COMMISSION ON HUMAN RIGHTS
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Chairman: Mr. SENE (Senegal)

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under colonial or alien domination or foreign occupation (continued)

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at this session will be consolidated in a single corrigendum, to be issued
shortly after the end of the session.
The meeting was called to order at 3.30 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.4/1988/13, 14, 41, 52; E/CN.4/1988/NGO/10, 17, 19, 20; A/42/616-S/19174, A/43/66-S/19381)

1. Mr. MUJYANAMA (Rwanda) examined the history of the right of peoples to self-determination since General Assembly resolution 421 D (V), including General Assembly resolution 37 A (VII) and the International Covenants on Human Rights, and said that, from the standpoint of those instruments, a people enjoyed its right to self-determination when it was able to decide freely on the establishment of an independent and sovereign State, on its association with or integration in an independent State or on the acquisition of any other political status, and that all other States had a duty to refrain from taking any coercive measure that might hinder the exercise of that right.

2. Anyone who violated the right of peoples violated human rights. He quoted operative paragraphs 1 and 6 of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)), and deplored the continuation of the arrogant policies and practices imposed upon peoples still denied their right to self-determination. That was the situation in Namibia, which was being kept unlawfully under colonial occupation by South Africa, in defiance of the many resolutions of the General Assembly and the Security Council. The application to annex South-West Africa made by the Union of South Africa, claiming that it was the unanimous desire of the European population and the wish of the majority of the African population of the territory to become part of the Union, had been rejected by the General Assembly at its first session (resolution 65 (I)). By continuing its illegal occupation of Namibia, South Africa was challenging the authority of the United Nations, which had sole responsibility for Namibia until its accession to independence. Moreover, South Africa was subjecting Namibians, including the SWAPO fighters, to repression and brutality of every kind. The policy of the Rwandese Republic, advocated by its President, Mr. Habyarimana, was based on its unwavering commitment to the fundamental purposes and principles of the United Nations, and it condemned the fraudulent political and constitutional manoeuvres of the racist régime.

3. With respect to the Western Sahara, he quoted paragraphs 1 and 3 of Commission resolution 1987/3 on the question of Western Sahara, for which his delegation had voted, in the conviction that the people of Western Sahara ought to be able to enjoy freely and fully their right to self-determination like all others peoples in the world.

4. In the Middle East, the Palestinians had been hounded out of their land and had lived for years in exile, in camps. The Commission needed to take strong and sustained action to ensure that they were able to exercise their legitimate right to self-determination as soon as possible without any constraint.

5. The right of the peoples of Kampuchea and Afghanistan to self-determination was still being denied, in violation of the universal principles of the sovereignty and territorial integrity of all States and of non-interference in their internal affairs.
6. The Rwandese Republic had consistently affirmed its solidarity with all peoples struggling for the recognition of their rights and for their freedom from the colonial yoke and foreign domination, in the firm belief that the triumph of peace, freedom and justice was at hand.

7. The Commission ought to update the measures already adopted to bring an end to the violations of human rights in general and of the right to self-determination in particular. Those violations were inherent in the sources of crises which continued unabated because of the failure to respect the principles of the Charter of the United Nations, the resolutions of United Nations bodies and the provisions of other international instruments whose purpose was to secure universal realization of human rights and the rights of peoples.

8. Mr. BEZABIH (Ethiopia) said that his delegation associated itself with all those delegations that had already congratulated the officers on their election.

9. No right was more natural or more fundamental than the right to self-determination, which was inextricably linked with the right of a people to determine its political and economic future, and which played a crucial role in the social and cultural development of a society. Without that right, the promotion and protection of all other rights, including human rights, was meaningless, if not impossible. That explained the attention accorded to it by the United Nations, the Organization of African Unity, the Non-aligned Movement and other forums in which peace- and freedom-loving peoples gathered.

10. The agenda item under discussion had been considered by the Commission every year since 1975, and several resolutions had been adopted expressing the international community's indignation at the continued violation of the right of self-determination by the racist régime of South Africa. The Ethiopian delegation, like many others, deplored the fact that the situation had not changed for the better. The racist régime, in violation of the relevant international instruments, continued to engage in the most despicable behaviour to the population of South Africa and Namibia, on the pretext of maintaining "law and order". The denial of the Namibian people's right to self-determination and independence was one of the most tragic examples of human rights violations. His delegation was all the more dismayed at that state of affairs since the racist régime of Pretoria was encouraged in its cruel behaviour by States that claimed to be the torchbearers of democracy, freedom and human rights.

11. The persistence of the crime of apartheid was not only incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments, but also constituted a grave danger and a threat to international peace and security. Ethiopia therefore called once again for strict and unconditional observance by all States of all the relevant provisions of those instruments, and for the speedy and complete eradication of racism and racial discrimination in South Africa and the dismantling of the apartheid system itself. The States that supported the racist régime of Pretoria should reconsider their position.

12. The right to self-determination was so fundamental to Ethiopia that it was clearly defined in its new Constitution. The People's Democratic Republic
of Ethiopia was a unitary State composed of various nationalities whose right to self-determination had found concrete expression in the creation of new autonomous administrative regions.

13. Ethiopia had actively participated, some 28 years earlier, in elaborating the principle of self-determination in the United Nations. The proclamation of the right to self-determination was designed to combat colonialism, apartheid, racial discrimination and other gross violations of human rights and fundamental freedoms. Any attempt to misrepresent that principle by trying to apply it to parts of the territory of a sovereign State for self-serving purposes was therefore quite unacceptable. Such a perverted concept of self-determination violated the spirit of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The reference to Ethiopia made by the representative of Pax Christi was consequently irrelevant. His delegation deplored the propensity shown by Pax Christi to engage in a campaign of misinformation about events in Ethiopia. As far as the Horn of Africa was concerned, Ethiopia was in fact taking part in the efforts being made to bring about a lasting peace in the region. It was committed to a peaceful settlement of the problems in that region and to the promotion of peace and security in the world.

14. Mr. ROA KOURI (Observer for Cuba) said that the right to self-determination, like the right to life, secure employment, housing, education, health and independent development, was inextricably linked with human dignity. That freedom had been conquered by the Cuban people after a hundred years of struggle. The lifeline that stretched from Carlos Manuel de Céspedes to José Martí, from Julio Antonio Mella to Fidel Castro, had shown the people of Cuba the path to follow. Cuba's powerful neighbour to the north had prevented it from acceding to its independence by occupying it until 1902 and by colonizing it again through the notorious Platt Amendment, but since 1 January 1959, Washington had no longer been able to do anything to Cuba or against it. The last military advisers who, at the side of the tyrant Batista, had been responsible for bombing the peasants of the Sierra Maestra and defenceless towns, had been told to leave the country once and for all. Later, the mercenaries who had returned in 1961 had been crushed by the people within 72 hours. Bandits tarred with the same brush as the Contras in Nicaragua, UNITA in Angola and RENAMO in Mozambique, sent by the CIA in the hope of destabilizing the revolution, had been routed by the people's militias.

15. Today only a fraction of Cuban territory was occupied by the imperialists, against the express wish of the Government and people of Cuba and, in the final analysis in breach of international law. The day would come, however, when the naval base of Guantánamo, that inalienable part of the homeland, would be restored to Cuba.

16. He referred to the plight of Puerto Rico, occupied by American forces since 1898 and turned into a desert by the multinational chemical corporations that polluted the land and water and basely exploited the people. The population of what was called a "Freely-Associated State" lived on subsidies and food vouchers, and 3 million people (more than 50 per cent of the population) had had to emigrate and take on the humblest jobs in the cities of North America. They were second-class citizens like the Blacks, the "Chicanos" and the indigenous people, and were often stupefied by drugs when they were not being used as cannon fodder in the dirty wars of imperialism.
They frequently found themselves in prison where, after the Blacks, they constituted the second largest group in death row. The United States was a strange country, which proclaimed itself the defender of fundamental freedoms and human rights, but where violence in the cinema was glorified. Ku Klux Klan lynchings occurred, and the assassination of a foreign Head of State was plotted, all in the same heedless way.

17. He denounced the evil practice of mercenarism, and drew attention to the statement made by the Nicaraguan representative at the previous meeting, showing the true nature of the present Government of the United States which, draped in the threadbare mantle of democracy, was still seeking, through its many violations of human rights, to prevent the homeland of Sandino from freely choosing its destiny. The delegations of Mexico, the Dominican Republic and many other Latin American countries could bear witness to the fact that that was nothing new. However a wind of insurrection was blowing over the continent of Bolivar. Recent events reflected a determination to gain independence, a desire to be free once and for all from the United States which had all too long considered Latin America's destiny as its own. Those aspirations should not and could not be ignored.

18. For 40 years the Palestinian people had endured not only occupation by the Israeli Zionists but also exile, imprisonment, persecution and even loss of life. Their sons were fighting every day, their inalienable right to freedom their sole weapon. The Commission was duty bound to give them its full support. Cuba was in favour of the convening, as soon as possible, of a conference on peace in the Middle East under United Nations auspices and with the participation of all parties concerned, including the PLO, the sole legitimate representative of the Palestinian people.

19. The independence of Namibia called for a fresh effort by the international community. At present nothing stood in the way of the implementation of Security Council resolution 435 (1978) except the obstinacy of the South African racists. The recent conversations at Luanda between an Angolan-Cuban delegation and representatives of the United States - the mainstay of the apartheid régime - might open up a way to a comprehensive and peaceful solution to the conflict in the southern cone of Africa. Consequently, all assistance to UNITA must cease, the racist troops must withdraw from the People's Republic of Angola, Namibia must accede to independence and Angola must be given assurances that it would no longer incur attacks. Until those conditions were met, the internationalist forces of Cuba would continue, with the FAPLA, to defend the territorial integrity, independence and sovereignty of Angola.

20. Likewise, Cuba also supported the legitimate claims of Argentina to sovereignty over the Malvinas Islands and the aspirations of the Cypriot people to live in peace in an undivided, independent and non-aligned republic.

21. The Cuban delegation had full confidence in the victory of the peoples. It hoped that the Commission would take the side of the peoples which was also that of History.

22. Mr. RAMLAWI (Observer, Palestine Liberation Organization) said that the right of the Palestinian people to self-determination was of paramount importance, as it constituted the essence of the Palestinian cause which was, in turn, at the heart of the Middle Eastern conflict. The wars and acts of
violence in the region had resulted from the denial of that right, and the uprisings in the occupied territories constituted a proof that the Palestinians would never relinquish their claim to that right.

23. The Palestinians had made tremendous sacrifices in their struggle for their legitimate objectives. Those objectives were shared by the international community in its endeavours to achieve peace, security and stability in the Middle East and the world at large, as reflected in resolutions adopted by the General Assembly and the Commission over the years. Although the right of the Palestinian people had always been important with regard to the overall situation in the area, it had now acquired special significance in the light of recent developments closely related to the right to self-determination.

24. Indicating the will of the Palestinian people, now being expressed through the peaceful uprising known as the "stone-throwing revolution", he said that the Palestinian people categorically rejected the Israeli occupation and insisted on the liberation of its land. Second, the Palestinian people categorically rejected any form of autonomy that would lead to the strengthening and perpetuation of Israeli occupation and was intended to circumvent its right to self-determination. Third, the Palestinian people would do its utmost to ensure the restoration of its national inalienable rights. Fourth, it would continue the uprising until it had recovered those rights, which had been recognized as legitimate by the international community, as well as the natural, legal and fundamental rights enjoyed by other peoples.

25. The Israeli occupation authorities had persisted in their disregard for the will of the international community, in their refusal of the resolutions of the United Nations and in their flagrant violation of the principles of international law and the Charter. Unarmed people were being killed, pregnant women were being beaten and caused to miscarry, young people were being kidnapped, men buried alive. The Israeli authorities were imposing hunger and disease by imposing curfews and preventing food and medical supplies from reaching the population. Not content with beating men and women with sharp tools to break their bones, the Israelis were employing a policy of deportation and banishment. Israeli was making a desperate effort to stifle the solid determination of the Palestinian people to recover its inalienable rights and prevent it from exercising its right to self-determination. The "iron fist" policy was reflected in the orders given by Yitzhak Rabin, the Israeli War Minister, to his soldiers and officers to open fire and to use all means of killing and beating without mercy.

26. The Commission on Human Rights had condemned Israel for its practices, which denied the Palestinian people its right to self-determination, and considered those practices to be violations of human rights and of international conventions. But in fact those practices went beyond violations of human rights. The media had shown or discussed the murder of unarmed Palestinians, the brutal beatings intended to break bones, the policy of liquidating the population through starvation in the camps and the prevention of access to hospitals for the wounded, who were left to die of their injuries, the storming of the Al-Shifa Hospital in Gaza and the shots fired at injured people and relatives. In addition to all those acts aimed at annihilating the Palestinian people, groups of fanatical settlers had on 1 February kidnapped 30 children from a camp and taken them to an unknown location.
27. Such acts were considered as crimes against humanity and its security, as defined in international law. Those responsible for them were punishable under Principle I of the Charter of the Nuremburg Tribunal and under the ruling of that Tribunal, as well as under General Assembly resolution 177 (II) of 1947. Those crimes against humanity came under the definition of the crime of genocide contained in article II of the Convention on the Prevention and Punishment of the Crime of Genocide, or under article III in the case of uncompleted acts.

28. As everyone was aware, Israeli intransigence had prevented the Palestinian people from exercising its right to self-determination for the past 20 years, despite the praiseworthy efforts of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and despite the recommendations made by the General Assembly to the Security Council on the need to examine the recommendations of that Committee for reaching a lasting and comprehensive peace in the Middle East. Those efforts had failed because of the use of the veto in the Security Council by the United States of America. Israel thus received encouragement to pursue its policies at the expense of the international will and in violation of the principles of international law.

29. The PLO reaffirmed that the right of the Palestinian people to self-determination, which was closely linked to justice, peace and stability in the region, would be achieved only after the total and unconditional withdrawal of Israeli troops from the occupied Palestinian and Arab territories, under the supervision of the United Nations. The acceptance by the Palestine Liberation Organization of the convening of an international peace conference on the Middle East, with the terms of reference set out in General Assembly resolution 38/58 and with the participation of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people and a main party to the conflict, the permanent members of the Council of Security and the other parties to the conflict was therefore significant. Until that had been achieved, the Palestinian people would continue its resistance to the Israeli occupation by all means, including armed struggle, in accordance with the relevant General Assembly resolutions.

30. Mr. DEMIRALP (Observer for Turkey) said that the denial of self-determination to peoples entitled to it under the Charter of the United Nations constituted not only a violation of a fundamental right but also seriously endangered regional and world peace. Moreover, any attempt to destroy partially or totally the national unity and the territorial integrity of a country was also incompatible with the purposes and principles of the Charter. Thus, the right to self-determination was not to be misused by minorities. That obligation was valid in countries where a community was defined, according to the law of the land or international agreements, as a minority and the rest of the population was a distinct entity, or in countries where the population was not a distinct entity but formed of segments of populations from other countries. In such a case, those segments had equal rights to determine their fate. To deprive one segment of the right to self-determination while recognizing it to another would give rise to inequitable situations.

31. Turkey had always advocated dialogue and negotiation for the settlement of problems, and that principle should also be applied to problems related to self-determination. Nothing could better illustrate the traumatic consequences of the denial of the right to self-determination than the plight
of the Palestinian people and the ensuing explosive situation in the Middle East. It was not possible to try by force to impose a fate on a people. His delegation had already had the opportunity of stating its views on that question and would confine itself to reaffirming that a comprehensive, durable and just settlement could only be based on the withdrawal of Israel from the Arab territories occupied since 1967, including Al-Qods Al-Sharif, and on the recognition of the right of self-determination of the Palestinian people.

32. Turkey was gravely concerned by the situation in Afghanistan, with whose people it had fraternal ties. Any negotiated settlement in Afghanistan should enable the Afghan people to exercise their right to self-determination, ensure the withdrawal of foreign troops and the return home of the Afghan refugees. Turkey hoped that the diplomatic process currently under way and the efforts deployed by the Secretary-General of the United Nations and his special representative would bear fruit.

33. As a member of the United Nations Council for Namibia, Turkey reaffirmed its solidarity with the struggle of the people of Namibia for independence under the leadership of SWAPO. The question of Namibia was a problem of decolonization requiring urgent effective action by the States Member of the United Nations. The immediate and unconditional implementation of Security Council resolution 435 (1978) was a universally accepted basis for a peaceful solution to the question of Namibia, and any delay could only prolong the sufferings of the Namibian people. The problem of Kampuchea was also of international importance, and its solution required the withdrawal of all foreign forces from Kampuchea and the recognition of the right of self-determination of the Kampuchean people. In conclusion, the realization of the right to self-determination and respect for that principle by the international community would play a vital role in preserving and promoting human rights and would contribute to the settlement of existing conflicts.

34. Mr. LEBAKINE (Observer for the Soviet Socialist Republic of Ukraine) said that many countries felt justified concern at the attempts to impede the exercise of the right of self-determination through the use of mercenaries. The United Nations had condemned that practice and had expressed serious concern at the threat represented by mercenaries, particularly in Africa and Central America. It had launched numerous appeals calling for an end to the recruitment and use of mercenaries. However, the facts showed that mercenaries were being used increasingly to overthrow newly independent Governments and that gangs well equipped by foreign countries were sometimes waging an undeclared war against Governments, as for example in Nicaragua, Angola and Mozambique. Mercenaries killed innocent civilians, sabotaged economic infrastructure, spread terror and death and ensured that any attempt at national reconciliation miscarried. Even refugee camps in the territory of neighbouring States were used for preparing mercenary operations.

35. The huge appropriations used to finance such operations were camouflaged under various humanitarian and other pretexts, including aid to the campaign for human rights. However, as the General Assembly had insisted in resolution 42/96, channels of humanitarian aid must not be used to finance, train and arm mercenaries. The Commission should give careful attention to the need to combat mercenarism and not merely request studies and reports.
36. In that connection, he wished to comment on the report submitted by Mr. Ballesteros (Peru), the Special Rapporteur appointed by the Commission to study the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1988/14, English and Spanish). The Special Rapporteur rightly stressed the fact that States organized and financed mercenary operations (para. 110). Having analysed de facto situations and various points of view, Mr. Ballesteros had come to some convincing conclusions. The Soviet Socialist Republic of Ukraine particularly approved the conclusion concerning the development of the concept of the mercenary in recent years, with the appearance of new and more complex ways of using mercenaries (paras. 91 and 105). The definition in Additional Protocol I to the Geneva Conventions could now be said to be inadequate, since mercenaries were often employed in non-international conflicts (paras. 102 and 117). In that connection, the Special Rapporteur made an interesting proposal, namely to study the question of the nationality of mercenaries (paras. 103 and 104), for, as he pointed out, they were often recruited from among citizens and refugees of the countries against which they were then used. The very complex question then arose as to whether such persons should be considered as mercenaries. That question merited detailed study.

37. Because of the shortness of the time allocated to the Special Rapporteur, very few countries had been able to submit their comments, with the result that an entire section of the report was limited in scope. However, the report contained fairly lengthy comments from the United States of America (paras. 72 to 75). The United States claimed that there could not be more than a few hundred mercenaries in the world at the present time and therefore concluded that mercenary activity was on a fairly limited scale. His delegation was not conversant with the methods of calculation used by the United States, but wished to point out that financing the operations of a few hundred persons did not require the millions of dollars allocated in the United States budget to assist the so-called "freedom fighters". In its comments, the United States clearly indicated to the Special Rapporteur the focus that should be given to his conclusions, by pointing out the areas where zeal would be inopportune, thus providing a good example of the United States concept of freedom of expression and research. The aspects that gave rise to the strongest opposition on the part of the United States related to the problem of recruitment, and were precisely those that applied to United States activities aimed at overthrowing Governments not to its liking, such as those of Nicaragua and Afghanistan, by recruiting counter-revolutionaries and bandits.

38. The question of the inadmissibility of the utilization of mercenaries to impede the exercise of the right of peoples to self-determination should be given due attention by the United Nations and the Commission on Human Rights in particular, until such time as the phenomenon had completely disappeared. The mandate of the Special Rapporteur should therefore be extended by one year to enable him to collect additional information, to further analyse the question and submit relevant recommendations.

39. Mr. TOWPIK (Observer for Poland) said that the implementation of the principle of self-determination of peoples was undoubtedly one of the main achievements of the United Nations, although there had been disappointing failures, as for instance in the case of Namibia. It was more than 40 years since the United Nations first addressed the question of Namibian
independence, more than 20 years since it had terminated South Africa's mandate over the territory, 10 years since the adoption of the Security Council decision on the immediate independence of Namibia. In 1971 the International Court of Justice had ruled that the South African presence in Namibia was unlawful. None the less, the question was still on the agenda under the implementation of the right to self-determination, Namibians continued to suffer under the racist régime and the territory was used as a springboard for South African aggression against neighbouring countries.

40. The international community had recognized the legitimacy of the struggle of the Namibian nation and of SWAPO. Poland supported that struggle and declared itself in favour of the continuing protection of the rights and interests of the people of Namibia and of the immediate implementation of their right to self-determination. However, what was needed was not just another condemnation, but concrete action for the solution of that acute problem, for which the United Nations bore direct responsibility. The Government of Poland would welcome any effective international measure based on an appropriate decision of the Security Council, or any other measure undertaken in good faith and with the genuine intention of bringing independence to the Namibian nation and security to neighbouring countries. It should not be forgotten that the Namibian people was not only deprived of its right to self-determination but also subjected to the ruthless and inhuman policy of apartheid.

41. In the discussion on the right to self-determination, statements had been made on the question of Palestine, the situation in Central America, Afghanistan and Kampuchea. Unfortunately, the main focus of discussion seemed rather to be condemnation of States and not a contribution to the creation of conditions in which the right to self-determination might be effectively exercised. The discussion on agenda item 4 had shown a broad consensus on the need for an international peace conference on the problems of the Middle East. His delegation called for strong international support for such a conference, which could bring about a lasting settlement of that painful problem, a settlement ensuring the right to self-determination of the Palestinian people and taking into account the interests of all the parties concerned.

42. The Commission needed the same practical approach in solving other problems of concern to its members. It would be difficult for public opinion to understand if, for example, the peace initiative in Latin America, an initiative of crucial importance for the observance of human rights in the region, including the right to self-determination, which had been honoured with the Nobel Peace Prize, were not to receive the Commission's endorsement. It would be equally strange if the efforts made by the Secretary-General and his representative Mr. Cordóvez in Afghanistan and the bold positions adopted by some parties involved in the conflict, were not encouraged. It would be difficult to understand if the Commission, which seemed to be concerned by the situation in Kampuchea, were to ignore the endeavours under way that could lead to national reconciliation and might prove decisive in solving the problems of the region.

43. In his Government's opinion, the task of the Commission was not only to discuss human rights, but to monitor respect for them and to condemn any violation, as well as to promote, encourage and contribute to any co-operative efforts that could help in the protection and exercise of human rights.
44. Mr. MUYOVU (Observer for Burundi) said that the situation in southern Africa was one of the challenges which the international community had to tackle successfully if it was to retain its credibility. For decades, the entire world had been a helpless spectator of the unlawful occupation of Namibia by South Africa, which maintained and financed armed bands to destroy social and economic infrastructure and sow terror and desolation among the population. South Africa also refused millions of men and women the right to take part in administering the affairs of their country on the cruel pretext that they were not white. Burundi had every reason to be interested in events in southern Africa, out of solidarity towards the Front-line States and because it was not far from the theatre of the deadly operations orchestrated by the racist régime of Pretoria and whose effects had repercussions of one kind or another on its economy.

45. The traumatic and anachronistic situation of the Namibian people was a source of pain for the peoples of Africa, an affront to the United Nations Council for Namibia, a challenge to the Security Council and a disgrace to the United Nations. Despite the many resolutions adopted since 1975, the international community continued to be helpless in the face of South Africa's continued refusal to withdraw from Namibia. It ought now to rally in order to accept the challenge and grant SWAPO, the sole authentic representative of the Namibian people, all the assistance needed in its daily combat against the South African occupier, in particular by taking against South Africa the mandatory sanctions advocated in Chapter VII of the Charter.

46. Further, Burundi totally condemned the system of government imposed by the Pretoria authorities on the citizens of their country. Apartheid was the very negation of the universally recognized principle of the equality of all human beings and it must be eliminated. Burundi therefore supported and encouraged the ANC and PAC nationalistic movements in their struggle against the apartheid racist régime and called for the unconditional release of the nationalist leader, Nelson Mandela, and other political prisoners.

47. The Middle East was another focal point of tension where the most elementary human rights, such as the right to life, were flouted in the sight of the whole world. Burundi had consistently advocated the right of Palestinians to have a homeland. The PLO, sole legitimate representative of the Palestinian people, must participate on an equal footing with the representatives of other States in the region in the quest for a durable solution. Concerned at the brutal repression conducted by the Israeli authorities in the occupied Arab territories, Burundi believed that what was needed now was not pious resolutions but action, since there were casualties each day, involving the lives of women and children whose only weapons against the murderous arms of the Israeli forces were stones and makeshift barricades. In order to make an end of the Palestinian tragedy and the blatant violations of human rights in the occupied Arab territories, Burundi advocated the convening, under United Nations auspices, of an international conference on peace in the Middle East.

48. Mr. KANGA (Observer for Angola) said that the international community was rightly concerned about the infringements of human rights in various parts of the world. The right of peoples to self-determination and independance was universally recognized, however, and constituted not only an international legal principle but also an indisputable right. To deny that truth was to reject the legitimacy of sovereign States that had recently acceded to
independance and to deny the efforts being made by the members of the international community to live together. The persistence of colonialism meant that millions of human beings were deprived of their rights, victims of racism and other forms of discrimination. Independence was not a gift but a legitimate right of all peoples under alien domination.

49. Attempts were also being made to interfere in the internal affairs of independent States, in violation of the law of peoples and international justice. The sovereignty and territorial integrity of several States, including his own, continued to be violated by armed attacks organized and financed from abroad. Instances of attacks perpetrated to satisfy colonial, economic, military and strategic interests were becoming more frequent and more dangerous in southern Africa, the Middle East, Latin America, Asia and in several territories in the Pacific, Atlantic and Indian Oceans. Angola considered that the implementation of the right of peoples to self-determination and independence was a pre-requisite for the enjoyment of all fundamental rights and freedoms, including the preservation and strengthening of world peace. It supported those peoples who were engaged in armed struggle for total freedom from colonialism and neo-colonialism, and it strongly condemned the use of force to suppress liberation movements. The Angolan people were inspired by the assistance they themselves had received during their struggle for independence and self-determination to help other people who were still fighting to assert their rights. The Cuban assistance to Angola was one of the most notable contemporary examples of solidarity and exalted the spirit of internationalism vis-à-vis liberation movements. Angola itself would continue to support patriotic movements in order to help to bring about a world of justice.

50. It was nevertheless disquieting that certain régimes stubbornly persisted in withholding self-determination from their populations and sought to stifle anti-colonialist aspirations by force of arms. In southern Africa, the violation, by the South African régime, of United Nations resolutions and, in particular, General Assembly resolutions 1514 (XV) and 2145 (XXI) and Security Council resolution 435 (1978), denied the right of the Namibian people to self-determination and independence. The unlawful occupation of Namibia and the establishment of apartheid on its territory, as well as in South Africa, were intended to maintain the domination and privileges of the white minority, just as the South African armed attacks against independent neighbouring countries were intended to maintain the colonialist status quo. The People's Republic of Angola continue to support SWAPO, the ANC and all the democratic forces engaged in the struggle against apartheid.

51. The people of Western Sahara was also being denied self-determination as a result of the occupation of a large area of their territory. The organization of a referendum under United Nations and OAU auspices continued to be a prerequisite to enable the Saharan people to choose their future and accede to self-determination.

52. In the Middle East, Israel's policy of aggression and occupation in the Arab territories constituted a blatant violation of the rights of the Palestinian people to an independent State. Angola supported the cause of the Palestinian people and believed that an international conference on the Middle East with the participation of all the parties concerned, including the PLO, would be a decisive step towards a peaceful settlement.
53. The plight of the people of East Timor, deprived of their land and their dignity, could not be disregarded. The international community could not acquiesce in the annexation of that territory, which would have serious repercussions on many similar situations. The Angolan Government considered that Security Council resolutions 384 (1975) and 389 (1976), which described the invasion of East Timor as an act of aggression, continued to be valid, and it urged the Secretary-General of the United Nations to pursue his efforts to achieve a negotiated solution to the conflict.

54. The question of the use of mercenaries could not be passed over in silence. The issue was of particular concern to Angola, Mozambique, Namibia and Nicaragua, as regions where that practice was being resorted to in order to destabilize independent States or to obstruct the struggle for self-determination and independence. His delegation hoped that the Commission would extend the Special Rapporteur's mandate by one year, in view of the importance of that problem.

55. The self-determination of peoples, the strengthening of peace, the protection of human rights and the building of confidence and friendship among peoples, as well as economic development, would be possible only by joining together, independently of ideological differences, in the struggle to eliminate certain obstacles.

56. Mr. FOUQUE (International Federation of Human Rights), said that for Haiti 1986 had marked 30 years of "Duvalierism" supported by the army and "Macoutism", with excesses that had been repeatedly denounced and were well known to the United Nations. The Commission on Human Rights had appointed a Special Representative, followed by an expert, to investigate the situation. In February 1986, a popular upsurge had compelled an all powerful President to leave the country. The coffers of the State had been emptied, the army had remained and the "Macoutes" had gone into hiding. In 1987, however, the Haitian people had organized itself, a democratic popular movement had finally expressed itself, with a pluralist press, many radio stations with a very large audience and a free television. The same year, the Constitution adopted by an overwhelming vote had established institutions, namely, the National Governing Council (CNG), headed by Lieutenant-General Namphy, which was to administer the State and allow elections and the Provisional Electoral Council (CEP) which was to organize and supervise those elections. The democratic forces as a whole, in other words, the political parties, the organizations for the protection of human rights, experts, well known personalities and representatives of the Churches had met on 18 August 1986 to outline a constitutional bill providing for the establishment of a provisional electoral council independent of the political power embodied in the National Governing Council. The signatories of the draft had included, on behalf of the Rassemblement des démocrates nationaux progressistes, Lesly Manigat, who had afterwards become the President of Haiti. Once the Constitution had been adopted by a large majority, the Provisional Electoral Council (CEP) had set about taking a census of the electorate, establishing electoral rolls, preparing for the elections, and establishing polling stations and monitoring facilities. The seven members of the CEP had been assisted by foreign specialists and experts who had come mainly from the United States, Canada, France and certain Latin American countries. Technical equipment and computers had been dispatched to Port-au-Prince.
57. Over 2 million electors had registered and, confronted with that tidal wave, the military had hesitated, then opted in favour of intimidation, which had led to fear and the first violations. A climate of insecurity had also been fostered by the virtual impunity enjoyed by the Macoutes who had returned to duty. The forces of law and order, finding themselves powerless, had been out of their depth. There had been raids, the killing of Me. Yves Volel on the steps of the Presidential palace, the fire in the CEP premises and in the printing works which had supplied the electoral material, the tragic death of Eugène Athis and arbitrary detentions at police headquarters.

58. A mission organized by the France liberté Foundation, the International Federation of Human Rights and by the organizations forming the Haiti-France collective association had travelled to Haiti just before the elections of 29 November 1987 and had met all the partners in the electoral process. The mission had taken note of the enthusiasm and the confidence generated by the elections. The candidates had campaigned, the electors had followed the campaign and the press and radio had reported on it. The climate of extreme insecurity had had little effect on the democratic process and even knowing that the ballot would probably be disrupted, the candidates had counted their supporters. Four candidates stood out from the main group, from which the former "Duvalierists" and those controlled by the Macoutes had been excluded.

59. In the week that had preceded the elections, there had been violence of every kind, and every effort had been made to implement General Namphy's plan to make a blood bath of an election for which there had been a show of support as long as it had seemed impossible. On 29 November 1987, 70 to 80 per cent of the voters were awaited at Port-au-Prince and in the polling stations. The massacre had taken place early in the morning. More than 100 dead had been counted and there had been a very large number of arrests. The National Governing Council (CNG) and General Namphy had suspended the elections at midday, the Provisional Electoral Council (CEP) had been dissolved and the Haitian people had counted its dead. It was used to doing so and was perfectly well aware of the identity of the killers. The major countries had then discontinued their technical assistance, which had meant a slow death for the country. The CNG had then set about organizing elections for 17 January 1988. In three weeks a parody had been arranged. The leading candidates had withdrawn and had called for a boycott of the elections. Following a farcical ballot which had been seen on television throughout the world, on 17 January 1988 a bribed electorate, assessed at not more than 10 per cent, had elected by a majority of 50.29 per cent Lesly Manigat, who had been in office since 8 February 1988. Everyone was aware that the electoral process had been anything but democratic.

60. Haiti, the country of poverty, contraband and misappropriation of public funds, an obvious staging point for the traffic in narcotics, the champion of illiteracy, the country of no law where prisoners endured sub-human conditions, expected the international community to oppose a solution already adopted by previous régimes, with disastrous results. The Federation, with its partners and the Haitian League for Human Rights, denounced the systematic violations of human rights and awaited the Commission's support. Last year, the Commission had appointed, in its resolution 1987/13, an expert to assist the Government of Haiti in restoring human rights in that country. However, the rights of the Haitian people had been flouted in the very act which established and guaranteed the free exercise of human rights, namely, the return to democracy through free elections. Through its Secretary-General,
who had been on the spot throughout the whole of that period, the International Federation of Human Rights therefore requested the Commission to appoint a special representative to ensure that new free elections were organized in Haiti.

61. Mrs. LENOIR (International Federation of Human Rights) said that the right of people to self-determination also involved the peaceful settlement of inter-ethnic conflicts. On 19 July 1987, the Indian Prime Minister and the President of the Republic of Sri Lanka had signed an agreement to end the inter-ethnic conflict in Sri Lanka. The agreement had comprised two stages, the first relating to the cessation of the fighting between Tamil activists and the Sri Lankan armed forces and the second to the establishment of a system of administrative autonomy in the northern and eastern provinces of Sri Lanka. The Indian Government had thus undertook to send troops, known as the Indian Peace-Keeping Force (IPKF), to Sri Lanka to organize and maintain the cease-fire between the Sri Lankan armed forces and the groups of Tamil activists, guarantee the protection and safety of the Tamils and the members of other communities in the northern and eastern provinces, and to supervise the hand-over of all arms by groups of Tamil activists. After a few days, all components of the Tamil guerrilla forces had agreed to lay down their arms. However, on the strength of uncorroborated information, the officials of the IPKF had taken the view that one of the components, the Tamil "Tigers" had not observed the terms of the agreement, and in November had decided to undertake military operations against that group. After that date, the IPKF had repeatedly violated the commitments entered into in July 1987.

62. Early in November 1987, Indian troops had engaged in military operations to gain control of the areas held by the Tamil activists. Those operations, which had entailed considerable loss of life among the civilian population, had been marked by atrocities, when violence was in no way justified by the need to maintain order. According to information and testimony which the Federation could make available to the Commission, the Indian forces had carried out large-scale bombing raids indiscriminately on places where there were activists, on dwellings and above all on public places where the civilian population had believed it would be safe. The violence of the fighting had caused many civilians to flee from the Jaffna peninsula in search of refuge in the Vavuniya region, but their exodus had often taken place in difficult conditions, without means of transport and away from the main roads.

63. Further, the IPKF had organized a blockade of the Jaffna peninsula, forbidding any food to be supplied to the civilian population. Although it had subsequently begun to distribute foodstuffs, it had done so on the basis of discriminatory criteria, with the supporters or those accused of supporting the Tamil "Tigers" systematically excluded.

64. It had also been established that there had been murders by members of the IPKF, particularly at Jaffna hospital, and cases of pillage and rape had been reported. It was therefore obvious that the IPKF had not respected the terms of the peace agreement, namely, activities designed to guarantee the safety of the civilian population. Western observers who had been able to visit Vavuniya in December 1987 had noted that some groups of Tamil activists who had allegedly handed over their weapons were still armed. Regrouped under the name of "Three Stars", they had been acting as militia, killing persons suspected, rightly or wrongly, of being Tamil "Tiger" activists, with the approval of the IPKF. There had been many cases of disappearances. The
statements issued by the Indian Government could only give rise to scepticism, when it systematically refused to allow the ICRC to visit Jaffna in order to carry out its humanitarian mission and no international observer had been admitted to the region to ascertain whether or not there had been violations of human rights.

65. The Federation called on the Commission to urge the Indian and Sri Lankan Governments to respect the commitments entered into under the 1949 Geneva Conventions and to authorize the presence of the ICRC, without delay and without any restriction; to allow, without reservation, the Office of the United Nations High Commissioner for Refugees access to all provinces in Sri Lanka; to permit the entry of governmental international observers to Sri Lanka to enable them to investigate the situation in the Jaffna peninsular and in the eastern provinces; to allow the UNHCR, ICRC and other organizations to visit detainees and prisoners of war; to proclaim a ceasefire forthwith and to begin, as a matter of urgency, negotiations with the participation of international observers; to repeal the law on the prevention of terrorism, which allowed security forces to arrest any person at any time without any judicial control and which was responsible for many disappearances and to release all Tamil prisoners, political or otherwise.

66. The International Federation of Human Rights also called on the Commission to urge all signatory Governments to the Geneva Conventions, the 1951 Convention relating to the Status of Refugees and the 1966 Protocol thereto to comply with their commitments and not to turn back Tamil asylum seekers to Sri Lanka as long as minimal conditions for their safety were not guaranteed.

67. Mr. BARKAT (Commission of Churches on International Affairs of the World Council of Churches) said that his organization had always supported the efforts of the United Nations on behalf of the decolonization of peoples of territories under colonial or alien domination. The many peoples whose right to self-determination was still denied included the Kanak peoples of New Caledonia, whose economic, social, cultural and political life was controlled and dominated by an alien Power. Since 1986, the United Nations had affirmed the inalienable right of the people of New Caledonia to self-determination and independence and the Special Committee on Decolonization had urged the Government of France to prepare the territory for a free and genuine act of self-determination in accordance with United Nations principles. In May 1987, the Heads of Governments of the Member States of the South Pacific Forum had called for a referendum organized under United Nations auspices in New Caledonia, consistent with the universally accepted principles and practices of self-determination and independence. The administering authority, which was morally and legally obliged to assure the full and speedy implementation of the United Nations resolution on New Caledonia's peaceful transition to self-determination and independence contended that the people of New Caledonia had already expressed their will in a referendum organized in September 1987. However, the Kanak population had boycotted that referendum since they were convinced that it did not constitute a genuine expression of the right to self-determination. The Kanak population had been neither consulted nor prepared to participate in the referendum, and 83.58 per cent of eligible Kanak voters had not taken part in it. Of the registered voters, 42 per cent had either abstained or voted in favour of independence, while 57.05 per cent had opted for remaining with France. That result could be attributed to the fact that a large number of people who had been in the
colonies for a very short time had been able to register on the electoral rolls, but it was clear that the vast majority of the indigenous population was opposed to France and that the referendum did not comply with the standards for decolonization set by the United Nations.

68. In addition to the factors already mentioned, which were sufficient to guarantee the defeat of the advocates of independence, irregularities during the voting had been reported and blank votes had been counted as anti-independence votes.

69. Taking account of the dissatisfaction of the population, the Melanesian Council of Churches had called upon the Government of New Caledonia to consider the wishes of the indigenous population and immediately begin a dialogue with a view to self-determination leading to independence. Without such a dialogue, there would be no real hope of justice or a peaceful solution in New Caledonia.

70. Other problems related to human rights occurred in that territory. There was room for improvement in the judicial processes. Investigations into the death of several Kanaks had been particularly slow, and judicial processes often worked to the detriment of the rights of the Kanak people and favoured the European settlers.

71. The World Council of Churches had supported the stand of the Evangelical Church of New Caledonia and the Loyalty Islands, which supported independence for New Caledonia. It had drawn the attention of the international community, and especially its member churches, throughout the world, to the unresolved problem of the self-determination and independence of the Melanesian people of New Caledonia. In August 1987, the Superior Council of the Evangelical Church had stated that the fundamental problem in New Caledonia stemmed from the fact that colonialism continued to deny the existence and rights of the Melanesian people as a people.

72. After the referendum, the Church had warned the French Government that its provocative, even contemptuous attitude, which legitimized the marginalization of the Kanak people, carried within it the seeds of violence.

73. Colonialism was a form of violence against peoples, their history, their culture and their social institutions and had often invited a violent reaction from dominated peoples. It was a tribute to the spiritual and cultural tradition of the Kanak people that they continued to seek dialogue, discussion and peaceful methods of protest to express their frustration and legitimate aspirations. But a people's right to self-determination and independence could not be denied for long without endangering local and regional peace.

74. The Commission on Human Rights should urge the administering Power, namely, the Government of France, to enter into immediate negotiations with the authentic representatives of the Kanak people, and to prepare the population for a genuine referendum, giving it a clear choice of independence in the spirit of the relevant United Nations General Assembly resolution. The administering Power should ensure that the exercise of self-determination was not impeded, in order to guarantee the population's enjoyment of legitimate rights and to secure peace and security for the entire population of New Caledonia.
75. Mr. BRODY (International Commission of Jurists) stressed the importance of the decision, taken by the Commission on Human Rights at its forty-third session, to appoint a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination. Mercenary activities were indeed contrary to the fundamental principles of international law, particularly the principles of non-interference in the internal affairs of States and of respect for their independence and territorial integrity. Moreover, mercenary activities violated the right to life and also seriously impeded the process of self-determination of peoples struggling against colonialism, racism, the apartheid régime and all forms of alien domination.

76. The aggression against Nicaragua was a striking example of all those violations. The International Court of Justice had found that the Government of the United States had, through its intelligence service, financed non-Nicaraguan Latin Americans to carry out a series of attacks against the sovereignty of Nicaragua, including the mining of harbours and the blowing up of oil pipelines and oil terminals. Despite the finding of the Court establishing the violation of international customary law, the attacks against Nicaragua had continued. The International Commission of Jurists urged the Commission to renew the mandate of the Special Rapporteur, whose conclusions and recommendations it endorsed, and to empower him to examine concrete situations involving the use of mercenaries.

77. There were many other places in the world where the right of peoples to self-determination was not respected, and the International Commission of Jurists wished to draw particular attention to the case of Palau, the last United States-administered trust territory in the Pacific islands. In 1979, the population had approved a Constitution for the future Republic of Palau which prohibited the storage, testing or transit of nuclear weapons and specified that the provision might be amended only by a three quarters majority vote. In 1982, the United States had signed a Compact of Free Association with Palau, ending the trusteeship and giving the territory independence, subject to certain conditions concerning defence and security. The Compact had allowed the United States to introduce nuclear weapons into the territory, in violation of the Palau Constitution. Six referenda having failed to achieve the requisite three quarters majority, the constitutional provision specifying that condition had been amended in 1987, with the result that the simple majority wanted by the United States had been achieved following a further referendum. A group of women, who had decided to contest the legality of the procedure, had been compelled to drop their lawsuit following reprisals involving loss of life.

78. The population of Taiwan, comprising 80 per cent of Formosans, continued to be ruled by the minority of supporters of nationalist China who had found refuge on the island more than 40 years before. Only a mandate from the people of Formosa could legitimate continued rule by the Kuomintang. By continuing to apply the 1947 Constitution, which had been drawn up in mainland China, the Kuomintang permanently excluded the majority Formosan population from political life. Further, by perpetuating the fiction that the Government represented 35 provinces of China and Taiwan, the authorities denied the right to self-determination of the original inhabitants forever, since a national security law made it a crime to advocate "the division of the national territory". A plebiscite organized under United Nations auspices to enable
the Formosan people to express their will freely concerning their future was the only way of offering a satisfactory resolution from the legal, political and moral viewpoint.

79. Mr. LE DINH CAN (Observer for Viet Nam), speaking in exercise of the right of reply, inquired in respect of Kampuchea, how the withdrawal of the Vietnamese forces which had come to the assistance of the people of Kampuchea who were being subjected to genocide could be demanded without any mention being made of the need to eliminate the criminal Pol Pot clique responsible for that genocide. Any country which, like China, continued to give political support and military assistance to persons guilty of genocide was not entitled to proclaim itself a protector of human rights and the right to self-determination. What was needed at the present time, before political solution to the Kampuchean problem, was to denounce those responsible for the genocide and to remove them from international life and national life alike.

80. Vietnamese volunteers had come on three occasions to the assistance of the Kampuchean people and, on the first two occasions, they had withdrawn as soon as their assistance had no longer been needed. After the successful establishment, in complete legality, of the Government of the People's Republic of Kampuchea, the fully competent and authentic representative of the Kampuchean people, it had been anticipated that the Vietnamese volunteers would withdraw in stages and that the final stage would be completed in 1990, and even earlier if a political settlement was achieved. The presence of the Vietnamese volunteers in Kampuchea, far from being a military occupation, was indispensable if the Kampuchean people were to exercise their right to life and their right to self-determination. The process of national reconciliation, for which some were clamouring, was well under way, but care had to be taken to ensure that it was carried out without any risk of further genocide.

81. The newspaper, Le Monde, had reported that Prince Sihanouk himself had announced in Peking his withdrawal from the so-called tripartite Coalition Government which had become an "abominable monster" subject to the pressure of a large number of "bosses"; that statement spoke volumes about the true nature of the coalition, and showed the source of the interference in the internal affairs of Kampuchea. Prince Sihanouk had also stated, following his talks with the President of the French Republic, that no settlement was possible unless Peking agreed to stop all military aid to the Khmers Rouges. It was thus clear who was impeding the solution to the problem of Kampuchea.

82. The representative of the United States, who had accused Viet Nam of imperialism, appeared to have forgotten the history of the war of aggression waged by his country against Viet Nam, whereas the wounds had not yet healed either in Viet Nam or in the United States, which could rightfully be called an imperialist.

83. The Republic of Viet Nam which supported dialogue and negotiations for settling disputes among all countries, was anxious that the principle should be applied in the case of Kampuchea.

84. MR. NGO HAC TEAM (Observer for Democratic Kampuchea), speaking in exercise of the right of reply, said that, not content with rejecting out of hand the eight-point proposal for a settlement drawn up by the Coalition Government of Democratic Kampuchea, the Vietnamese Government was engaged in
intense diplomatic manoeuvres to sow confusion and mislead the international community on what it claimed to be the partial retreat of its troops or national reconciliation.

85. He read out a note from the Coalition Government on the question of national reconciliation in Kampuchea, addressed to the Secretary-General and submitted to the forty-second session of the General Assembly (A/42/616), comparing the proposals of the Viet Nam and its own proposals. It emerged from the note that national reconciliation, as Viet Nam saw it, would come about while all its troops was still on the territory, whereas, as far as the Coalition Government was concerned, it could take place only after the first stage in the withdrawal of the Vietnamese troops, under an agreement concluded between the Socialist Republic of Viet Nam and the Coalition Government, on the complete withdrawal of those forces in a specific period of time and under United Nations supervision. In the second place, the Coalition Government proposed the establishment of a quadripartite government, in which the Phnom Penh régime would take part, immediately after the initial phase of the withdrawal of the Vietnamese troops, whereas Viet Nam proposed national reconciliation with, as sole participant, the Phnom Penh régime installed by it after its invasion. In the third place, national reconciliation must be open to all without exception, regardless of the past and the political sympathies of the persons concerned, and without any kind of submission being required; in contrast, Viet Nam proposed an exclusive and selective form of reconciliation which in reality sought to divide and weaken national resistance. In their note, the three members of the Coalition Government had appealed to all peace-loving countries to continue their efforts to achieve a political settlement in Kampuchea and they urged them to reject any proposal for national reconciliation aimed solely at perpetuating the Vietnamese occupation of Kampuchea.

86. The observer for Viet Nam should not lose sight of the fundamental principle whereby no State had the right to interfere in the internal affairs of another State and to impose its will on that State. The exercise by the Cambodian people of its right to self-determination and national reconciliation could be realized only in the absence of the Vietnamese forces and with the participation of all the citizens of the country, whoever they were.

87. The delegation of Kampuchea was very grateful to the many representatives who had expressed their support for a political settlement to the problem, and particularly to those who had stated that Viet Nam ought to withdraw its forces from Kampuchea to enable reconciliation to take place in accordance with the peace proposal by the Coalition Government.

88. Mr. ATEF (Observer for Afghanistan), speaking in exercise of the right to reply, rejected the allegations made by the representatives of certain countries which, completely ignoring the facts, had tried to give a distorted picture of the situation in the Republic of Afghanistan. The people of Afghanistan had long exercised their right to self-determination, and the April revolution, carried out in accordance with the will of the Afghans, had further consolidated the independence, national sovereignty and territorial integrity of the country. On 29 and 30 November 1987, the Grand Assembly had adopted the first democratic Constitution of Afghanistan and elected the President of the Republic, once again expressing the will of the people. Immediately after the revolution, Afghanistan had been recognized by many
countries; it now had diplomatic relations with 83 countries and participated actively in the work of United Nations and the Movement of Non-Aligned Countries.

89. Nevertheless, the progressive programme for economic, political and social change had been obstructed by interference from abroad which had threatened the independence, national sovereignty and territorial integrity of Afghanistan, and had compelled it to ask for assistance from the USSR. The leaders of Afghanistan had said, time and again, that as soon as that interference in their internal affairs ceased and they had an assurance that it would not be resumed, the limited Soviet contingents in Afghanistan would withdraw within 10 months.

90. The Republic of Afghanistan had consistently taken a constructive and flexible position during the negotiations in Geneva, presenting innovative and concrete proposals and initiatives for an immediate political solution. Wishing to stop the bloodshed, the Afghan leaders had proclaimed a policy of national reconciliation to enable all Afghans to participate in national political life. Under the new Constitution, a new parliamentary system would guarantee equal rights to all Afghan citizens.

91. To reassure those who were concerned about the non-aligned status of Afghanistan or the existence of danger to Islam, he read out two provisions of the new Constitution which guaranteed that Islam would continue to be the religion of Afghanistan and also guaranteed the status of the Republic of Afghanistan as an independent, unitary and indivisible State. Afghanistan would not allow any foreign military base to be established on its territory and would not join any military bloc. However, non-alignment did not mean that a country might not defend its independence and territorial integrity.

92. Despite the efforts deployed to block the process of national reconciliation, more than 116,000 Afghans had returned home in 1987 and over 40,000 members of the opposition had ceased resistance. More than 6,000 former members of the opposition and repatriates were working as members of national reconciliation commissions and 361 former leaders of armed opposition groups were today holding posts in the Administration.

93. Despite the good will shown by the Afghan leaders who had offered reconciliation to all Afghans and taken the necessary steps to normalize the situation, certain forces were engaged in stirring up the conflict, desiring the continuation of the war in order to use it as a means of misleading world public opinion. The United States and their allies had doubled their financial assistance and stepped up their military aid to the Afghan extremists.

94. Those who deplored the heavy losses sustained in Afghanistan and advanced a figure of 1 million dead should ask themselves who was really responsible and should give a positive response to the appeal for national reconciliation made by the Afghan Government and to its peace initiatives which sought to safeguard Afghanistan and the region as a whole.

95. Mr. VALLADARES (United States of America) speaking in exercise of the right of reply, recalled, for the information of the delegation of the Soviet Union and the representative of one of the satellite countries of the USSR who had accused the United States of creating a conflict in the Commission and of poisoning the atmosphere, that it was not the United States
that had built the Berlin wall, invaded and occupied the Baltic Republics, intervened in Poland, entered Prague with tanks or fired on the Hungarians in 1956. The poison appeared to come from the East, like a kind of Chernobyl cloud, and the United States was merely stating the fact.

96. The Baltic Republics had come under Moscow's rule following the Pact signed between Stalin and Hitler, and which had resulted in tens of thousands of citizens of those republics being thrown into the Soviet goulag. In recent years, the KGB had put down the protest demonstrations by the population against the Soviet occupation and the most active participants in those demonstrations today found themselves in psychiatric hospitals, concentration camps, prison or exile.

97. As far as Micronesia was concerned, the United States was ready to compare the degree of self-determination enjoyed by that region with the self-determination of the Baltic Republics or other parts of Moscow's empire.

98. His delegation thanked the representative of the USSR for accusing it of taking the floor in the Commission for electioneering purposes, since that proved at least the existence of a system of free elections in the United States, unlike the situation in the Soviet Union.

99. It was true that the United States was not able to offer lessons in repression, occupation, torture, concentration camps, enslavement of peoples and violations of human rights, but when it came to democracy, free elections, the opening of frontiers and respect for human rights, it had something to teach the Soviet Union and could show its tradition of liberty as an example.

100. The representative of the Soviet Union, who asserted that his country was a peaceful one, should ask the opinion of the widows and orphans of the passengers in the Korean civil airliner shot down by the Soviets, or that of the Afghans, the Hungarians, the Czechs and so many others.

101. The Soviet delegation had been perfectly correct in saying that the United States had not succeeded in imparting the American way of life to Cuba; had it done so, Cubans in their hundreds of thousands would not have sought in the United States the freedom they did not find at home. In that, they were akin to the thousands of Soviet citizens who had managed to leave their country, in contrast to thousands of others, particularly Jews, who were still awaiting permission to leave. It would be interesting to learn how many Americans, blacks, whites, Indians or Puerto Ricans, there were who sought asylum in the Soviet Union or permission to settle there.

102. If, as the delegation of Nicaragua had stated, war was raging in that country, it was the doing of the Sandinist dictatorship, and there would be no peace either in Nicaragua or in the rest of Central America until that war was ended.

103. The Cuban Government unquestionably had some authority when it came to prisons, but it should be reminded that thousands of ordinary prisoners of Cuban origin held in prisons in the United States had rioted so that they would not be sent back to Cuba, which had a society that was much more repressive than the worst prison in the United States.

The meeting rose at 6.05 p.m.