

An article in the Geneva Agreements provides for the voluntary return of the Afghan refugees in Pakistan to their homeland, however the number of those who have returned is far outweighed by the number of new refugees going to Pakistan. Some of the main reasons for the refugees not returning are the composition of the government, the continued fighting involving highly destructive arms (for example SCUD II missiles and cluster bombs) on both sides and the minefields which have been laid in many places in Afghanistan.

The main towns and villages are under Najibullah control and the March 1989 declaration of a state of emergency allows the government to suspend human rights by a presidential decree. Opponents of the regime are still tried by special security courts and procedural guarantees do not conform to international human rights instruments. Prisoners awaiting trial are held in deplorable conditions and the Special Rapporteur regrets that ICRC has not so far been able to visit these persons.

It is the opinion of the Special Rapporteur that only a political solution can guarantee the attainment of all human rights, including the right to self-determination.

Canadian Position:

Canada also believes the solution must lie in a resolution of the conflict through negotiation; and to this end it urges outside powers and especially the Soviet Union to encourage compromise and national reconciliation leading to the formation of a non-aligned, representative government. For its part, Canada has channelled assistance through the UN humanitarian assistance programme for the repatriation and rehabilitation of Afghan refugees in Pakistan. Our food aid to Afghan refugees was maintained at \$ 14 million for 1989/90, despite a reduction in our overall food aid budget. Canada is also participating in a UN programme in Pakistan to train Afghans in mine recognition and clearance techniques to enable them to remove the millions of mines laid during the war.

Canada has consistently denounced the widespread and continuing violations of human rights in Afghanistan. On November 29, 1989 we co-sponsored a resolution in the UN on the Situation of Human Rights in Afghanistan which was adopted by consensus. This ensures that the situation will be kept under consideration during the forty-sixth session of UNGA.