during its examination of the question of ways and means for further promoting and protecting human rights, including the programme and working methods of the Commission, to the above-mentioned aspects of the question with a view to promoting and encouraging respect for human rights and fundamental freedoms for all."

In the text as it stood, the word "consider" was more appropriate for examination of an agenda item, and the word "group" had no precise meaning in United Nations documents. His delegation also hoped that the word "groups" would be replaced by the expression "organs of society" in operative paragraph 1.

Mr. BEAULNE (Canada) said that his delegation, as a sponsor of the draft resolution, thought that the amendments which had been proposed reflected a positive attitude; some appeared immediately acceptable, but others were complex and therefore required further reflection. His delegation also had to consult the delegation of the Federal Republic of Germany. All the amendments just suggested should be submitted in writing and translated; then the Commission could take a decision on the following day.

Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that, in order to encourage respect for human rights and fundamental freedoms, it was necessary first and foremost to promote co-operation between States in the field of human rights.

In addition, the mass violations of human rights in southern Africa, the territories occupied by Israel, and Chile should be brought to an end. Racism, colonialism and apartheid should be eliminated, and efforts should be made to ensure that States ceased all military, economic or other aid to the racist régimes of southern Africa. All States should ratify and implement the existing international instruments in the field of human rights, particularly the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Prevention and Punishment of the Crime of Genocide.

He emphasized the need to put an end to the arms race and strengthen the process of détente, since the implementation of human rights was closely linked to the safeguarding of international peace and security. He also stressed the need to guarantee economic, social and cultural rights by putting an end to the harmful activities of imperialist trusts and combating unemployment, poverty, illiteracy and all the other social ills which afflicted millions of human beings. He thought that the experience of the socialist countries in that respect could be very useful to the Commission.

His delegation approved the measures taken by the Economic and Social Council in its resolution 1979/36 to strengthen the authority of the Commission by increasing its membership and extending the length of its regular sessions. It also supported the suggestions regarding the holding of special sessions of the Commission in certain circumstances and the convening of intersessional meetings of the Bureau. However, it was opposed to any attempt to replace representative organs by supranational organs. It was therefore firmly opposed to creation of the post of United Nations High Commissioner for Human Rights, which would constitute open or covert interference in the internal affairs of States.

His delegation was also opposed to the proposal to redesignate the Division of Human Rights as the Centre for Human Rights, because it felt that such a change was unjustified. However, it stressed the importance of advisory services in the field of human rights.

Miss EMARA (Egypt) welcomed the measures already taken in the context of item 11 of the agenda to encourage respect for human rights and fundamental freedoms - increasing the Commission's membership, extending the duration of its regular sessions and broadening its terms of reference - which enabled it to assist the Economic and Social Council in the co-ordination of activities concerning human rights in the United Nations system. It was also gratifying that the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid had entered into force. In addition, she noted that the workload of the Division of Human Rights had increased considerably and that the General Assembly and the Economic and Social Council had requested the Secretary-General to ensure that adequate financial and other resources were allocated to the sector in the Secretariat concerned with human rights so as to enable it to discharge its functions.

Her delegation was in favour of the proposal to redesignate the Division of Human Rights as the Centre for Human Rights, but she pointed out that such a change involved an additional financial burden and expressed the hope that it would effectively help to promote human rights and fundamental freedoms.

It was regrettable to note some overlapping and duplication in the programme and methods of work of the Commission and its Sub-Commission on Prevention of Discrimination and Protection of Minorities, and her delegation joined with others in requesting that such overlapping and duplication should be avoided.

As to the possibility of convening special sessions of the Commission and intersessional meetings of the Bureau in exceptional circumstances, her delegation took the view that the matter should be studied carefully in order to assess the effectiveness of such meetings, in the light of the additional financial burden that would be entailed.

Her delegation saw no need at the present time to create a post of United Nations High Commissioner for Human Rights, since it considered that the existing procedures and bodies were adequate and the creation of a new post would not afford any additional guarantees regarding human rights. On the other hand, the programme of advisory services in the field of human rights - unquestionably an effective one - should be maintained and developed.

Mr. HEREDIA (Cuba) said that the Commission's programme of work for the future must be founded on a fundamental principle embodied in Chapter I of the Charter of the United Nations - the principle of international co-operation - and added that the United Nations must act as the centre for such co-operation. Further promotion and encouragement of respect for human rights and fundamental freedoms would be achieved not by establishing a post of High Commissioner for Human Rights but by practising international co-operation. A High Commissioner for Human Rights might well have a supranational influence and highlight a particular problem connected with human rights to the detriment of other cases

that were in fact more important. For such a post, it would also be difficult to find a person capable of resolving all the problems that arose in connexion with human rights. Again, under the terms of the Charter, it was for States and not for any individual to achieve the common objective of all nations that was now under discussion.

A certain country was trying to give the impression that it championed human rights, when it was the first to violate them. Some countries had also spoken of the need to modify the procedures set out in Economic and Social Council resolution 1503 (XLVIII) under the pretext that they signified delay and ineffectiveness, but the countries in question had never proposed to speed up the solution to the problems of underdevelopment. Quite often, it was the countries which complained of the alleged delays in solving human rights problems that lay at the root of them. Hence, it was essential to work in a spirit of international co-operation, as the General Assembly had proposed in a number of resolutions, such as resolution 32/130, and more particularly paragraphs 1 (e) and 1 (f) thereof, which pointed out the direction that the Commission's work should take in order to remedy problems that affected the larger part of mankind and were the result of the absence of a just international order. Account should also be taken of Assembly resolution 34/46.

Mr. TERREFE (Ethiopia) said that all human rights activities should take account of the principles enunciated in the Charter of the United Nations, in regional instruments such as the Charter of OAU and in international instruments, and also the principles of the non-aligned movement. The Commission's growing activities called for reorganization; the purpose of General Assembly resolution 32/130 was precisely to streamline the Commission's machinery and make it pay greater heed to fundamental issues of particular concern to the developing countries, such as those enumerated in paragraph 1 (e) of the resolution.

The Commission should, in particular, review the methods and procedures to be used in order to tackle problems arising from failure by States to implement the Universal Declaration of Human Rights and the relevant international instruments. Such procedures should, inter alia, be based on the principle of non-interference in the internal affairs of States that was enunciated in the Charter. Furthermore, the Commission should strengthen its research and human relations activities instead of relying on non-governmental organizations or on transnational information media whose political motives were at variance with its terms of reference. Carefully selected staff representing the different legal, social and cultural traditions in the world were required in order to help the Commission fully to discharge its mandate. In addition, an atmosphere conducive to co-operation among States should be created.

A new name for the Division or the appointment of a High Commissioner for Human Rights would not in themselves mark any progress. His delegation had abstained in the voting on General Assembly resolution 34/47, in which the Secretary-General was requested to consider the first of those proposals, and it had voted against resolution 34/48, in which the Commission was requested to consider the second of those proposals at the current session. Lastly, he expressed the hope that the advisory services programme would be strengthened and that a committee of African experts would soon be able to present a draft charter on human rights for Africa.

Mr. LOPATKA (Poland) said that, at its most recent session, the Economic and Social Council had already taken important steps to improve the Commission's methods of work by increasing the membership, extending the duration of regular sessions and affording the opportunity to hold special sessions in certain circumstances, to convene intersessional meetings of the Bureau and to ensure the co-ordination of activities concerning human rights in the United Nations system. Therefore he saw no need for further decisions within the context of item 11 of the agenda. Instead, the Commission should study ways and means to implement the Council's decisions concerning the possibility of holding special sessions, convening intersessional meetings of the Bureau and performing the role of co-ordination. To that end, it might well establish a working group, as it had done at the previous session.

His delegation was convinced that respect for human rights and fundamental freedoms could be encouraged through the existing structures of United Nations bodies. Accordingly, at the present session the Commission should request the Secretary-General to prepare, in keeping with General Assembly resolution 32/130, a medium-term and long-term programme of work that placed greater emphasis on the elaboration of new international instruments and declarations, on information activities and on the development of national and regional systems to promote and protect human rights. Such a programme should attach priority to co-operation among States on human rights questions and to the realization of economic, social and cultural rights. An important place should also be given to newer rights, both collective and individual, such as the right to development and the right to peace. Again, the programme should stress the need to put an end to mass and flagrant violations of human rights by continuing to combat racism and apartheid.

The establishment of new bodies with supranational powers, such as the institution of United Nations High Commissioner for Human Rights, was not warranted and should not be envisaged at the present session. Rather than consider the possibility of changing the name of the Division of Human Rights to that of the Centre for Human Rights, the Commission should ensure that the Division had the financial resources and the staff that it needed to perform its task.

Mr. SHEMIRANI (Iran) said that it would be advisable to promote and strengthen activities of the Division of Human Rights in the field of information, which were described in document E/CN.4/1368 and were aimed at mobilizing international public opinion against the evils of apartheid, racial discrimination and violations of human rights in the occupied Arab territories, including Palestine. It would also be appropriate for the Division to give the widest possible publicity to audio-visual programmes and to disseminate information on those matters in the Western countries; in that way, public opinion would be alerted, it would influence Governments and, as a result, their representatives would at last concern themselves with genuine priorities.

The creation of a post of High Commissioner for Human Rights did not call for an urgent decision at the present time. To encourage and further promote respect for human rights and fundamental freedoms, the Commission was already able to hold special sessions and the Secretary-General could offer his good offices. Considering that the Commission found it impossible to remedy violations of human rights, it was difficult to conceive how the creation of a post of High Commissioner could be of any value in that respect. What was needed was to view

human rights from a different angle. Was there any task more urgent for the Commission and the international community than that of putting an end to the flagrant and systematic violations of human rights of millions of human beings in southern Africa and in occupied Palestine? Would the creation of a post of High Commissioner speed up the process? Most of the countries that favoured the creation of such a post either abstained on or voted against draft resolutions on the adverse consequences for the enjoyment of human rights of the assistance given to the racist and colonialist régimes in southern Africa, under the pretext that they were thus exerting a positive influence on the policy of those countries. But was it really possible to exert a positive influence on a known hardened offender by supplying him with the weapons for his crimes? His delegation had wished to make those preliminary comments and would express its final view on the subject of the post of High Commissioner for Human Rights at the thirty-fifth session of the General Assembly.

Mr. FRAMBACH (Observer for the German Democratic Republic) said that, in his opinion, international co-operation in the promotion of human rights implied, firstly, promoting political, economic, social and cultural rights and, secondly, combating mass and flagrant violations of the rights of individuals and peoples. As had been pointed out during the general debate, the preservation of peace was indispensable to the observance of human rights, just as the promotion of human rights was an essential factor in the quest for a durable peace. That interrelationship had been emphasized in General Assembly resolutions 32/130 and 34/46. Hence, the Commission should pay special attention to ensuring respect for man's basic right to live in conditions of peace and security. If the Commission intended seriously to discuss the duty of States to guarantee the right to life, it must not ignore the detrimental consequences for that right of the arms race and war propaganda, aggression and hegemonism, occupation, colonialism, racism, racial discrimination and apartheid, and it must propose ways of overcoming those problems by means of new instruments of international law.

Another means of improving respect for human rights was to ensure the universal application of the two International Covenants on Human Rights and of the other important human rights instruments of the United Nations. In that connexion, it was not sufficient to appeal to States which had not yet done so to ratify the Covenants. The Economic and Social Council, the Commission and the other competent organs, after studying States' reports, should summarize the positive experience gained at the national level in implementing economic, social and cultural rights, as well as civil and political rights, and should also examine the barriers to the enjoyment of those rights. Subsequently, the Commission should elaborate detailed programmes with a view to overcoming the difficulties thus revealed.

The establishment of the new international economic order would also contribute to the promotion of human rights. After referring to the relationship between the right to development and the right of peoples to self-determination, he said that his country believed in the usefulness of continuous co-operation between the Commission and the Commission on Transnational Corporations. The Commission on Human Rights could facilitate understanding of the negative influence of transnational corporations on the enjoyment of human rights and could promote the elaboration of recommendations for States so as to prevent human rights violations attributable to the practices of transnational corporations.

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Lastly, the Commission should utilize all organs, procedures and instruments at its disposal in order to act against mass and gross violations of the rights of peoples and of individuals, especially the International Convention on the Suppression and Punishment of the Crime of Apartheid, which should be implemented by all States.

In conclusion, he reminded the Commission that his delegation did not favour the establishment of a post of High Commissioner for Human Rights or of a Centre for Human Rights, for such institutions might commit acts of interference in the internal affairs of States and would not help to make United Nations activities in the field of human rights more effective. Instead, better use should be made of existing instruments and bodies. With regard to the Commission's terms of reference, a draft resolution on the matter had already been submitted at the thirty-fourth session by Bulgaria, Cuba and Poland, and that draft resolution should be taken up again.

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Mr. SOYER (France) said that the Secretariat must be equipped to carry out more responsible tasks. Efforts should be made to encourage the submission of more communications. New tasks would also have to be accomplished. The Division should become a Centre for Human Rights. Co-ordination among the various bodies concerned with human rights should be improved in order to avoid duplication. Efforts should be made to ensure that the provisions of the various human rights instruments were incorporated in national legislation. It was essential to awaken the moral conscience of States, and that could best be done through improved co-operation among States at the regional level. Modest progress, with the support of the majority of States, should be sought rather than ambitious schemes that were unlikely to be widely accepted. The first step should be to encourage regional organizations to take action suited to the particular conditions in individual countries. He welcomed the recommendation of the United Nations Seminar in Monrovia for the setting up of an African Commission on Human Rights. It was also important to promote public information activities in accordance with Commission resolution 23 (XXXV) and to foster individual responsibility, as provided for in draft resolution E/CN.4/L.1509. Diplomatic immunity should be safeguarded.

Mr. DAVIS (Australia), introducing draft resolution E/CN.4/L.1514, said that the words "the strong hopes of", in operative paragraph 4, should be replaced by the words "its strong hopes that".

Mr. SHESTACK (United States of America) introduced draft resolution E/CN.4/L.1512.

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Mr. BEAULNE (Canada) introduced revised draft resolution E/CN.4/L.1509/Rev.1, which had been drawn up in the course of negotiations between the Federal Republic of Germany and Canada, sponsors of the original draft, and Syria, Bulgaria and the Byelorussian SSR, sponsors of the amendments in documents E/CN.4/L.1516-L.1518. He hoped that the balanced and moderate text thus worked out would be adopted by consensus.

/Draft resolution E/CN.4/L.1509/Rev.1 was adopted without a vote./

Mr. SHESTACK (United States of America) welcomed the adoption of that resolution which, in particular, affirmed the right of individuals and groups dealing with human rights to call for the observance of those rights. He said that the resolution should encourage monitoring groups on human rights and expressed appreciation that no delegation sought to detract from that interpretation.

Mr. SAHM (Federal Republic of Germany) said that his delegation, which had been a sponsor of the original text, welcomed the consensus reached on that resolution. In particular, paragraph 3 provided encouragement to those striving to ensure observance of their own rights and the rights of their fellows.

Mr. EL-FATTAL (Syrian Arab Republic) said that the revised text of the resolution adopted had dispelled the misgivings of certain delegations; he was pleased to find the substance of his delegation's amendment reflected in paragraph 3.



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