COMMISSION ON HUMAN RIGHTS

Forty-fourth Session

SUMMARY RECORD OF THE 40TH MEETING

held at the Palais des Nations, Geneva, on Monday, 29 February 1988 at 3 p.m.

Chairman: Mr. SENE (Senegal)

CONTENTS

Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts (continued)

The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (continued)

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (continued)

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CONTENTS (continued)

Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination (continued)

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (continued)

Human rights and scientific and technological developments (continued)
The meeting was called to order at 3.35 p.m.


STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 17 (a)) (continued) (E/CN.4/1988/37, Chapter I, Section A, draft resolution IV)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 17 (b)) (continued) (E/CN.4/1988/L.18; E/CN.4/1988/37, Chapter I, Section A, draft resolution III)

1. The CHAIRMAN said that he wished to inform the members of the Commission that Mgr. Desmond Tutu, winner of the Nobel Peace Prize, who had been arrested with some 100 clergymen following a march organized to protest against the measures recently adopted by the South African Government in respect of the black trade-union organizations, had been released. The event was a historic one which should be welcomed by the Commission.


2. Mr. SECKA (Gambia), introducing draft resolution E/CN.4/1988/L.19 on the situation of human rights in South Africa, stated that its sponsors, which now included Algeria, recalled in the preambular part the relevant resolutions adopted by the Commission on Human Rights, the Economic and Social Council and the General Assembly since 1978, and then took note of the findings of the interim report of the Ad Hoc Working Group of Experts on southern Africa, expressing their indignation at the persistence of human rights violations in South Africa and their concern about the risk of a racial conflagration in the region, failing the immediate application of effective sanctions against that country. In that connection, they welcomed the international community's efforts to reach a consensus on that matter. The draft resolution denounced the policy of "bantustanization", categorically rejected South Africa's so-called institutional reforms, and demanded the immediate release of Mr. Nelson Mandela and Mr. Zephania Mothopeng, and the lifting of the ban on all political parties and organizations. The major objective of the draft was reflected in the recommendations in sub-paragraphs (a) to (l) of operative paragraph 21. In paragraph 22, it was proposed that an "Academic Year Against Apartheid" should be declared and, in paragraph 24, that the Ad Hoc Working Group of Experts should continue to study the policies and practices of apartheid and investigate cases of torture and ill-treatment of political detainees, in particular.
3. He pointed out that the draft resolution had been the subject of protracted consultations and negotiations, conducted in a spirit of accommodation and compromise. The Commission's decision on the draft would reflect the will and ability of the United Nations to respond to the legitimate hopes and aspirations of the South African people for self-determination.

4. Mr. SEGURA (Costa Rica) drew attention to an error in paragraph 5 of the Spanish version of draft resolution E/CN.4/1988/L.19. He proposed that the word "abola" should be replaced by the word "termine".


5. Mr. BRANCO (Sao Tome and Principe), introducing draft resolution E/CN.4/1988/L.20, said that in the preambular part emphasis had been laid on the international community's solemn responsibility for taking all effective measures in support of the Namibian people in their liberation struggle under the leadership of SWAPO, and on the fact that the right of the people of Namibia to self-determination and independence could be legally exercised only in accordance with the conditions determined by the United Nations in Security Council resolutions 435 (1978) and 439 (1978). South Africa was once again condemned for, inter alia, the militarization of Namibia, the use of mercenaries to suppress the Namibian people, the forcible displacement of Namibians from their homes, the conscription of all Namibian males between 17 and 55 years of age into the occupation army, and the use of the international Territory of Namibia as a springboard for aggression against Angola and other front-line States. All Member States were again requested to take all appropriate measures to ensure compliance with the provisions of Decree No. 1 for the Protection of the Natural Resources of Namibia, and in that connection the Commission expressed its appreciation to the Nordic and other Western States which had applied economic sanctions against the racist régime of South Africa. The sponsors of the draft stressed the need to impose comprehensive mandatory sanctions against South Africa, as provided for in Chapter VII of the Charter of the United Nations, and requested the Secretary-General to provide every assistance and the necessary resources to the Ad Hoc Working Group of Experts, whose mandate they would wish to be renewed. In conclusion, he expressed the hope that the draft resolution would receive the broadest support.

Draft resolution E/CN.4/1988/L.21

6. Mr. VIANNEY GATERA (Rwanda), introducing draft resolution E/CN.4/1988/L.21, said that its purpose was to draw the attention of the international community to the tragic situation of children in South Africa and Namibia. The sponsors of the draft welcomed the convening of the International Conference on Children, Repression and the Law in Apartheid South Africa at Harare, from 24 to 27 September 1987, and condemned the detention, torture and inhuman treatment of children in South Africa, demanding the release of all children held in detention in that country and the dismantling of the so-called "rehabilitation camps" or "re-education centres" as well as the immediate total abolition of the apartheid system. The Ad Hoc Working Group of Experts on southern Africa was requested to pay special attention to the question, and the Secretary-General was asked to intervene with the Government of South Africa in order to bring those forms of inhuman treatment to an end.
7. The sponsors of the draft hoped that the Commission would adopt it by acclamation, thereby demonstrating the international community's commitment to secure the protection of the fundamental rights of children, who formed the most vulnerable sector of the population.


8. Mr. MADAR (Somalia), introducing draft resolution E/CN.4/1988/L.23 first, said that the draft was particularly important because it dealt with the question of political, military, economic and other forms of assistance to the apartheid regime. It stood to reason that, without such assistance, the racist régime of South Africa would be unable to sustain its policy of repression against the oppressed black majority. The sponsors of the draft therefore reaffirmed in the preambular part that any form of assistance given to the racist régime of South Africa, constituted a hostile act against the oppressed people of southern Africa in their struggle for freedom and independence, and obstructed efforts aimed at the elimination of colonialism, apartheid and racial discrimination in South Africa and Namibia. The sponsors stressed the need to impose comprehensive sanctions against South Africa, and ensure that all States complied with the many resolutions and decisions adopted by various international bodies. They strongly condemned South Africa for its acts of subversion and aggression against neighbouring countries, and appealed to all States to extend all possible co-operation to the liberation movements of southern Africa recognized by the United Nations and the Organization of African Unity. Lastly, they welcomed the renewal of the mandate of the Special Rapporteur, Mr. Ahmed Khalifa, by the General Assembly in resolution 41/95.

9. Turning to draft resolution E/CN.4/1988/L.22, he said that it focused more specifically on the work performed by the Special Rapporteur in order to update his report (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1, parts I and II). The Special Rapporteur was invited to continue his work, and all Governments to co-operate with him and disseminate the updated report.

10. In concluding, he expressed the hope that both draft resolutions would be adopted by consensus.

11. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights) pointed out that operative paragraphs 3 and 6 of draft resolution E/CN.4/1988/L.22 had financial implications. The Special Rapporteur would have to spend five working days in New York and, subsequently, in Geneva; that would entail travel costs and per diem. Data processing facilities would be provided to simplify the updating of the report, which would be translated into the six official languages and distributed to all the parties concerned. In addition, the services of two economists would be required in 1988 and 1989. The financial implications amounted to $US 19,400 for 1988, and $US 15,000 for 1989.

Draft resolution E/CN.4/1988/L.17

12. Mr. QOSHU (Ethiopia), introducing draft resolution E/CN.4/1988/L.17 on behalf of its sponsors, said that in letter and in spirit, the main thrust of the draft was identical to the one adopted by the Commission at its forty-third session, on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.
13. All the delegations that had taken the floor on agenda items 6, 7, 16 and 17 had unanimously condemned apartheid as an institutionalized violation of human rights, and called for its abolition. That consensus had been reflected in the International Convention, which had been ratified by 86 States. Several States parties to the Convention had endeavoured to fulfil their obligations, and had adopted legislative, judicial and administrative measures to give effect to the provisions of article 4 of the Convention. However, a good deal of work still needed to be done to implement that instrument in full, and, in particular, the sponsors appealed to the States that had not yet ratified the Convention to do so without further delay.

14. As the situation in South Africa had deteriorated further in 1987, and the South African régime persisted in its total disregard of Security Council resolution 435 (1978) and in carrying out attacks against the front-line States, the sponsors of the draft resolution had taken account, in the preamble, of the developments that had occurred during the past year. The only new element in the operative part of the draft resolution, as compared with the one adopted at the forty-third session, was paragraph 9, which was taken mainly from the recommendation made by the Group of Three.

15. In the light of the extremely serious situation prevailing in South Africa, the sponsors of draft resolution E/CN.4/1988/17 called upon the Commission to adopt it by consensus.

Draft resolution E/CN.4/1988/L.18

16. Mr. DELHI (Algeria), introducing draft resolution E/CN.4/1988/L.18 on behalf of its co-sponsors, which now also included Somalia, said that the draft entitled "Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination", drew largely on resolution 1987/12, adopted by the Commission at its forty-third session, and on resolution 42/47, adopted by the General Assembly at its forty-second session. It proceeded from the principles of the obligation to promote universal respect for human rights and fundamental freedoms without distinction as to race, sex or religion, as established in the Charter of the United Nations and in the Universal Declaration of Human Rights. The express objective pursued by the sponsors of the draft resolution related to the Commission's stated intention to do its utmost to eradicate totally and unconditionally racism in all its forms. The co-sponsors noted that, despite the efforts of the international community, the objectives of the First Decade for Action to Combat Racism and Racial Discrimination had not been attained, and that millions of human beings continued to be the victims of racism, racial discrimination and apartheid. However, they took note with satisfaction of the declarations made by several States regarding their contributions to the Trust Fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

17. The only departure made in the operative part of the draft resolution from that of resolution 1987/12 was the updating of its contents. The countries that had not yet done so were urged to ratify certain conventions concerning racial discrimination, and all States and international organizations were urged to co-operate with the Secretary-General in the implementation of the plan of activities for the period 1985-1989 and to contribute to the Trust Fund. Furthermore, it was proposed that the topic for
thematic consideration in 1990, in accordance with the decision taken at the forty-third session, should be "The human rights of individuals belonging to ethnic groups in countries of immigration". Lastly, the General Assembly's decision to authorize the Secretary-General again to organize a global consultation on racial discrimination was welcomed.

18. The sponsors hoped that the members of the Commission would once again adopt by consensus the draft resolution on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.


20. The CHAIRMAN said that the Commission was ready to vote on the draft resolutions submitted to it.


22. At the request of the representative of the Gambia, a vote was taken by roll-call on the draft resolution.

23. Somalia, 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, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Ireland, Italy, Mexico, Mozambique, Nicaragua, Nigeria, Norway, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Spain, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

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

Abstaining: Belgium, France, Japan, Portugal.


26. At the request of the representative of the United States of America, a vote was taken by roll-call.

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

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

Against: None

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


29. The CHAIRMAN noted that no member of the Commission had requested that draft resolution E/CN.4/1988/L.21 should be put to the vote. If there was no objection, he would take it that the Commission wished to adopt the draft resolution without a vote.

30. It was so decided.

31. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, draft resolution E/CN.4/1988/L.22 was put to the vote.

32. At the request of Algeria, a vote was taken by roll-call on the draft resolution.

33. Somalia, 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, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Mozambique, 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, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Ireland, Japan, Norway, Spain.

34. Draft resolution E/CN.4/1988/L.22 was adopted by 34 votes to 7, with 4 abstentions.

35. The CHAIRMAN said that, under the rules of procedure, the adoption of draft resolution E/CN.4/1988/L.22 spared the Commission the necessity of voting on draft resolution V submitted by the Sub-Commission (E/CN.4/1988/37, Chapter I, Section A).

36. It was so decided.

37. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, draft resolution E/CN.4/1988/L.23 was put to the vote.

38. At the request of Algeria, a vote was taken by roll-call on the draft resolution.

39. Japan, 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, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Mozambique, 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, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

   Abstaining: Ireland, Japan, Norway, Spain.


41. The CHAIRMAN said that a separate but overall vote had been requested on the sixth, seventh, eighth, ninth, twelfth and thirteenth preambular paragraphs and on operative paragraphs 8, 9, 14 and 15 of draft resolution E/CN.4/1988/L.17.

42. At the request of the representative of Algeria, a vote was taken by roll-call on the aforementioned paragraphs.
43. Botswana, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bangladesh, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Mozambique, 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, Italy, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Ireland, Japan, Norway, Spain.

44. The sixth, seventh, eighth, ninth, twelfth and thirteenth preambular paragraphs and operative paragraphs 8, 9, 14 and 15 of draft resolution E/CN.4/1988/L.17 were approved by 31 votes to 7, with 5 abstentions.

45. The CHAIRMAN put draft resolution E/CN.4/1988/L.17, as a whole, to the vote.

46. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

47. Ireland, 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, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Iraq, Mexico, Mozambique, Nicaragua, Nigeria, Pakistan, Peru, Philippines, Rwanda, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Togo, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: None

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


49. The CHAIRMAN noted that no member of the Commission had requested that draft resolution E/CN.4/1988/L.18 should be put to the vote. If there was no objection, he would take it that the Commission wished to adopt it without a vote.

50. It was so decided.
51. The CHAIRMAN said that, under the rules of procedure, the adoption of draft resolution E/CN.4/1988/L.18 spared the Commission the necessity of voting on draft resolution III submitted by the Sub-Commission (E/CN.4/1988/37, Chapter I, Section A).

52. It was so decided.

53. The CHAIRMAN invited those delegations who wished to do so to explain their vote after the vote.

54. Mr. STEEL (United Kingdom of Great Britain and Northern Ireland), explaining his delegation's vote on draft resolution E/CN.4/1988/L.19, said that it had found itself obliged to vote against the draft despite his Government's frequently stated condemnation of apartheid and of its repressive methods. In the course of the debate, his delegation had described the restrictive and positive measures taken by the Government of the United Kingdom to bring home to the South African Government that apartheid must go and the sooner the better. It had indicated its belief that the Commission on Human Rights should send a united message to the South African Government expressing its condemnation and making its demands explicit. In that spirit, his delegation and other delegations in the same Group had worked closely with the African countries in the hope of achieving a consensus text, as in the case of draft resolution E/CN.4/1988/L.21 and the draft decision adopted at the 38th meeting on recent events in South Africa. Many issues could have readily produced a uniform text, and his delegation had suggested alternative wording for the eighth to the twelfth preambular paragraphs as well as for operative paragraphs 4, 8 and 18 to 21. There had been and were differences of view as to how apartheid could be abolished. He paid a tribute to the spirit of open-mindedness and co-operation shown by his African colleagues. His delegation hoped that the same spirit would make for progress at the next session and in other United Nations forums. His Government would continue its efforts to secure the disappearance of the repugnant system of apartheid in the shortest possible time.

55. Mr. SCHWANDT (Federal Republic of Germany) said that his delegation had been obliged to vote against draft resolution E/CN.4/1988/L.19 as the efforts, in which it had played an active role, to arrive at a consensus text had failed. His delegation's main reservation with regard to the text was that it dealt with matters which fell within the competence not of the Commission on Human Rights but of the Security Council. His Government associated itself with all the others in condemning apartheid, which was not amenable to reform and could only be abolished; the differences of view arose in respect of the way to achieve it. His Government had always been sceptical about the use of economic sanctions for political purposes in general and, in the case of South Africa, it did not believe that coercive economic measures would lead to the peaceful elimination of apartheid. In June 1986, the Heads of State and Government of the member countries of the European Community had decided that positive measures would continue to be the centrepiece of their joint policy vis-à-vis South Africa. In order to direct an unambiguous signal to Pretoria, the Foreign Ministers of the 12 countries had adopted certain limited measures against South Africa on 16 September 1986. The Federal Republic of Germany had joined in those measures. However, it was not in a position to accede to the far-reaching proposals to impose selective mandatory sanctions. It did not wish to resort to methods which could affect the very foundations of the
entire South African population and jeopardize the fate of the whole region. However, the fact that it had voted against that particular draft resolution did not mean that the Government of the Federal Republic of Germany would not continue to work with all its strength for the realization of human rights in South Africa.

56. In the vote on draft resolution E/CN.4/1988/L.20, his delegation had abstained for procedural reasons. Its position on the human rights situation in Namibia was obviously unchanged but, as a member of the Contact Group, the Government of the Federal Republic of Germany might be involved in negotiations on the implementation of the Western plan for a settlement adopted by the Security Council in 1978; in order not to prejudge the outcome of those negotiations, the delegation of the Federal Republic of Germany had had to refrain from voting either way on the resolution. Finally, it was strongly opposed to singling out individual member States, as had been done in the resolution.

57. His delegation had abstained in the vote on draft resolution E/CN.4/1988/L.17; that action in no way lessened its rejection of apartheid. His country continued to hold the view that the International Convention on the Suppression and Punishment of the Crime of Apartheid made no contribution to the elimination of apartheid as it contained legal flaws, the most prominent being its failure to define the violations it covered.

58. In addition to that general reservation, his delegation had had to vote against a number of preambular and operative paragraphs in the draft resolution for a number of fundamental reasons. First of all, genocide was clearly defined in the Convention on the Prevention and Punishment of the Crime of Genocide, and only States parties to that instrument or the appropriate international organs were competent to pronounce themselves on its interpretation. Further, like all other international agreements, the International Covenant on the Suppression and Punishment of the Crime of Apartheid was applicable only to the States which had ratified it and to the nationals of those States. His delegation could not support efforts to extend the area of application of that instrument which would be clearly contrary to the principles of international law.

59. Mr. SCOTT (United States of America) said that this delegation had been happy to be able to join in the consensus on draft resolution E/CN.4/1988/L.21 on the detention, torture and other inhuman treatment of children in South Africa and Namibia, as well as in the consensus on the draft decision on recent events in South Africa, adopted at the 38th meeting. That consensus had reflected the aversion felt throughout the world for apartheid. Accordingly, his delegation regretted that it had been obliged to vote against certain draft resolutions submitted under items 6, 7, 16 and 17. As in the past, his country objected to the provisions calling for the adoption of mandatory sanctions against South Africa or recourse to armed struggle in South Africa. No one should have any doubt that the American people was opposed to apartheid, to the repression, violence and denial of fundamental rights which continued to plague that unhappy country. The United States had no objection to the idea of exerting pressure in order to bring apartheid to an end; indeed, pressure had formed part of its policy for years. The measures it had taken reflected the moral indignation it felt. Unfortunately, it was compelled to conclude that they had not produced any notable
improvement in the situation. It must therefore persevere. The United States continued to be committed to the idea of doing its utmost to establish equal rights for all South Africans on the basis of an electoral system founded on universal suffrage, democracy and a multi-party system. It would continue to call for the constitutional guarantee of fundamental individual rights for all and the primacy of law, supported by the power of the judiciary. However, only the South Africans themselves could make such a vision a reality.

60. The role of the United States vis-à-vis South Africa was to make clear its support for democracy and a constitutional Government, to maintain contacts with all parties, to encourage the opening of negotiations, and to uphold democratic change. It would not be a party to resolutions which, like certain resolutions just adopted by the Commission, sought to leave South Africa to its own devices or to isolate it. It would go on striving to quell the violence and confrontations in the region and to persuade the South Africans of what they stood to gain by negotiation and to lose if negotiation failed. That was the approach taken by the United States to the problem of South Africa. Regrettably, a number of provisions in the draft resolution submitted had been incompatible with its approach. It had therefore had to vote against the text in question, but its negative vote should in no way conceal its opposition to apartheid and the real pressure it was exerting in order to bring a cruel and repellent system to an end.

61. His delegation had abstained in the vote on draft resolution E/CN.4/1988/L.20, not because of its substance, but because the United States was a member of the Contact Group.

62. Turning to draft resolution E/CN.4/1988/L.18, he explained that his country had wholeheartedly supported the launching by consensus of the First Decade to Combat Racism and Racial Discrimination, but had not taken part in any activity undertaken in connection with the First or Second Decades since the adoption of resolution 3379 (XXX), in which the General Assembly "Determines that zionism is a form of racism and racial discrimination". His delegation had not voted against draft resolution E/CN.4/1988/L.18, but had abstained.

63. Mr. WILLE (Norway) said that his delegation had voted in favour of draft resolution E/CN.4/1988/L.20, but entertained certain reservations with regard to several of its provisions, particularly operative paragraphs 6, 18 and 20.

64. Mr. LILLIS (Ireland) said that his Government's commitment to the complete elimination of apartheid and immediate independence for Namibia was well known. Ireland had therefore voted in favour of draft resolution E/CN.4/1988/L.20, whose objectives it supported without, however, subscribing to operative paragraph 15. It should therefore not be assumed that by voting in favour of the draft, Ireland had given its endorsement to that provision. It also regretted the reference made to certain States, in several paragraphs, in language which was not conducive to the attainment of the Commission's objectives or the smooth running of its work. It also considered that paragraph 18 gave an incomplete description of the situation with regard to the Geneva Conventions.
65. Ireland had abstained in the vote on the proposal to delete a certain number of paragraphs from draft resolution E/CN.4/1988/L.17. If each of those provisions had been put to a separate vote, it would have voted against several of them, particularly the sixth preambular paragraph and operative paragraph 8.

66. Mr. MAIOLINI (Italy) said that his delegation had, as in the previous year, voted in favour of the draft resolution on the situation of human rights in South Africa (E/CN.4/1988/L.19), although it felt that some of its provisions were couched in excessive language. Moreover, in the circumstances, Italy did not believe that comprehensive and mandatory sanctions would be the best way of putting an end to the immoral system of apartheid. However, his delegation had considered it appropriate and necessary to send, as it were, a firm and unambiguous message to the authorities in Pretoria, especially after the events that had taken place in the past few days, which had once again demonstrated the South African Government's determination to persist in a policy that had been condemned by the international community in the strongest possible terms.

67. Mr. da COSTA LOBO (Portugal) stated that his delegation's abstention in the vote on draft resolution E/CN.4/1988/L.19 was meant to convey both its approval of the main points of the draft and its inability to subscribe to some of its paragraphs, particularly those calling for the adoption of mandatory sanctions or implying approval of an armed struggle as a means of settling the problems in South Africa. His delegation once again resolutely condemned the system of apartheid, and expressed its indignation at the military pressure and policy of destabilization directed against the "front-line" States.

68. Turning to draft resolution E/CN.4/1988/L.20, while his delegation supported the Namibian people's right to self-determination and the implementation of Security Council resolution 435 (1978), it had reservations about the substance or the wording of some of the provisions in the draft, mainly for the reasons already explained in connection with draft resolution E/CN.4/1988/L.19. It had therefore had to abstain on that draft.

69. Mrs. HARA (Japan) said that her delegation had abstained in the votes on draft resolutions E/CN.4/1988/L.19 and L.20, because of the difficulties it had had with some of their provisions. However, Japan understood the aim of both texts perfectly well; it continued to be opposed to the policy of apartheid and urged the South African Government to lift the bans and other restrictions on the anti-apartheid organizations.

70. Mr. PALACIOS (Spain) said that his delegation had voted in favour of draft resolution E/CN.4/1988/L.19, because it considered the situation of human rights in South Africa and the persistence of the policy of apartheid to be an affront to mankind. However, his delegation did not believe that the complete isolation of the Pretoria régime would be beneficial to the black population, on the contrary. It had abstained in the vote on draft resolution E/CN.4/1988/L.17, but if some of its provisions, and more specifically the sixth preambular paragraph and operative paragraph 8, had been put to a separate vote, it would have had to vote against them, for it did not share the views expressed therein.
71. The CHAIRMAN drew the attention of the Commission to draft resolution IV, entitled "Measures to combat racism and racial discrimination and the role of the Sub-Commission" (E/CN.4/1988/37, Chapter I, Section A), which the Sub-Commission had recommended for adoption by the Commission. If he heard no objections, he would take it that the Commission adopted that draft resolution by consensus.

72. Draft resolution IV of the Sub-Commission was adopted.


73. Mrs. NOVOZHILOVA (Union of Soviet Socialist Republics) observed that the work of the current session was proceeding in an atmosphere of increasing cooperation, attributable to the stronger, constructive will demonstrated by the States.

74. If ever a problem concerned mankind as a whole, it was surely that of the survival of civilization and the protection of the right to life. Yet, a grave danger was looming on the threshold of the third millennium - the perversion of the greatest scientific achievement of all, namely, the use of nuclear energy, into a weapon of mass destruction and, generally speaking, the risk of seeing the most outstanding scientific and technological discoveries used against mankind. That new state of affairs called for a fresh approach to the consideration of problems, and the renunciation of the traditional concept of an enemy. Mankind was beginning to realize that war must be eliminated, and was putting forward the ideals of peace, freedom, equality, respect for human rights, mutual understanding, dignity and the satisfaction of health requirements, which must underly the practical policy pursued by all States. The task was clearly not a simple one.

75. The Soviet Union was not claiming to be the only one in the right. All States must find their way to peaceful co-existence, and see to it that scientific and technological achievements were used to further that objective. One of the means used by the Soviet Union to eliminate a threat that had jeopardized the right to life had been to conclude with the United States the Treaty on the elimination of their intermediate and short-range missiles, whose application would be the first step towards genuine disarmament. The agreements concluded between Mr. Gorbachev and Mr. Reagan paved the way to the elimination of the heavy military burden.

76. The right to life involved many aspects, one of which was of particular concern to women: the fact of giving birth to a child, bringing it up and protecting it against all dangers, including that of war. On account of the arms race, the very young were being denied a happy childhood and even the right to life. Seventeen million children died of starvation or disease each year, hence the development of the women's peace movement. In that connection, a congress attended by 3,000 participants had recently been held in Moscow on the theme "For a year 2000 free of nuclear weapons, for peace, mankind and development". There was currently a growing awareness of the fact that scientific progress offered more guarantees for the right to life, hence the development of systems of social protection and assistance and national
health and education systems. In line with developments in that area, the
Government of the Soviet Union had, inter alia, adopted a programme for the
restructuring of secondary and higher education.

77. However, the most serious violation of the right to life was doubtless
the threat posed by the continued danger of war. It was for that reason that
the Soviet Union attached such importance to the strengthening of peace. Its
position was related to its new policy of restructuring. The initiatives
taken by the Soviet Union proceeded from sound, scientific premises and the
facts of a closely interdependent world. However, not all countries were
seeking constructive dialogue and the strengthening of the right to life;
some were still in the grip of antiquated ideas; yet, it was more than ever
important that confrontation should give way to co-operation. The USSR was
firmly committed to a new form of diplomacy and a new way of thinking, which
rejected "the image of the enemy" and it sought to establish constructive
co-operation among all States with a view to strengthening human rights. It
was on that basis that it was submitting to the Commission a draft resolution
aimed at strengthening and guaranteeing the right to life. In a century when
scientific and technological developments sometimes fostered narrow
technocratic judgements and resulted in disregard from humanitarian issues,
ever before had the idea of the United Nations, which endeavoured to focus on
people, been of such topical relevance. The recognition of the right of
everyone to life effectively highlighted the crux of the matter, namely, the
universal principle whereby human life was the ultimate value. The Commission
on Human Rights must support the change that was taking shape, and acclaim the
conclusion of important agreements that would strengthen the bases on which
respect for the right to life could be secured and contrary trends averted.
The Soviet delegation hoped that the Commission would adopt its draft by
consensus.

78. Mr. PENOTE (Four Directions Council) recalled that the question of
Canada's colonization of the Innu territory of Ntesinan, otherwise known as
Labrador and north-eastern Quebec, had already been raised before the
Commission several times in the past. Although the Innu had occupied a
well-defined territory for centuries, and possessed a distinct national
language and identity, Canada refused to recognize them as a people, regarded
them as a minority and had accordingly undertaken a policy of territorial
dispossession. Over the past 30 years, that territory had been assaulted by
economic and technological impacts such as mines, hydro-electric projects,
logging operations and the arrival of Euro-Canadians in large numbers,
resulting in enormous social difficulties for the Innu people.

79. Canada had recently concluded bilateral agreements with the Federal
Republic of Germany, the United Kingdom and the Netherlands, allowing those
States to use the territory and airspace of Ntesinan for low-altitude military
flight training. The number of those exercises had increased each year since
1980 and there were to be more than 35,000 flights per season by 1990. The
aircraft of the foreign States in question were permitted to fly over the
territory, as low as 30 metres in designated areas. Moreover, large tracts of
land were to be confiscated and set aside for simulated bombing practice. At
the same time, Canada was promoting Goose Bay in Ntesinan (Labrador) as the
site for a future NATO tactical fighter training centre, which would imply an
additional 140 aircraft and a range area covering 100,000 square miles. In
May 1985, representatives from all the Innu communities had met and
unanimously opposed the militarization of the territory of Ntesinan and low altitude flying in particular, because of the effects it was likely to have on people, wildlife and the environment in general.

80. Even more central to Innu opposition, however, was the violation of the collective rights of the Innu people as guaranteed by the international human rights conventions ratified by Canada. The Innu were the rightful owners of the territory, and had never ceded through any treaties or agreements their right to self-determination and permanent sovereignty over the territory and its natural resources. Canada continued to lease Innu territory without the consent of the population. As a result of the classification of part of the territory as a restricted military zone, some Innu were subject to one year of imprisonment for exercising their right to hunt on their own lands. That was contrary to article 1, paragraph 2, of the International Covenant on Civil and Political Rights.

81. In response to the complaints of the Innu, the International Federation of Human Rights had undertaken a mission in the field, whose report was released in January 1987; the mission had concluded that the military training operations in question constituted an infringement of fundamental rights, because they affected the population's physical and mental well-being, as well as an infringement upon the collective rights of the Innu people by making it very difficult for them to carry on their traditional activities, on which their very existence depended. The Christian churches of Canada had also appealed to the Canadian Government to rescind the agreements in force and refrain from entering into any future bilateral or multilateral agreements for the military use of Ntesinan.

82. However, the Canadian Government was not the only one at fault: the Federal Republic of Germany, the Netherlands and the United Kingdom were also responsible for violations of the rights of the Innu. Their military activities seriously disrupted the environment and society of the Innu, jeopardizing their very survival. That week, the Netherlands Parliament was to examine the question of whether or not the air force would participate in training exercises in Innu territory, thereby exporting, as it were, exercises that would be illegal in the Netherlands itself. The Four Directions Council therefore appealed to the Federal Republic of Germany, the United Kingdom and the Netherlands not to accept the Canadian Government's offer of the use of the territory of Ntesinan as a military training area. It also requested the members of NATO to recognize that the establishment of a centre for training in the use of tactical weapons in that territory would mean the destruction of the way of life of an entire people. The Four Directions Council was particularly disappointed that a State such as the Netherlands, which had been in the forefront when the Commission had first taken up the question of the rights of indigenous peoples, had decided to participate in activities likely to destroy the Innu people; for the Innu, the loss of their lands would lead the way to ethnocide and even genocide.

83. Mrs. YOUNG (United Kingdom of Great Britain and Northern Ireland) first welcomed the presence of a woman in the delegation of the USSR.

84. With reference to agenda item 15, her delegation believed that scientific and technological developments could indeed offer opportunities to promote economic, social and cultural rights, and held out the hope of lightening the
burden of poverty, which afflicted millions of people in the world. There were few communities which did not enjoy some of the benefits of scientific and technological developments, whether in the form of increased agricultural productivity, the decline of infant mortality or the wider dissemination of information through satellite communications. Yet, the human rights implications of such developments were not confined to economic, social and cultural rights; they also had a potential impact on civil and political rights, and it was up to Governments to ensure that they were not used to abuse the rights of the individual.

85. At previous sessions there had been much discussion of the impact on the rights of individuals of the development of nuclear weapons. Her delegation was fully aware of the importance of disarmament and of the urgent need for further progress in reaching agreement on concrete measures in that field. However, it was equally aware that if there was to be a break-through in that area it would be achieved in another forum. What the Commission should focus on were the specific and real benefits to, or abuses of, human rights that stemmed from scientific and technological developments.

86. An issue of particular concern to public opinion in the United Kingdom was the abuse of psychiatry and medical treatment of persons detained on non-medical grounds. The Commission had, in a number of resolutions, affirmed by consensus that the detention of persons in mental institutions on account of their political views or on other non-medical grounds, represented a violation of human rights. The report prepared by the Special Rapporteur of the Sub-Commission left no doubt about the seriousness of that issue, and revealed gross violations of human rights. The Special Rapporteur's conclusions only reinforced the concerns of her delegation, and confirmed that psychiatry was used against political opponents and that some people were used for scientific experiments without their consent.

87. There were other ways in which the human rights of persons detained in psychiatric institutions could be violated. Her delegation had already had occasion to comment on the matter under agenda item 10. Persons in detention, wherever they were held, being separated from their family and friends, were particularly vulnerable to violations of human rights. That was perhaps even truer of those detained in psychiatric institutions since they were regarded as less than fully competent individuals by those who had charge of them. Yet, the dignity of the human person as recognized in the Charter was as much their birthright as it was for everyone else. Special care must therefore be taken to ensure that the human rights of the mentally ill were scrupulously respected, inter alia, to enable them to retain as much autonomy as possible.

88. In that connection, her delegation considered it essential that guidelines should be established in that area, and regretted that, 11 years after it had started to look into the matter, the Sub-Commission had still to complete the consideration of the Draft body of guidelines, principles and guarantees of the rights of persons detained on grounds of mental ill-health or suffering from mental disorder. In particular, her delegation regretted that the issue had become blocked for so long in a working group of the Sub-Commission, and hoped that the latter, with its new membership, would tackle the issue with greater vigour. The Commission already had before it a brief draft resolution from the Sub-Commission. Her delegation welcomed the request in the draft, calling upon the Sub-Commission to give more importance
to the relevant Working Group at its next session and complete its work on the subject as a matter of urgency. However, the draft failed to make sufficiently clear the gravity of the issue and the widespread nature of the problems. The United Kingdom would therefore be proposing amendments to make it clear why that issue was of such concern to the international community.

89. Care should also be taken to ensure that the guidelines eventually agreed upon took the most appropriate form; indeed, the delegation of the United Kingdom feared that the draft, as it stood, might be too long and detailed. It had been proposed that it should be divided into two parts, namely, a general statement of fundamental principles on the one hand, and more detailed guidance on how to implement those principles on the other. Her delegation hoped that the Sub-Commission would consider that suggestion carefully and that the relevant document drawn up by the World Health Organization would be made available to it at its fortieth session.

90. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic) said that if scientific and technological developments were used only in the interests of mankind and not against it, they would help to put an end to hunger, poverty and social inequalities. As had already been pointed out by Mr. Gorbachev, science should not serve two masters — life and death — rather, it should always serve life. In that connection, the agreement recently concluded on short- and medium-range missiles had implications which must not be underestimated.

91. The current scientific and technological revolution assumed very different metamorphosis depending on the social and political system. Thus, capitalism in the 1980s, the era of electronics and computers, was turning millions of people, including young people and educated people, onto the streets. Power and wealth were concentrated in the hands of a few; militarism was growing and seeking to control political power. The scientific and technological revolution was confronting the developing countries with a problem: could they benefit fully from its achievements in order to build up their strength and struggle against neocolonialism and imperialism, or would they remain on the sidelines of world development indefinitely? Socialism, for its part, was eminently suited to apply science and technology in the interests of the people. Yet, it would be wrong to believe that the scientific and technological revolution was without problems for it. Its development was very closely related to the improvement of social relations, the renewal of trends of thought and the confirmation of dynamism as a standard of existence. The scientific and technological revolution called for a continuing review of established patterns, opened up new prospects and created requirements for the re-organization of life at the national and international levels. Technological and scientific progress did not supersede the laws of social development, but exercised a considerable influence on all the processes in operation, sometimes even with contradictory effects.

92. As one of the initiators of the adoption by the General Assembly in 1985 of the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind (resolution 3384(XXX)), as well as a number of resolutions on the question of the relationship between human rights and scientific and technological developments, the Byelorussian Soviet Socialist Republic considered that the provisions of that Declaration should be applied in full by all States. Measures should be adopted to ensure
that all people could avail themselves of the benefits of science and technology, and to afford them legal protection against the misuse of scientific and technological developments, which could entail violations of the right to life. The Declaration was of particular relevance for countries which had developed a system for spying on their citizens and interfering in their private lives by means of computer technology.

93. The Byelorussian SSR had also taken the initiative of submitting to the forty-second session of the General Assembly the draft resolution calling upon the Commission on Human Rights to assist the Sub-Commission in conducting a study on the applications of scientific and technological developments in support of the right to work and to development. Such a study would be of considerable practical interest to the developed and developing countries alike. The Byelorussian SSR would be submitting a draft resolution under agenda item 15.

94. The international community should concentrate its efforts on the elimination of the danger of a thermonuclear war, the strengthening of peace and security and the guaranteeing of the right to life and security. In that connection, guidance could be sought in the proposal of the USSR and the socialist countries, adopted at the forty-second session of the General Assembly, which was aimed at the establishment of a comprehensive system of international peace and security. Scientific and technological achievements could provide solutions to major contemporary problems such as the protection of the environment and the struggle against hunger and disease, including AIDS. The Byelorussian SSR considered that the preconditions for co-operation with a view to the constructive use of scientific and technological developments were the strengthening of peace and security, the ending of the arms race and international détente.

The meeting rose at 6.05 p.m.