COMMISSION ON HUMAN RIGHTS
Forty-fourth session

SUMMARY RECORD OF THE 29TH MEETING

Held at the Palais des Nations, Geneva, on Monday, 22 February 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)

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Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (continued)

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

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Any corrections to the records of the public meetings of the Commission 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 10.25 a.m.


1. Mr. BLISHENKO (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that certain statements made at the previous meeting bore no relation to the facts. During the debate on the current agenda item, his delegation had invited representatives to speak on behalf of the Russian Orthodox, Baptist and Jewish denominations in his country. Anyone who was willing to hear the truth about the life of a believer in the USSR had had the opportunity to do so then. However, those who had complained about the difficulties encountered by Jews studying Hebrew in the USSR had been silent about the breaking of Palestinian schoolchildren's arms by Israeli soldiers in the occupied territories.

2. The representative of the United States of America had asserted that religious believers in the USSR could not gain access to university and were not promoted at work. However, in the United States of America itself, non-believers could not hold public office or give evidence in Court. Anti-religious demonstrations were punished by a fine of up to $1,000 or three years in prison. A country which showed such intolerance and discrimination towards its own citizens had no right to moralize about freedom of conscience in other countries.

3. Jews in the United States of America were subject to discrimination, humiliation and sometimes physical violence. Synagogues and Jewish graves were frequently desecrated. In 1987, anti-Semitic demonstrations in the United States of America had increased by 17 per cent. The United States of America should follow the example of other countries in its fight against anti-Semitism. It could count upon the support of the Soviet people, whose soldiers had given their lives to save Jews from the Nazi terror.

4. Mr. EL GHALI BENHIMA (Observer for Morocco), speaking in exercise of the right of reply with respect to the statement by the representative of the World Union for Progressive Judaism, said that, when both Muslims and Jews had been victims of intolerance during the Inquisition, the Jews had fled to Morocco as a land of refuge. Moreover, at the beginning of the Second World War, the Moroccan authorities had refused to allow the application of Vichy laws against Jewish citizens of Morocco.

5. All Moroccan citizens had freedom of religion. A recent visit by representatives of Jewish associations in the United States had unanimously recognized that the situation of Moroccan Jews was better than that of the Sephardic Jews in Israel.

6. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) said he wished to reply to the remarks made by the representative of the World Union for Progressive Judaism because his country, as an Islamic and Arab nation of North Africa, represented all the groups attacked by that speaker. The remarks made by the representative of the World Union for Progressive Judaism
had, regrettably, been neither progressive nor worthy of the Jewish people. Racist and Zionist hatred could not harm Islam, which had flourished for centuries and was older than all other surviving civilisations.

7. Islam's respect for human rights was the natural result of a monotheistic religion, which preached equality and freedom of thought and belief and established a clear relationship between Muslims and followers of other religions. The system under which non-Muslim communities paid a special tax in return for the protection and welfare services provided by the Islamic authorities had been established after the conquest of Jerusalem in the seventh century A.D. It was forbidden to damage crosses or churches or restrict the ownership of property by non-Muslim communities. The flight of Jews from Arab countries was due to Zionist acts of terrorism, designed to frighten Jews into emigrating to Palestine.

8. He was distressed to see the depths to which some non-governmental organizations would stoop in order to attack Islam and disrupt the Commission's work. Non-governmental organizations were supposed to represent the voice of the people, ensuring a more broadly-based dialogue and providing a counter-balance to the statements of Governments. They should not represent narrow spheres of interest and expound racism. However, some non-governmental organizations were merely the tools of Governments.

9. If such practices continued, the Commission should perhaps request the Economic and Social Council to review its policy on non-governmental organizations so as to ensure that they participated in the debate in the manner envisaged by the Charter of the United Nations. He had no wish to restrain freedom of expression, but sought merely to guarantee the sincere participation of non-governmental organizations, which would not be possible if they merely reflected government policy.

10. Mr. GLAIEL (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that he had not been surprised by the remarks of the Zionist entity and the representatives of world Zionism in their various disguises. The Zionists encouraged Jews to reject the communities in which they had grown up and move to Palestine to establish wholly Jewish communities. The Zionist leaders considered expulsion and murder to be a legitimate means of driving the Palestinians from their homeland.

11. The representatives of world Zionism had exaggerated the sufferings of the Jewish people in an attempt to win sympathy and justify the establishment of new settlements for the Jewish "refugees". Zionist bands perpetrated acts of terrorism designed to make the Jews flee to Palestine; without them, there would be no emigration to Israel.

12. From early childhood, Jews were indoctrinated with the racist precepts of the Talmud, and the seeds of discrimination were sown. Jewish communities had maintained a strict isolation, and were currently suffering from the success of their own policy. The justified rejection of General Assembly resolution 181 (II) on the partition of Palestine did not excuse Israel's expansionist attacks on other Arab territories.

13. The Jewish "refugees" were the victims of Zionist lies. Oriental Jews were treated as second-class citizens by those who had come from Western
Europe. His own country was proud of the way it treated the Jews; for instance, Jewish markets were allowed to remain closed on Saturday the Jewish Sabbath.

14. It was regrettable that the representative of a major Power should become involved in dialectic. The Government of the United States of America was familiar with his delegation's statements before the Commission and the Third Committee of the General Assembly but, in an election year, it was not willing to listen to reason. Following a meeting between President al-Assad and former United States President Carter at Geneva, 12 Syrian Jewish women had been given permission to move to the United States of America, but some had since returned because they did not wish to marry the men chosen for them by the United States authorities.

15. Mr. FATHALLAH (Observer for Egypt), speaking in exercise of the right of reply, said that the representative of the World Union for Progressive Judaism had misconstrued the situation of the dhimmis (Jews and Christians) under Islam. The dhimmis enjoyed a special status as a result of the tolerance shown by Islam towards other religions. They were free to worship as they chose, and enjoyed the protection of the State on payment of a special tax. The Arab world had no quarrel with the Jewish people itself, but with the State which usurped Arab territory, practised genocide and refused the Palestinian people its right to self-determination.

16. The Observer for the Islamic Republic of Iran had referred to the trial of a number of Baha'is in Egypt. The persons concerned had been prosecuted, however, not because they were Baha'is, but because they belonged to a secret society. Such societies were prohibited in Egypt, which was a multi-party democratic State enjoying full freedom of expression.

17. Mr. GOODMAN (United States of America) speaking in exercise of the right of reply, said that it was interesting to hear the representative of a supposedly atheistic State lecturing his own country on religious freedom. He had noted the surprise and horror evinced within the delegation of the Soviet Union at the previous meeting, when it had been pointed out that a member of the delegation, allegedly a rabbi, was scheduled to speak after sunset on a Friday. Another speaker had hastily been substituted for him, but certain changes to the text had clearly been made well after the beginning of the Sabbath.

18. If there was as much anti-semitism in the United States of America as the delegation of the Soviet Union alleged, he wondered why so many Soviet Jews wished to emigrate to that country and so few wished to emigrate from the United States of America to the USSR.
people was unable to exercise its inalienable rights, including the right to return, to self-determination without external interference and to an independent Palestinian State in its homeland, Palestine.

20. The draft resolution spelt out a number of general principles which were in accordance with the Charter of the United Nations and in line with the relevant resolutions adopted in earlier years by the General Assembly and the Commission on Human Rights. It expressed firm opposition to Israel's policies and practices in the occupied territories and reaffirmed support for the convening of an international peace conference in the Middle East, calling upon those States that, in the past, had had a negative attitude towards such a conference to reconsider their position. He hoped that the draft resolution would receive the widest possible support.

21. Mr. PACE (Secretary of the Commission) said that the delegation of Senegal and the observers for the following countries had asked to be added to the list of sponsors of draft resolution E/CN.4/1988/L.4: Afghanistan, Cuba, Democratic Yemen, Egypt, Gabon, Madagascar, Mongolia, Morocco, Qatar, Viet Nam and Yemen.

22. At the request of the representative of France, a separate vote was taken by roll call on the eighth preambular paragraph of draft resolution E/CN.4/1988/L.4.

23. Argentina, having been drawn by lot by the Chairman, was called upon to vote first.

- **In favour:** Algeria, Bangladesh, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, China, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Nicaragua, Nigeria, Pakistan, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Union of Soviet Socialist Republics, Yugoslavia.

- **Against:** Argentina, Belgium, France, Germany, Federal Republic of, Ireland, Italy, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

- **Abstaining:** Brazil, Columbia, Costa Rica, Japan, Mexico, Peru, Togo, Venezuela.

24. The eighth preambular paragraph of draft resolution E/CN.4/1988/L.4 was adopted by 23 votes to 11, with 8 abstentions.

25. At the request of the representative of the United States of America, a vote was taken by roll call on draft resolution E/CN.4/1988/L.4 as a whole.
26. The Byelorussian Soviet Socialist Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Germany, Federal Republic of, Norway, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Costa Rica, France, Ireland, Italy, Japan, Portugal, Spain.

27. Draft resolution E/CN.4/1988/L.4 as a whole was adopted by 30 votes to 4, with 8 abstentions.

28. Mr. DEHLAVI (Pakistan), introducing draft resolution E/CN.4/1988/L.5, whose sponsors had been joined by the observers for Egypt, Jordan and Qatar, said that it was virtually identical with resolution 1987/5 adopted by the Commission. It voiced the concern of the international community at the continued sufferings of the Afghan people and reiterated the call for the withdrawal of foreign troops from Afghanistan.

29. The draft resolution underscored also the need for a political solution, since only a just and comprehensive political settlement would restore freedom and peace to Afghanistan by allowing the Afghan people to exercise its rights to self-determination, and commended the Secretary-General for the diplomatic process initiated by him towards such a settlement.

30. It drew attention to the humanitarian aspects of the Afghan question, emphasizing the need to ensure the creation of conditions which would allow the Afghan refugees to return to their homes, and appealed to all States and national and international organizations to continue extending humanitarian assistance to the Afghan refugees.

31. Mr. PACE (Secretary of the Commission), said that the delegation of Costa Rica should be added to the list of sponsors of draft resolution E/CN.4/1988/L.5.

32. Mr. SHOOGUFAN (Observer for Afghanistan) said that his Government categorically rejected draft resolution E/CN.4/1988/L.5. Like the resolutions submitted in previous years, it gave a completely false picture of the situation in his country, went against the legitimate rights and interests of the Afghan people, and was a blatant interference in the internal affairs of a sovereign independent State.

33. The instigators of the draft resolution were attempting to conceal the destructive war carried out against the Afghan people from the territory of Pakistan and to make their interests felt in the region. Such efforts were
aimed at interfering with the internal affairs of a sovereign non-aligned State and diverting the Afghan people from the path it had freely chosen in keeping with its right to self-determination.

34. From the very outset, his Government had made tremendous efforts to find a peaceful, negotiated settlement. The policy of national reconciliation had helped to accelerate the search for a peaceful solution to the situation around Afghanistan. The chances were excellent that the forthcoming round of Geneva negotiations would be fruitful. The conditions and time-frame for the withdrawal of Soviet troops had been fixed, but withdrawal was directly linked to a cessation of interference and of the dispatch of military equipment to the extremist groups opposing the Afghan State.

35. With a view to promoting the successful conclusion of the Geneva talks, the Governments of the Republic of Afghanistan and the Soviet Union had agreed that, provided the Geneva agreements were signed on 15 March 1988, the withdrawal of Soviet troops would start on 15 March 1988 and would be completed 10 months thereafter. If the agreements were signed prior to 15 March, the withdrawal of the troops would also start earlier.

36. Special legislative measures had been adopted to ensure the safety and freedom of the refugees and to enable them to participate fully in the economic and political life of the country. Unfortunately, some countries had attempted to hamper the return of refugees to Afghanistan, although their efforts had not been very successful, as witnessed by the increasing numbers returning.

37. No viable solution would emerge from draft resolution E/CN.4/1988/L.5, which served the interests of forces interested not in facilitating a peaceful settlement but in maintaining a climate of tension in the region. Endorsement of the draft resolution would be tantamount to approving the policy of armed aggression and subversive actions and promoting tension in the region.

38. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said he regretted that Pakistan should have supported draft resolution E/CN.4/1988/L.5 in its existing form. Like the Afghan Government, his own was actively seeking a normalization of the situation. Unfortunately, despite the enormous changes that had taken place in Afghanistan in the past year, the draft resolution was a mere repetition of similar resolutions from previous years.

39. The policy of national reconciliation had begun to show concrete results. A national parliament had been elected, which had drafted a new constitution and chosen a president. A number of political parties were active, a broad amnesty had been declared, a national dialogue had commenced, and thousands of counter revolutionaries had abandoned armed conflict and had become active members of Afghan society. Despite threats and terror, many thousands of refugees had returned home.

40. Real progress was being made at the Geneva talks, and there was a chance that an agreement could be signed in the course of the current round. That would require an agreement between Afghanistan and Pakistan on non-interference in each other's internal affairs and on the return of the Afghan refugees from Pakistan, an international agreement on non-interference in the internal affairs of the Republic of Afghanistan and a document on the interrelationship of all the elements of a political settlement. Iran should also be included in such an agreement.
41. The withdrawal of Soviet troops was linked to the end of interference in the internal affairs of Afghanistan. In an effort to promote talks between Afghanistan and Pakistan, the Governments of the Union of Soviet Socialist Republics and of Afghanistan had set a date, 15 May 1988, for the withdrawal of Soviet troops and had agreed to complete the withdrawal within 10 months and earlier if possible. There were already no Soviet troops in 13 provinces of Afghanistan.

42. New conditions were constantly being set for the signing of an agreement, including the creation of a new Government in Afghanistan, but that was a matter that could be resolved only by the Afghans themselves, and might even entail involving members of opposing camps in the search for a solution.

43. His delegation would vote against draft resolution E/CN.4/1988/L.5.

44. Miss BOJKOVA (Bulgaria) said that her delegation also would vote against draft resolution E/CN.4/1988/L.5. The people of Afghanistan had already exercised its right to self-determination. The problem around Afghanistan had been created primarily by outside interference, and especially by the financing, training and use of mercenaries against Afghanistan. The draft resolution took no account of the numerous courageous steps taken by the Government of Afghanistan to achieve national reconciliation and to bring about a peaceful settlement of the problem around Afghanistan. Instead, it simply repeated the text of the 1987 draft resolution on the subject.

45. The Commission must support the efforts being made by the United Nations Secretary-General to negotiate a settlement between Afghanistan and Pakistan, instead of interfering with his work and thus aggravating the situation around Afghanistan. The Union of Soviet Socialist Republics had officially announced a date for the withdrawal of Soviet troops, and what was currently needed was abstention from any action that might jeopardize a peaceful and lasting solution to the problem.

46. Mr. GRIEBER (German Democratic Republic) said that draft resolution E/CN.4/1988/L.5 was both at variance with the facts and constituted the flagrant interference in the internal affairs of a sovereign State Member of the United Nations.

47. In recent months, many commendable efforts had been made to facilitate a solution to the conflict. Afghanistan was returning to normalcy, and national reconciliation was making headway. Towards the end of 1987, the Afghan Parliament had adopted a constitution following a discussion in which more than 2 million Afghans had participated. The announcement that the proximity talks, with Under-Secretary-General Cordovez as go-between, might be near a successful conclusion was also a most significant development. His delegation would also like to recall the recent statement by General-Secretary Gorbachev, in which he had mentioned 15 May 1988, as a possible date for the beginning of the withdrawal of Soviet troops.

48. Regrettably, the numerous steps undertaken to bring about a political settlement to the conflict were not reflected in the draft resolution, which was a mere copy of the 1987 resolution. It was imperative that a realistic approach be adopted by all member States to keep up the momentum of the ongoing process and bring it to a successful conclusion. A simple repetition
of time-worn positions was a retrograde step that could harm efforts to achieve a political settlement. For all those reasons, his delegation would vote against the draft resolution.

49. At the request of the representative of the Union of Soviet Socialist Republics, a vote was taken by roll-call on draft resolution E/CN.4/1988/L.5.

50. Bangladesh, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Mexico, Norway, Pakistan, Peru, Philippines, Portugal, Rwanda, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Ethiopia, German Democratic Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Cyprus, India, Iraq, Nicaragua, Nigeria.

51. Draft resolution E/CN.4/1988/L.5 was adopted by 31 votes to 5, with 6 abstentions.

52. Mr. BRANCO (Sao Tome and Principe) introducing draft resolution E/CN.4/1988/L.6, said that the text was based broadly on Commission resolution 1987/3 and General Assembly resolution 42/78. The text, as on previous occasions, dealt with the question of Western Sahara in the context of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)). The sponsors had again welcomed the continuation of the joint good offices process by the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity and the Secretary-General with a view to implementing OAU resolution AHG/Res.104 (XIX) and Assembly resolutions 40/50 and 41/16.

53. The text reiterated the appeal to the two parties to the conflict to undertake direct negotiations as soon as possible, and expressed satisfaction at the determination of the United Nations to co-operate fully with OAU with a view to implementing that organization's relevant decisions. The draft resolution was in line with efforts towards a negotiated political settlement of the question of Western Sahara, based on the peace plan outlined by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session. He hoped, therefore, that it would be adopted by consensus.

54. Mr. PACE (Secretary of the Commission) said that some corrections to the English text of draft resolution E/CN.4/1988/L.6 were needed. In the last preambular paragraph, the word "implementing" should be followed by "OAU"; in operative paragraph 6, the words "the Assembly of Heads of State and Government of" should be inserted before the words "the Organization of African Unity", and the words "exert every effort" should be preceded by
55. At the request of the representative of the United States of America, the vote on draft resolution E/CN.4/1988/L.6 was taken by roll-call.

56. Argentina, having been drawn by lot by the Chairman, was called upon to vote first.

<table>
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<th>In favour:</th>
<th>Algeria, Argentina, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Colombia, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Ireland, Mexico, Nicaragua, Nigeria, Norway, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Spain, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.</th>
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<td>Against:</td>
<td>None.</td>
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<tr>
<td>Abstaining:</td>
<td>Bangladesh, Belgium, China, Costa Rica, France, Germany, Federal Republic of, Iraq, Italy, Japan, Pakistan, Portugal, Somalia, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America.</td>
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57. Draft resolution E/CN.4/1988/L.6 was adopted by 27 votes to none, with 15 abstentions.

58. Mr. INGLÉS (Philippines), introducing draft resolution E/CN.4/1988/L.8, said that the sponsors had been joined by the observer for Luxembourg.

59. As stated in Mr. Asbjørn Eide's review for the Sub-Commission of the human-rights situation in Kampuchea in 1981 (E/CN.4/Sub.2/L.780), it was up to the human-rights organs of the United Nations to view the requirements from a human-rights perspective, including the Kampuchean people's fundamental right to self-determination - which was the right not of a small group to impose its will on a majority but of an entire people and all its individual members. The Commission, since the adoption of its resolution 29 (XXXVI), had consistently reflected that perspective.

60. The draft resolution called for a political process to enable the Kampuchean people to select its own leaders, without foreign interference, in a free election under United Nations supervision. Such a process had been evolving since the International Conference on Kampuchea in 1981. The sponsors thus urged the Commission to appeal again to the parties involved to implement the relevant General Assembly resolutions, which, inter alia, called for the total withdrawal of Vietnamese troops from Kampuchea.

61. The restoration, vindication, protection and promotion of their human rights belonged primarily in the hands of the Kampucheans themselves, free from any external interference whatsoever.

62. Mr. NGO Hae Team (Observer for Democratic Kampuchea) said it was to the Commission's credit that most of its members had annually supported, for the
past eight years, a resolution on the situation in Kampuchea. The people and Coalition Government of Democratic Kampuchea appreciated the approach of the Commission and of the ASEAN countries, on behalf of a people whose ancient culture and civilization had been destabilized and subjected to colonial oppression by an overpowering, ruthless neighbour.

63. Draft resolution E/CN.4/1988/L.8, in calling for the immediate and unconditional withdrawal of Vietnamese forces, the restoration of Kampuchean independence, sovereignty and territorial integrity and the exercise of the Kampuchean people's inalienable right to self-determination, reaffirmed the principles upheld by the world community, the Charter and the International Covenants. As Samdech Norodom Sihanouk had recently said, Viet Nam could not deny the Kampuchean people the right to struggle, using all possible means, for its freedom; the Kampuchean people sought only the power to determine its own future through free and fair elections under United Nations supervision.

64. If the Hanoi authorities accepted the appeal to reason reflected in the draft resolution, the Coalition Government stood ready to negotiate, on the basis of its generous eight point proposals, with the Socialist Republic of Viet Nam, in conformity with the Declaration on Kampuchea adopted on 17 July 1981. The Kampucheans, inspired as always by the teaching of Buddha, would be prepared not to seek vengeance or reparation but simply to re-establish their freedom, national dignity, territorial integrity and the status of a peaceful, non-aligned country under United Nations guarantees. They were prepared to sign a treaty of non-aggression and peaceful coexistence with Viet Nam on the basis of equality and mutual respect. The failure to achieve progress hitherto was due not to lack of effort by Kampucheans and by the world community but to the obstinacy of the occupiers.

65. The Council of Ministers of the Coalition Government of Democratic Kampuchea, meeting on 10 February 1988, had stressed the important role of Samdech Norodom Sihanouk, its President, in the campaign for independence and territorial integrity. It had appealed to all Kampucheans to intensify the fight for national liberation, and had expressed its deep gratitude to all friendly countries which continued to support that fight.

66. Mr. LE DINH CAN (Observer for Viet Nam) said that his delegation rejected draft resolution E/CN.4/1988/L.8. As everyone knew, volunteers from Viet Nam had entered Kampuchea in order to free its people from the devastation caused by the genocidal Pol Pot régime, whose atrocities had been condemned by world public opinion but which had never been referred to in the resolutions tabled in recent years in the Commission and the Assembly.

67. The current text failed to acknowledge the positive changes that had taken place during the past year, including the agreement signed on 29 July 1987 by Viet Nam and Indonesia on behalf of the Indo-Chinese and ASEAN countries respectively, stressing inter alia that the two sides to the Kampuchean question should meet unofficially on an equal footing without preconditions.

68. The policy of national reconciliation pursued by the People's Republic of Kampuchea, and the latter's five point proposals, reflected the genuine goal of enabling the Kampuchean people to determine its own future. Pursuant to those proposals, Viet Nam had agreed to withdraw its volunteers from Kampuchea by 1990 should the envisaged timetable be adhered to.
69. At the meetings between Prince Sihanouk and President Hon Sen, it had been agreed that the conflict called for a political settlement by the Kampucheans themselves, as a result of negotiations involving all the parties concerned, with a view to achieving independence and non-aligned status for Kampuchea, and that, as soon as agreement was reached, an international conference would be convened for that purpose. The outcome of the meetings had been welcomed by the Secretary-General, the ASEAN countries and the world community.

70. The advances being made in all fields - political, economic, social and cultural - showed that, in the People's Republic of Kampuchea, the people was truly in control of its own destiny. The important thing was to achieve a lasting settlement in order to safeguard the right to self-determination; for that purpose it was vital to secure respect for the interests of all in the region and, above all, to prevent any resurgence of the genocidal régime that had once held sway in Kampuchea. It was hoped that the Commission would take a realistic view, welcome the measures already taken, call on all the parties concerned to continue their efforts and give its support in the form of a statement for that purpose.

71. Mr. KOLAROV (Bulgaria), speaking on behalf of the delegations of the Byelorussian Soviet Socialist Republic, the German Democratic Republic and the Union of Soviet Socialist Republics as well as of his own, said it was surprising that the many positive developments during the past year concerning the situation in South East Asia, including the events referred to by the previous speaker, had not been reflected in draft resolution E/CN.4/1988/L.8.

72. The delegations he was representing thought it would be preferable for the Commission to refrain from adopting a resolution which did not reflect the true situation and to send instead an encouraging message to the parties concerned. It might welcome the meetings between Prince Sihanouk and President Hon Sen as a first positive step towards achieving a just and lasting peace in South-East Asia and invite the two parties to continue their efforts towards achieving a political solution of the conflict in Kampuchea without any interference from outside.

73. At the request of the representative of Bulgaria, a vote was taken by roll-call on draft resolution E/CN.4/1988/L.8.

74. Nicaragua, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Belgium, Botswana, Brazil, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Nigeria, Norway, Pakistan, Peru, Philippines, Portugal, Rwanda, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Ethiopia, German Democratic Republic, India, Nicaragua, Union of Soviet Socialist Republics.

Abstaining: Algeria, Iraq, Mexico.
75. Draft resolution E/CN.4/1988/L.8 was adopted by 31 votes to 7, with 3 abstentions.

76. Mrs. GARUBA (Nigeria), introducing draft resolution E/CN.4/1988/L.9, said that the delegation of Peru and the observers for Egypt and the Libyan Arab Jamahiriya had become sponsors of the draft resolution.

77. As members could see, the fifth, sixth and seventh preambular paragraphs recalled the relevant United Nations resolutions denouncing mercenarism, while the tenth preambular paragraph expressed deep concern at the long-term negative effects on the economy of African, Central American and other developing countries resulting from mercenary aggressions. Operative paragraph 6 noted with appreciation the report of the Special Rapporteur (E/CN.4/1988/14) and operative paragraph 7 decided to continue his mandate for another year, to enable him to submit further conclusions and recommendations to the Commission. She appealed to all delegations to support the draft resolution.

78. Mr. PACE (Secretary of the Commission) said the delegations of Bulgaria, Ethiopia and the German Democratic Republic and the observers for Czechoslovakia, Democratic Yemen, Gabon, Syrian Arab Republic and Viet Nam had become sponsors of the draft resolution while the delegation of Gambia had withdrawn its sponsorship.

79. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights), stating the financial implications of draft resolution E/CN.4/1988/L.9 said that the relevant costs, under section 23 of the programme budget, were estimated at $70,900 for 1988 and $17,200 for 1989.

80. At the request of the representative of the United Kingdom, a vote was taken by roll call on draft resolution E/CN.4/1988/L.9.

81. Portugal, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Belgium, France, Germany, Federal Republic of, Ireland, Italy, Japan, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Costa Rica.

82. Draft resolution E/CN.4/1988/L.9 was adopted by 30 votes to 11, with 1 abstention.

83. Mr. BRANCO (Sao Tome and Principe), speaking in explanation of vote, said that, in accordance with his country's foreign policy, his delegation had
voted in favour of draft resolution E/CN.4/1988/L.5, although it deemed it regrettable that the Soviet Union's decision to withdraw its troops from Afghanistan had not been taken into account in the resolution.

84. Mr. CASTRIOTO de AZAMBUJA (Brazil) said that his delegation had voted in favour of all the draft resolutions because it was convinced that there had been a denial of the right to self-determination in each case. Had a separate vote been taken on the eighth preambular paragraph of draft resolution E/CN.4/1988/L.8, his delegation would have abstained. All the draft resolutions would have benefited from the use of a greater economy of language.

85. Mr. OBREGON VALVERDE (Costa Rica) said that his delegation had abstained in the vote on draft resolution E/CN.4/1988/L.9 because it had not received the document concerning its financial implications, and because the wording of the draft resolution was somewhat confusing.

86. Mr. JOHNSON (United States of America) said that his delegation had voted against draft resolution E/CN.4/1988/L.4, because it felt that the inflammatory language it contained would not improve the quality of life on the West Bank and in Gaza. The allegation that Israel was committing "genocide" was grotesque and brought the United Nations into disrepute.

87. His delegation had also voted against draft resolution E/CN.4/1988/L.9 because the text injected extraneous political and legal issues and because its language was polemical and unbalanced. Moreover, the Sixth Committee and the Ad Hoc Committee on the Drafting of an International Convention against Recruitment, Use, Financing and Training of Mercenaries were the appropriate bodies to address the question of mercenaries.

88. With regard to the third preambular paragraph, the decision as to whether mercenarism was a threat to international peace and security was the responsibility not of the Commission, but of the Security Council. Moreover, there was no agreed meaning for the term "mercenarism". Lastly, the re-appointment of the Special Rapporteur at a cost of more than $80,000 to the United Nations was an unnecessary and irresponsible expenditure of scarce resources.

89. It was noteworthy that the last preambular paragraph of Commission resolution 1987/16, which suggested that the Special Rapporteur should bear in mind the provisions concerning mercenaries contained in Protocol I to the Geneva Conventions, had been omitted. His delegation felt that the definition contained therein was the only valid one, and disagreed with the Special Rapporteur's conclusion that the definition should be revised. It welcomed, however, the Special Rapporteur's recommendation that nationals of a country involved in a conflict should not be considered as being mercenaries.

90. Mr. PALACIOS (Spain) said that his delegation had voted against the eighth preambular paragraph of draft resolution E/CN.4/1988/L.4 because its language, particularly the reference to "crimes of genocide", was excessive. Moreover, neither the Commission nor any other United Nations body should call for the use of any other than peaceful means to achieve its objectives.

91. As a sign of good will, his delegation had refrained from paralysing the voting process in relation to draft resolution E/CN.4/1988/L.9 but it would not, in the future, support any proposal that had not been distributed in all the working languages.
92. Mr. TAYLHARDAT (Venezuela) said that his delegation had voted in favour of draft resolution E/CN.4/1988/L.4 despite its doubts as to whether a United Nations body should make such categorical assertions as were found in the second part of operative paragraph 3.

93. Mr. NGO Hae Team (Observer for Democratic Kampuchea), speaking in exercise of the right of reply, said that Prince Sihanouk had stated on 28 January 1988 that the Vietnamese puppet in Phnom Penh was not sincere. Unless Viet Nam withdrew all its troops from Kampuchea, no cease-fire could be accepted. Within the framework of a Viet Nam-backed régime, it was impossible for the Kampuchean people to choose their Government freely. A provisional Government should be set up to organize general elections.

94. Moreover, Prince Sihanouk had just sent a telegram to his delegation stating that he had decided that the third round of talks planned for April should be postponed, because such a postponement would be less harmful to the interests of the Khmer people than a sterile continuation of the talks.

The meeting rose at 1.15 p.m.