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SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 6 February 1989, at 3 p.m.

Chairman: Mr. BOSSUYT (Belgium)
later: Mr HELLER (Mexico)

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

STATEMENT BY MR. M. ROCARD, PRIME MINISTER OF FRANCE

1. The CHAIRMAN, speaking on behalf of the Commission on Human Rights and on his own behalf, said that the presence of Mr. Rocard, Prime Minister of France, who was about to address the Commission, demonstrated the importance which France attached to respect for human rights.
2. In his address on the occasion of the fortieth anniversary of the Universal Declaration of Human Rights, President François Mitterrand had said that France would support any proposal aimed at increasing the role of the United Nations and its human-rights experts in order to make their missions in the field more productive and to ensure that their reports were made public, since oppression welcomed silence.
3. Mr. Rocard was known as a statesman who, throughout his brilliant political career, had been an outstanding defender of human rights and it was with great pleasure that he invited him to address the Commission.
4. Mr. ROCARD (Prime Minister of France) said that his presence in the Commission, in the year of the Bicentennial of the French Revolution and the Declaration of the Rights of Man and the Citizen was, first of all, an act of faith in the activities of the United Nations.
5. Some people - and there were far too many of them - had called into question the very usefulness of the United Nations. However, the Organization had silenced those critics, just as it had helped to silence the guns in many areas of the world. Through its recent proposals for peaceful settlements, its peace-keeping operations and the mediation of its Secretary-General, the United Nations had confounded its detractors again and again. In face, who could have imagined two years previously that there would be such a resurgence of the peaceful settlement of conflicts, a resurgence which was undoubtedly facilitated by the East-West rapprochement but credit for which was due to the United Nations and its Secretary-General who, through his untiring campaign for peace and thus for human rights, had raised his office to an unprecedented level of prestige. Mention should also be made of the fact that the "Blue Helmets" had just been awarded a Nobel Prize, an honour which reflected on the entire Organization.
6. While excessive optimism was to be avoided, it was heartening to note the extent of the recent initiatives including peace negotiations between Iran and Iraq, implementation of the Geneva Accords on Afghanistan, mediation of the Secretary-General in Cyprus, negotiation of a peace plan in the Western Sahara, development of an independence process in Namibia and, more generally, a redoubling of efforts in southern Africa.
7. In that regard, a special tribute should be paid to the vigilance exercised by the United Nations to ensure that apartheid became the subject of unanimous censure. The Commission's untiring pressure to that end would certainly contribute to the dismantling of apartheid. France rejected apartheid unequivocally, and the members of his Government never failed to show by unambiguous gestures their unreserved condemnation of the apartheid régime.

8. His presence in the Commission was also an act of faith in multilateral diplomatic action, which the United Nations symbolized. With regard to the Israeli-Palestinian conflict, for instance, France was in favour of the convening of an international conference which would bring together the parties directly concerned and the five permanent members of the Security Council. Such a conference would not be able to impose solutions, but multilateral action could and should play the role of a catalyst which alone made possible the convergence of the will of the participants to succeed.

9. Another example was a conference which had recently been held in Paris on the initiative of President Mitterrand. One hundred and forty-nine States had adopted unanimously a declaration whereby they expressed their determination to prevent any use of chemical weapons by eliminating them completely and called on States which had not yet done so to accede to the 1925 Protocol. Ten States had announced such accession at the end of the Conference. The participants had invited the Geneva Conference on Disarmament to redouble its efforts to resolve outstanding problems promptly and to conclude a convention in the shortest possible time. A new phase of the negotiations for the adoption of the convention was shortly to begin and the Minister for Foreign Affairs of his country would attend in person to underscore France's commitment to the success of those multilateral negotiations.

10. However, his presence in the Commission was primarily for the purpose of paying tribute to the considerable work done by the Commission since 1946, initially through the elaboration of fundamental texts such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and so forth. It was to be hoped that, after 10 years of negotiations, the draft Convention on the Rights of the Child would soon be adopted.

11. However, the Commission had not confined itself to standard-setting. From the 1970s onwards, it had been concerned with monitoring the implementation of such standards by adopting procedures such as the confidential consideration of the situation of certain countries under the so-called "resolution 1503 (XLVIII) procedure" or through the adoption of public resolutions, the appointment of special rapporteurs or the dispatch of observation missions. It was true that the effectiveness of those various mechanisms was still too limited. The view might be ventured, perhaps, that States sometimes tended to protect one another and that some of them were reluctant to co-operate fully with the Commission. Nevertheless, over the past 15 years, progress had undoubtedly been made. As things stood, no State inculcated by the Commission could remain indifferent to the fact.

12. Thus, 40 years after the adoption of the Universal Declaration of Human Rights, it was apparent that a veritable international ethic had been established with regard to human rights. Legal instruments existed which made it possible to define a common language on the basis of which dialogue had become possible. However, history showed that it was not enough for Governments to state principles and to undertake commitments for those principles to be respected. Action by those who did not govern was also necessary.

13. In 1948, the Member States of the United Nations had signed the Universal Declaration which enumerated in its 30 articles the fundamental freedoms and

rights of all human beings. He wondered, however, whether there was a single State of those which had signed the Declaration 40 years previously which could assert that it had scrupulously respected every one of those articles over the four decades in question. Human Rights were effective only if human beings seized upon them. That was where the essential role of the non-governmental organizations came in.

14. Whatever good will might exist, it could hardly be expected that Governments would spontaneously bring before national and international public opinion violations - large or small - of human rights perpetrated in their territory or that they would automatically denounce all those committed elsewhere. When Governments were silent, the non-governmental organizations spoke. When Governments were powerless, the non-governmental organizations acted. Then the oppressors hesitated, the oppressed resisted and those who had been excluded began to hope. That was why, as President Mitterrand had said, France would be in favour of any measure that consolidated the action of non-governmental organizations, defined their status more precisely and protected their members and their witnesses.

15. Lastly, his presence in the Commission testified to the eminent position which the Commission on Human Rights should hold within the United Nations. However, it was the bounden duty of any witness to speak the whole truth and thus to assess the criticisms that had been made of the Commission.

16. The first such criticism was that the Commission on Human Rights was too free in its interpretation of the principle of non-interference in internal affairs. Clearly there was no question of calling that principle into question, in view of its major contribution to maintaining peace in the world. However, it was also relevant that Articles 55 and 56 of the Charter of the United Nations solemnly affirmed that human rights were essentially universal and that all Member States had imposed that universality upon themselves as an objective limitation on the principle of non-interference: if human rights were involved, then no State that was a signatory of the Charter could legitimately object to another signatory State and, a fortiori, a non-governmental organization concerning itself with the matter.

17. That was the significance of the important resolution adopted on 8 December 1988, on at the initiative of France, by the General Assembly of the United Nations. While recalling the imperatives of national sovereignty, the resolution affirmed the primacy of access to victims in the case of natural disasters and emergency situations. In that connection, he paid tribute to the Soviet authorities which, on the very day that resolution was adopted, had implemented it by opening their borders to the rescue parties, which had arrived to help the victims of the Armenian earthquake. That unprecedented action, held out new promise for effective recognition of the universality of human rights. It showed that, where full co-operation was established in the service of victims, actions in favour of human rights could no longer be regarded as unfriendly, but as the practical reflection of human solidarity.

18. A second criticism was that the Commission's indignation was selective, a complaint for which there was some foundation. That had harmed the reputation of the Commission but it was tending to diminish. For example, there could be no doubt that the indignation of the United Nations had been too often expressed with regard to Latin America as a whole. However, recent

initiatives showed that other continents were having their turn and were increasingly becoming the object of the vigilant attention of the international community and of its justified severity.

19. His Government hoped that that trend would continue and that the Commission would not hesitate to take up situations such as that of the unfortunate Romanian people whose rulers were isolating themselves from the European mainstream that had recently been channelled by the adoption without reservation at Vienna by the Conference on Security and Co-operation in Europe of procedures for the protection of human rights.

20. The third criticism was that, given the variety of procedures employed, it was surely advisable to rationalize them for the sake of efficiency. If it tried to perfect a single procedure, however, the Commission might well lose what had been to date its most valuable advantage: the innovative flexibility which had enabled it to establish new procedures whenever necessary. It would be preferable to ensure, for instance, that the reports being prepared by special rapporteurs were given greater publicity. The Commission's only sanction was publicity, which acted as a deterrent to oppressors. Whenever a genuine spirit of co-operation existed, of course, a constructive recommendation should be the rule. Only in the contrary case, would publicity be needed.

21. Faster reaction on the part of the Commission should be promoted when flagrant and massive violations occurred. Public opinion had difficulty in understanding the long-drawn-out reaction times which gave rise to doubt and, in the long run, harmed the credibility of the Organization.

22. The fourth, and last, criticism concerned the insufficient importance attached to advisory services. The protection of human rights should not neglect that other aspect: the promotion of human rights, particularly when a democratic process began following a period of oppression. It was fine that the defenders of human rights should mobilize against oppressors. All too often, however, they abandoned the campaign once an apparently decisive victory had been won, whereas the most difficult task still remained to be tackled: the restoration of a durable democratic fabric. Democracy was fragile; none of its attributes was permanently guaranteed. It was an ongoing fight, a perpetual hope, sometimes threatened with retrogression and always capable of further improvement. Needless to say, such advisory services should not be allowed to become a cover for régimes paying mere lip-service to democracy.

23. He congratulated the Under-Secretary-General for Human Rights on his decision to accord priority to the development of advisory services as a special instrument for the protection of human rights. His Government supported those efforts and his country would make a major contribution to the financing of the advisory services.

24. Two centuries previously, the representatives of the French people, meeting in a National Assembly, had taken the view that, even before elaborating a constitution, it was essential to set forth in a solemn Declaration the inalienable and sacred natural rights of man so that it would constantly recall their rights and duties to all members of the social body. That Declaration of 26 August 1789 had become a milestone in the history of the world because it categorically stated that human rights were universal and

that a political régime had no purpose other than to preserve the natural and inalienable rights of man, namely, freedom, property, security, and resistance to oppression, that were inherent in the human being and prior to all society and all power.

25. The adoption of the Universal Declaration of Human Rights in 1948 clearly manifested after the horrors of the Second World War, the decision of the Member States of the United Nations to make the universality of rights effective. In proposing what they called "a common standard of achievement for all peoples and all nations", the authors of the Universal Declaration had set a kind of impossible aim, since the human-rights dawn appeared at the time to be extremely remote. However, because women and men, governors and governed, had, in ever-increasing numbers appropriated to themselves that common standard, what was possible in respect of human rights had constantly expanded. According to the words of the philosopher, all historical experience confirmed that the possible could never have been achieved without constant and incessant efforts to attain the impossible.

26. The CHAIRMAN, speaking on behalf of the Commission, thanked the Prime Minister of France for his statement which would be a stimulus to everyone striving to promote human rights throughout the world. It was most encouraging to know that the Commission could count on the firm support of the government of France in its endeavours to achieve tangible results in the campaign to secure respect for all human rights and their enjoyment by all human beings.

The meeting was suspended at 4 p.m. and resumed at 4.10 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1989/13, 14, 49, 52, 53, 55, 59 and 61; E/CN.4/1989/NGO/33; A/43/735)

27. Mr. TRAN HOAN (Observer for Viet Nam) said that the Vietnamese people, which had made innumerable sacrifices during more than 30 years of war in order to regain its right to decide on its own destiny, respected the right of other peoples to self-determination. His Government firmly supported the Palestinian people's struggle for the right to establish an independent State and to live in a region of peace and security. It also supported the efforts of the Arab peoples to regain their territories from the Zionist occupiers, and encouraged the peoples of southern Africa in their struggle for the independence of Namibia.

28. Viet Nam stood side by side with the fraternal peoples of Cuba, Nicaragua and Angola in their just fight to defend their independence and sovereignty against the threat of imperialist aggression. In that connection, his delegation vehemently condemned the imperialist forces' use of mercenaries as a means of preventing the exercise of the right to self-determination, particularly in Central America and southern Africa.

29. Over the past year, a number of very positive developments in Kampuchea and South-East Asia in general had opened the way for a political solution to the problem of Kampuchea. At the end of 1988, Viet Nam had completed its withdrawal of 50,000 volunteer troops, and had solemnly declared that the

remaining troops would be withdrawn by September 1989 at the latest, as part of a political solution to the problem of Kampuchea. If no political solution were reached, all Vietnamese troops would be withdrawn from Kampuchea in 1990.

30. Another significant development was that, for the first time, after 10 years of confrontation and deadlock, the two groups of South-East Asian countries and the four Kampuchean factions had met at Jakarta from 25 to 28 July 1988 in the "Jakarta Informal Meeting" (JIM) in order to seek a political solution to the problem of Kampuchea. In his closing statement at the JIM, the Indonesian Minister for Foreign Affairs had stated that all the parties shared the view that the two crucial issues in the political solution of the Kampuchean problem were the withdrawal of Vietnamese troops and the prevention of a return to the policies and genocidal practices of Pol Pot.

31. The presence of Vietnamese volunteer troops in Kampuchea by no means signified an armed foreign occupation of Kampuchea, which prevented the Kampuchean people from exercising its right to self-determination. On the contrary, Vietnamese troops were in that country precisely in order to guarantee that the Kampuchean people was able to exercise all its rights, the most fundamental of which was the right to live free from the threat of genocide.

32. Since the first JIM in July 1988 had produced important results, all the parties concerned had agreed to hold a second JIM from 19 to 21 February 1989 for the purpose of furthering the process of dialogue among the countries of South-East Asia and between the Kampuchean factions in order to achieve a just and lasting political solution in the interest of the Kampuchean people and of peace and stability in South-East Asia.

33. Resolution 1988/6 of the Commission on Human Rights, entitled "Situation in Kampuchea" in no way reflected the spirit of dialogue and co-operation that had characterized the JIM and falsified the actual situation in Kampuchea. Such a resolution would only prolong the deadlock on the issue within the United Nations, thus preventing the Organization from carrying out its noble task of finding a solution to the problem of Kampuchea. Viet Nam advocated the beginning of a new era of co-operation among the countries of South-East Asia within the United Nations, which would enable the United Nations to take an active role in the settlement of the problem.

34. Miss CHAALAN (Observer for the Syrian Arab Republic) said that, since 1948, the Palestinian people had been the victim of one of the most serious crimes against humanity, which not only deprived it of its civil, political and cultural rights but also threatened its very existence. Israel's policy of aggression and expansionism and its violations of human rights in defiance of international law posed an obstacle to the achievement of a just and lasting peace in the Middle East. The world Zionist movement was attempting to force the Arab population out of the occupied territories and to replace it with settlements of Jews from all over the world. To achieve that goal, the Israeli authorities confiscated Arab land and property, deporting or imprisoning the local population. Israel's abominable Nazi practices had led the United Nations to equate zionism with racism.

35. The establishment of settlements was not the only means by which Israel sought to change the demographic character of the occupied Arab territories.

Pursuing their policy of expansionism and aggression, the Zionists planned to annex the West Bank, the Gaza Strip and the Golan Heights, as well as East Jerusalem. In 1981, Israel had adopted a resolution declaring the annexation of the Golan Heights in defiance of Security Council resolution 497 (1981). Israel's activities in the occupied Arab territories were flagrant violations of international law, in particular the Fourth Geneva Convention of 12 August 1949 and Security Council resolutions 607 and 608 (1987). The ruthless practices of the Israeli authorities in the occupied territories had aroused the indignation even of Israel's staunchest supporters.

36. The region of southern Africa had long been subjected to a régime just as odious as the racist Zionist régime. South Africa violated the civil, political, social, economic and cultural rights of its black majority; it had occupied Namibia and engaged in acts of aggression against the front-line States.

37. It was no accident that the Zionist and apartheid régimes co-operated in various fields, especially in nuclear research. Together they planned to dominate the Arab and African peoples through the use of threats and terror. The United States - which supplied the arsenals of both Israel and South Africa - had consistently opposed the implementation of comprehensive and mandatory sanctions against those two régimes.

38. Syria attached particular importance to the question of mercenaries, since their terrorist acts were designed to destabilize developing States and to prevent peoples from exercising their right to self-determination. The use of mercenaries was contrary to the basic principles of international law, namely, non-interference in the internal affairs of States and respect for the independence and territorial integrity of sovereign States.

39. The intifadah in the occupied Arab territories was a genuine popular revolt against injustice and oppression, and Syria believed that the Arab Palestinian people had no alternative but to establish their own State, and that there was no alternative to the return of the Golan Heights to Syria. All that implied the total withdrawal of Israeli troops from the occupied territories, including Jerusalem. The convening of an international peace conference on the Middle East under United Nations auspices and with the participation of all parties concerned, including the Palestine Liberation Organisation and the permanent members of the Security Council, was the only way to ensure a just and lasting peace in the region.

40. With regard to southern Africa, the international community should intensify its efforts to end apartheid in South Africa through the rigorous application of comprehensive and mandatory sanctions against that country. Syria hoped that the tripartite agreement between Cuba, Angola and South Africa, together with the implementation of Security Council resolution 435 (1978), would lead to the total independence of Namibia.

41. Mr. NGO HAC TEAM (Observer for Democratic Kampuchea), having reaffirmed his country's unwavering support for the just causes of the peoples of Afghanistan, Palestine, southern Africa and Namibia in their efforts to exercise their right to self-determination, a fundamental human right without which there could be neither international peace nor international security, said that increasing efforts were being made to find a political solution to

the problem of Kampuchea, which had suffered invasion, occupation and humiliation for over 10 years. Prince Sihanouk had recently proposed a five-point peace plan: firstly, Vietnamese troops would be withdrawn from Kampuchea according to a strict timetable and without linkage to the question of foreign aid to Kampuchean army factions; secondly, before general elections were held, the "People's Republic of Kampuchea" and Democratic Kampuchea (i.e. the Coalition Government) would be simultaneously dismantled; thirdly, general elections would take place under international supervision; fourthly, a provisional quadripartite government would be formed and a quadripartite national army; and, lastly, an international United Nations peace-keeping force should be dispatched to Kampuchea.

42. The Coalition Government of Democratic Kampuchea had expressed its full support for the five-point peace plan, which it regarded as a programme for the Khmer nation as a whole, with Prince Sihanouk as its leader. The Socialist Republic of Viet Nam had, on the other hand, rejected it, as it had previous plans, thereby preventing the achievement of a political solution to the problem of Kampuchea. The Kampuchean people would never agree to accept the Vietnamese diktat, which would mean suffering the fate of Kampuchea Krom (which had become South Viet Nam in the nineteenth century) and becoming a Vietnamese colony.

43. As for the Vietnamese "withdrawal" in September 1989, the Vietnamese representative himself had indicated that the withdrawal of the last Vietnamese troops must be subject to prior agreement and to the satisfactory resolution of the Kampuchean problem by the four Kampuchean factions. Since Viet Nam resolutely refused to allow the Kampuchean people to exercise the right to self-determination, such an agreement was currently out of the question.

44. With regard to general elections, although the Coalition Government, unlike the People's Republic, was recognized de jure by the United Nations, it had agreed to oppose no resistance if Hun Sen and his Phnom Penh régime won general elections conducted under international supervision. There was no question of general elections taking place in the context of the People's Republic of Kampuchea, since that had been created by communist and colonialist Viet Nam. The Kampuchean people could not accept peace without full national independence and the restoration of their right to self-determination. Viet Nam would be able to prove that its desire for peace was sincere only if it applied the General Assembly resolutions adopted at the forty-third session.

45. The Coalition Government attached the greatest importance to co-operation with the Association of South-East Asian Nations (ASEAN) in the search for a comprehensive and equitable solution. Viet Nam and the régime it had installed in Phnom Penh continued to raise issues, seeking to link them to the withdrawal of Vietnamese troops from Kampuchea, an obvious manoeuvre to avoid beginning that withdrawal. There was no reason for linkage with other matters, which could be resolved rapidly at a later stage. If the Vietnamese were concerned as to what would happen next, they should unhesitatingly accept the presence of an international peace-keeping force.

46. Between June and December 1988, Viet Nam had dispatched reinforcements of 40,000 men to Kampuchea. The Hanoi authorities were far from renouncing their policy of colonialist expansion at the expense of their weaker

neighbours, Kampuchea and Laos. Prince Sihanouk had described the successive withdrawals of Vietnamese troops from the country as mere "rotations", in other words, the existing troops had simply been relieved.

47. Some grave measures adopted by Viet Nam in Kampuchea included the issuing of certificates of Kampuchean nationality to Vietnamese settlers established in Kampuchea, and the teaching of the Khmer language to Vietnamese soldiers in order to incorporate them into the army of the illegal régime. Such measures constituted a very serious threat to the survival of the Kampuchean people, who were in danger of becoming a minority in their own country like the Khmers Krom in what had become South Viet Nam, and indicated that Viet Nam was, come what might, pursuing its policy of annexing Kampuchea into the Vietnamese "Indo-Chinese Federation".

48. The Coalition Government had repeatedly rejected all agreements signed with the illegal régime, which must, as a threat to the process of national reconciliation and reconstruction, be dismantled. All Kampucheans must, therefore, struggle to defend national independence, freedom, honour and dignity. Accordingly, the international community should support the five-point peace plan to enable Kampuchea to achieve full independence.

49. Mr. Heller (Mexico) took the Chair.

50. Mr. BRANCO (Sao Tome and Principe) said that, through its enshrinement in the United Nations Charter, the Universal Declaration of Human Rights and other international instruments, the right of peoples to self-determination had become a fundamental principle of international relations. The peoples and nations of Africa, Asia and Latin America had made an important contribution to the development and implementation of that principle, their commitment to the right to self-determination being at the raison d'être of their sovereign States.

51. The issue of self-determination was not restricted to peoples under direct foreign occupation and colonial domination. The holding of free and periodic elections, for example, should not be regarded as an ultimate proof of self-determination. Formal establishment of the right to vote did not necessarily mean that all members of society were able to exercise that right. It was a well-known fact that human-rights violations occurred in countries that were not under colonial or foreign domination and account must be taken thereof, regardless of the legal status of the people concerned.

52. Occupation and foreign domination, however, always involved flagrant and gross violations of basic human rights. The debates within the Commission on agenda items 4 and 9, and the information available on the Palestinian question, Afghanistan, Namibia and South Africa, Kampuchea and Western Sahara, all attested to that.

53. The "new mood of understanding and common sense", as the Secretary-General had described it, was largely due to the improvement in relations between the two super-Powers. There was another explanation however: time and time again, it had been proved that no Power could impose its will indefinitely upon a people determined to exercise its inalienable right to self-determination. Furthermore, whenever the international community adopted a firm and unambiguous stance and remained vigilant in its

defence of international principles, those fighting for their rights gained inspiration and the courage to continue their struggle. The commitment of the international community should be all-embracing and extend to any situation in which the right to self-determination had not yet been exercised. Unfortunately, some gross and flagrant violations of basic human rights appeared covered by a conspiracy of silence or, worse still, to have been obscured by geopolitical considerations.

54. In the case of the Territory of East Timor, since the Indonesian invasion of 1975 numerous non-governmental bodies had expressed concern and denounced the gross violations of human rights occurring there. The Commission should address that situation and endeavour to persuade the Government of Indonesia to take advantage of the prevailing climate of good will and co-operation in international affairs and give the people of East Timor a fair opportunity to exercise their right to self-determination. By acting in accordance with international principles, that Government would make an important contribution to the task of building a better world.

55. Mr. HACENE (Observer for Algeria) said that prospects for peace in various parts of the world gave reasons for optimism that self-determination would be attained by other peoples. The United Nations had for a number of years been pursuing its activities in connection with decolonization, on the basis, in particular, of General Assembly resolution 1514 (XV), which embodied recognition of that right in respect of oppressed peoples and had inspired the process of decolonization in many parts of the world.

56. Nevertheless, there were still peoples, including those of Palestine, the other occupied Arab territories and South Africa, which were denied their natural right to self-determination. The uprising of the Palestinian people had underlined the fact that recognition of the Palestinian nation and the right of the Palestinians to live in their homeland constituted the central issue in the conflict in that region. Israel's Zionization policy in the occupied Palestinian territories had found expression in the proliferation of Jewish colonies and in the expropriation of Palestinian land, forcing the people into exile.

57. Violations, such as the barbarous demolition of houses continued, as did the deportation of Palestinians, in spite of condemnation by the international community. The solution lay in an end to the Israeli occupation and the convening of an international conference under the auspices of the United Nations. As the sole legitimate representative of the Palestinian people, the Palestine Liberation Organization (PLO) must take part in that conference. In fact, on the occasion of the declaration of the State of Palestine, at Algiers in November 1988, it had been possible to work out a basis for negotiations within that context.

58. In South Africa, the system of apartheid continued to deprive the members of the black majority of their most fundamental rights. The international community had become unanimous in its view of that system, agreeing that it could be neither amended nor reformed. The only solution was to eradicate it once and for all. It was regrettable, therefore, that some Governments continued to believe that political pressure on the Pretoria régime would

improve conditions for the black people of South Africa. The international community must intensify its efforts to achieve the total eradication of apartheid as an essential step towards a just and lasting peace in southern Africa. Algeria had always shown solidarity with the legitimate struggle of the South African people, under the leadership of the African National Congress (ANC), and with all the front-line States.

59. He welcomed the signature of the agreement opening the way to Namibian independence through implementation of Security Council resolution 435 (1978). His Government had always condemned the unlawful occupation of Namibia and supported the struggle of the Namibian people. All obstacles to the free expression of that people's desire for independence must be removed.

60. In Western Sahara, the current prospects for peace indicated that it should be possible to achieve the ideal of unity in the Maghreb, to which the peoples of that region aspired. The recent meeting between Moroccan and Sahrawi representatives had represented an important step forward in that regard. His Government welcomed that dialogue, which should lead to a just and peaceful solution in Western Sahara. The international community should support the joint efforts of the Secretary-General and the Organization of African Unity (OAU) to achieve peace in the region. A United Nations-OAU joint delegation had recently accomplished a fact-finding mission in preparation for the organization of a referendum on the self-determination of the Sahrawi people.

61. The Commission was performing valuable work with regard to the exercise of the right to self-determination. Such efforts should be intensified in order to ensure that those territories still under occupation or foreign domination achieved the goal of exercising that right.

62. Mr. LITTMANN (World Union for Progressive Judaism) said that the Commission had been criticized - not unfairly - in a recent leader in The Times for focusing disproportionate attention on a small group of scapegoats and overlooking well-documented evidence of human-rights violations in less unpopular countries. That criticism applied particularly to item 9 of the Commission's agenda, on which it had allowed itself to be steered into a position of minimum flexibility and maximum selectivity.

63. It had become commonplace to restrict the notion of "colonial rule" to the European variety of imperialism; but the latter was only one form of a universal phenomenon, present throughout history and still thriving. Although some oppressed nations automatically had the ear of United Nations forums - often for worthy reasons - there were many vanquished peoples whose voices remained unheard. A thought should be spared in that regard for the Armenians, particularly in view of the recent tragedies they had suffered in their Soviet homeland; that ancient nation had become for historians a paragon - like the Jewish people - of what could be endured by a people determined to resist in order to survive.

64. But it was the Kurdish people - the erstwhile enemies of the Armenians - about whom he chiefly wished to speak under the current agenda item. In that regard, a response to the leader he had mentioned had been published in The Times on 2 February 1989, signed by several distinguished personalities, including a former United Kingdom representative to the United Nations,

expressing concern about the Kurds of Iraq, whose identity had been ignored when the United Kingdom had incorporated the entire region, for strategic reasons, into the newly-formed Hashemite Kingdom of Iraq.

65. The authors stated that there was overwhelming evidence that Iraq had used chemical weapons on its own population and had razed over 3,000 villages, forcibly removing almost 500,000 people from their homes and driving tens of thousands to seek asylum in neighbouring States. Human-rights abuses in Iraq, however, were not included on the agenda for public discussion by the Commission.

66. Mr. YOUSIF (Iraq), speaking on a point of order, said that the statement being made had nothing to do with agenda item 9; the Kurds of Iraq were part of the nation and not a people under colonial rule.

67. The CHAIRMAN invited the representative of the World Union for Progressive Judaism to continue his statement but to confine his remarks to the subject of agenda item 9.

68. Mr. LITTMANN (World Union for Progressive Judaism) said that his statement did indeed relate to that agenda item, which included peoples under alien domination. The Commission's current session was taking place a few weeks after a conference at which 149 States had reaffirmed their abhorrence of the use of chemical weapons; international declarations were of little use if abuses were not condemned by the Commission as strongly as possible.

69. Following a further observation by Mr. YOUSIF (Iraq) on a point of order, the CHAIRMAN reiterated that statements must be confined to the subject of agenda item 9 and invited the speaker to conclude his statement accordingly.

70. Mr. LITTMANN (World Union for Progressive Judaism) said that his statement - which was indeed relevant to the agenda item under consideration - could not be concluded quickly if he were constantly interrupted. In August 1988 - the authors of the letter went on to say - the Secretary-General had reported on intensified Iraqi use of chemical weapons, but the Sub-Commission had failed, by a majority vote, to condemn Iraq publicly; a week later the world press had reported the arrival in Turkey as refugees of tens of thousands of Iraqi Kurds, many bearing fresh wounds from chemical weapons. The authors had expressed the hope that the United Kingdom Government and others would ensure that the Iraqi Government's treatment of its own citizens was discussed publicly at Geneva; a special rapporteur should be appointed on the matter and the Secretary-General should be invited to make use of his good offices.

71. Mr. YOUSIF (Iraq), speaking on a point of order, said that, not for the first time in that forum, the speaker was employing dubious tactics to air extraneous contentions. If the speaker wished to make such statements, he was entitled to do so when the Commission came to consider agenda item 12.

72. The CHAIRMAN said that, since the speaker's contention had not been lost on the Commission, he could perhaps conclude his statement, bearing in mind the terms of agenda item 9.

73. Mr. LITTMANN (World Union for Progressive Judaism) said that the Iraqi Kurds had been suffering for decades, not just since 1988, under one of the most brutal contemporary régimes, which was resorting to the development and use of bacteriological and chemical weapons. On 15 March 1987, the Observer had reported the return, by Iraqi authorities, to the Kurdish city of Sulaimaniya of 57 boxes, each containing a dead child, apparently drained of blood; the children had not been given back to their families, who had been forced to accept a communal grave and to pay for the burial.

74. That same year, the current Under-Secretary-General for Human Rights, in his inaugural address, had said that, while silence was the accomplice of tyranny, information was the beacon that lit the path to human rights and fundamental freedoms. As the English poet John Donne had written, no man was an island. The bell tolling for the Iraqi Kurds, however faintly, tolled for everyone, and should give cause to hope that the Commission would act at once on that awesome tragedy.

75. Mr. YOUSIF (Iraq), speaking on a point of order, said that the statement just made had nothing to do with item 9 of the Commission's agenda, which related mainly to the issues of South Africa and Namibia. It was not the first time that the previous speaker who, as all members of the Commission knew, represented the interests of Israel, had manoeuvred extraneous subject-matter into the deliberations; the organization to which he belonged was one of several which were non-governmental in name only. The Government of Iraq reiterated that its Kurdish citizens lived in peace and security and were not under alien domination. His delegation reserved the right to speak again on the matter at an appropriate moment.

76. Mr. Bossuyt (Belgium) resumed the Chair.

77. Mr. MALAEB (International Union of Students) said that the principles of the United Nations embraced the defence of human rights, including the rights to freedom and sovereignty over natural resources. The people of southern Lebanon had been deprived of those rights since 1978, when the first large-scale Israeli invasion of the territory had taken place. Israeli forces, in defiance of Security Council resolution 425 (1978), refused to withdraw from the territory and continued to oppose an international monitoring presence.

78. Having invaded the country a second time in June 1982, Israel had ignored further Security Council resolutions, 508 and 509 (1982), and continued to occupy part of southern Lebanon, committing acts of brutal oppression, interfering in the internal affairs of another State and violating the human rights of its people, thus flouting the provisions of the Charter, the Universal Declaration of Human Rights and other instruments. The occupiers' misdeeds, including the bombing of civilian targets, collective sanctions, annexation of territory to Israel, demolition of homes, hostage-taking, detentions and ill-treatment of prisoners, constituted crimes in international law.

79. The so-called Southern Lebanese Army used by Israel was in fact a mercenary force into which young Lebanese were forcibly drafted. Resistance fighters were subjected to military tribunals in Israel. Israeli oppression

also extended to education in southern Lebanon, where the syllabus was being distorted and faculty members persecuted. A 21-year-old woman student had recently been arrested and was detained in Israel. His organization appealed to the Commission to support the President of Lebanon in his appeal for her return through ICRC, in order that the legitimate Lebanese authorities could consider her case.

80. Israel should not be allowed to persist in its occupation and oppression, which intensified the civil conflict in Lebanon and hindered internal détente. The International Union of Students called for an immediate end to the illegal occupation and to Israel's crimes against the territorial integrity of Lebanon and the human rights of its people.

The meeting rose at 6 p.m.