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IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO
SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO
COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND
OBSERVANCE OF HUMAN RIGHTS

Report of the Third Committee

Rapporteur: Mr. Fuad M. AL-HINAI (Oman)

I. INTRODUCTION

1. The item entitled "Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General" was included in the provisional agenda of the thirty-second session of the General Assembly in accordance with Assembly resolution 31/34 of 30 November 1976.
2. At its 5th plenary meeting, on 23 September 1977, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Third Committee.
3. The Committee considered this item at its 12th to 19th, 26th and 28th meetings, from 6 to 13 and on 20 and 24 October. The views expressed by the representatives of Member States on this item are contained in the summary records of those meetings (A/C.3/32/SR.12-19, 26 and 28).
4. In connexion with item 79, the Committee had before it the following documents:
 - (a) Letter dated 15 March 1977 from the Deputy Prime Minister and Minister for Foreign Affairs of Egypt (A/32/61);
 - (b) Report of the Secretary-General (A/32/147 and Add.1-3).

5. At the 12th meeting, on 6 October, the Director of the Division of Human Rights introduced the item (see A/C.3/32/SR.12, paras. 10-13).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.3/32/L.8

6. A draft resolution (A/C.3/32/L.8) was submitted by Algeria, Angola, Benin, the Comoros, Egypt, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, Jordan, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Mali, the Niger, Nigeria, Rwanda, Senegal, Sierra Leone, the Sudan, the Syrian Arab Republic, Togo, Tunisia, Uganda and the United Republic of Tanzania, subsequently joined by Bulgaria, Burundi, Cape Verde, Chad, the Congo, Cuba, Czechoslovakia, Democratic Yemen, the German Democratic Republic, Haiti, Hungary, Iraq, the Lao People's Democratic Republic, Mauritania, Mongolia, Mozambique, Somalia, the United Republic of Cameroon, the Upper Volta, Yemen and Zambia. The draft resolution, which was introduced by the representative of Tunisia at the 26th meeting on 20 October, read as follows:

"The General Assembly,

"Recalling its resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1975 and 31/34 of 30 November 1976,

"Recalling also its resolutions 2465 (XXIII) of 20 December 1968, 2548 (XXIV) of 11 December 1969, 2708 (XXV) of 14 December 1970, 3103 (XXVIII) of 12 December 1973 and 3314 (XXIX) of 14 December 1974 on the use and recruitment of mercenaries for use against national liberation movements and sovereign States,

"Recalling the Declaration and Programme of Action adopted at the International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo from 16 to 21 May 1977, and the Programme of Action adopted by the World Conference for Action against Apartheid, held at Lagos from 22 to 26 August 1977,

"Taking note of the Declaration of the First Afro-Arab Summit Conference, held at Cairo from 7 to 9 March 1977, 1/

"Reaffirming its faith in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the importance of its implementation,

"Reaffirming the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples, as imperatives for the enjoyment of human rights,

1/ A/32/61.

"Affirming that bantustanization is incompatible with genuine independence, unity and national sovereignty and would result in perpetuating the power of the white minority and the racist apartheid system in South Africa,

"Reaffirming the obligation of all Member States to comply with the principles of the Charter and with United Nations resolutions concerning the exercise of the right to self-determination by peoples under colonial and foreign domination,

"Welcoming the independence of Djibouti,

"Reaffirming the national unity and territorial integrity of the Comoros,

"Indignant at the continued violations of the human rights of the peoples still under colonial and foreign domination and foreign control, at the continued illegal occupation of Namibia and South Africa's attempts to dismember its territory, at the perpetuation of racist minority régimes in Zimbabwe and South Africa and at the denial to the Palestinian people of their inalienable national rights,

"1. Calls upon all States to implement fully and faithfully United Nations resolutions regarding the exercise of the right to self-determination by peoples under colonial and foreign domination;

"2. Reaffirms the legitimacy of the peoples' struggle for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign control by all available means, including armed struggle;

"3. Reaffirms the inalienable right of the peoples of Namibia and Zimbabwe, of the Palestinian people and of all peoples under foreign and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without external interference;

"4. Demands the immediate evacuation of the French administration and forces from the Comorian territory of Mayotte;

"5. Condemns the policy of bantustanization and reiterates its support for the oppressed people of South Africa in their just and legitimate struggle against the racist minority régime in Pretoria;

"6. Reaffirms that the practice of using mercenaries against national liberation movements and sovereign States constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing, and training of mercenaries in their territory and the transit of mercenaries through their territory to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

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"7. Condemns the policies of those members of the North Atlantic Treaty Organization and other countries whose political, economic, military or sporting relations with racist régimes in southern Africa and elsewhere encourage those régimes to continue stifling the aspirations of peoples to self-determination and independence;

"8. Strongly condemns all Governments which do not recognize the right to self-determination and independence of all peoples still under colonial and foreign domination and foreign control, notably the peoples of Africa and the Palestinian people;

"9. Strongly condemns the ever-increasing massacres of innocent and defenceless people, including women and children, by the racist minority régimes of southern Africa in their desperate effort to thwart the legitimate demands of the peoples;

"10. Demands the immediate release of all persons detained or imprisoned because of their struggle for self-determination and independence, full respect for their fundamental personal rights and the observance of article 5 of the Universal Declaration of Human Rights, which requires that no one shall be subjected to torture or other cruel, inhuman or degrading treatment;

"11. Notes with appreciation the material and other forms of assistance that peoples under colonial and foreign rule continue to receive from Governments, United Nations agencies and intergovernmental and non-governmental organizations, and calls for this assistance to be maximized;

"12. Looks forward to the publication of the following studies undertaken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) Historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms;

(b) Implementation of United Nations resolutions relating to the right of peoples under colonial and foreign domination to self-determination;

"13. Requests the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples (1514 (XV) of 4 December 1960) and to give the widest possible publicity to the struggle being waged by oppressed peoples for the realization of their self-determination and national independence;

"14. Decides to consider this item again at its thirty-third session on the basis of the reports that Governments, United Nations agencies and intergovernmental and non-governmental organizations have been requested to submit concerning the strengthening of assistance to colonial Territories and peoples under foreign domination and control."

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7. At the 28th meeting, on 24 October, the representative of Tunisia revised the draft resolution by replacing, in the third preambular paragraph, the words: "Programme of Action adopted by the World Conference for Action against Apartheid" by the words "Declaration adopted by the World Conference for Action against Apartheid".

8. At the same meeting, the representative of Viet Nam introduced oral amendments which provided for:

(a) The insertion after the word "resolutions" in the first line of the first preambular paragraph, of the words "2105 (XX) of 20 December 1965";

(b) The insertion of a new operative paragraph 3 reading as follows:

"Emphasizes the right of all States to provide material, moral and other assistance to peoples who are still under colonial domination and struggling for their right to self-determination and national independence;"

and the renumbering of the following paragraphs accordingly.

9. Also at the 28th meeting, the representative of Argentina proposed the following subamendments to the amendments of Viet Nam:

(a) The insertion, after the word "resolutions" in the first line of the first preambular paragraph, of the words "1514 (XV) of 14 December 1960";

(b) The insertion in the new operative paragraph 3 proposed by Viet Nam, after the words "to self-determination", of the words "to territorial integrity".

10. Subsequently, at the same meeting, the representative of Viet Nam withdrew her amendments and consequently, the representative of Argentina withdrew her subamendments thereto.

11. An amendment to draft resolution A/C.3/32/L.8 sponsored by Belgium, Canada, Denmark, Germany, Federal Republic of, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.3/32/L.10) was introduced at the 28th meeting by the representative of Belgium. The amendment read as follows:

"In paragraph 7 delete the words 'those members of the North Atlantic Treaty Organization and other'."

12. The voting on the draft resolution and amendment thereto was as follows:

(a) The amendment (A/C.3/32/L.10) was rejected by a roll-call vote of 61 to 25, with 41 abstentions. The voting was as follows:

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In favour: Belgium, Canada, Denmark, El Salvador, Fiji, France, Gabon, Germany, Federal Republic of, Greece, Grenada, Honduras, Iceland, Ireland, Israel, Italy, Liberia, Luxembourg, Netherlands, Norway, Papua New Guinea, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Albania, Algeria, Bahrain, Benin, Botswana, Bulgaria, Burundi, Byelorussian SSR, Cape Verde, Chad, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Egypt, Equatorial Guinea, Ethiopia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libya, Madagascar, Mali, Mongolia, Mozambique, Nigeria, Oman, Pakistan, Poland, Qatar, Romania, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Upper Volta, Viet Nam, Yemen, Yugoslavia, Zambia.

Abstaining: Argentina, Australia, Austria, Bahamas, Bangladesh, Bhutan, Brazil, Burma, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Finland, India, Indonesia, Iran, Japan, Lebanon, Lesotho, Malaysia, Maldives, Mexico, Morocco, Nepal, New Zealand, Peru, Philippines, Rwanda, Saudi Arabia, Singapore, Sri Lanka, Surinam, Swaziland, Sweden, Thailand, Trinidad and Tobago, Tunisia, Uruguay, Venezuela, Zaire.

(b) Draft resolution A/C.3/32/L.8, as orally revised, was adopted by a roll-call vote of 108 to 3, with 18 abstentions (see para. 13, below). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Surinam, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia. /...

Against: France, Israel, United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

III. RECOMMENDATION OF THE THIRD COMMITTEE

13. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights

The General Assembly,

Recalling its resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1975 and 31/34 of 30 November 1976,

Recalling also its resolutions 2465 (XXIII) of 20 December 1968, 2548 (XXIV) of 11 December 1969, 2708 (XXV) of 14 December 1970, 3103 (XXVIII) of 12 December 1973 and 3314 (XXIX) of 14 December 1974 on the use and recruitment of mercenaries for use against national liberation movements and sovereign States,

Recalling the Declaration and Programme of Action adopted at the International Conference in Support of the Peoples of Zimbabwe and Namibia, held at Maputo from 16 to 21 May 1977, 2/ and the declaration adopted by the World Conference for Action against Apartheid, held at Lagos from 22 to 26 August 1977. 3/

Taking note of the Declaration of the First Afro-Arab Summit Conference, held at Cairo from 7 to 9 March 1977, 4/

Reaffirming its faith in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the importance of its implementation,

2/ A/32/109/Rev.1-S/12344/Rev.1, annex V.

3/ See S/12426.

4/ A/32/61, annex I.

Reaffirming the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the enjoyment of human rights,

Affirming that bantustanization is incompatible with genuine independence, unity and national sovereignty and would have the effect of perpetuating the power of the white minority and the racist system of apartheid in South Africa,

Reaffirming the obligation of all Member States to comply with the principles of the Charter and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and alien domination,

Welcoming the independence of Djibouti,

Reaffirming the national unity and territorial integrity of the Comoros,

Indignant at the continued violations of the human rights of the peoples still under colonial and foreign domination and alien subjugation, the continuation of the illegal occupation of Namibia and South Africa's attempts to dismember its territory, the perpetuation of the racist minority régimes in Zimbabwe and South Africa and the denial to the Palestinian people of their inalienable national rights,

1. Calls upon all States to implement fully and faithfully the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and alien domination;
2. Reaffirms the legitimacy of the people's struggle for independence, territorial integrity, national unity and liberation from colonial and foreign domination and alien subjugation by all available means, including armed struggle;
3. Reaffirms the inalienable right of the peoples of Namibia and Zimbabwe, of the Palestinian people and of all peoples under alien and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without external interference;
4. Demands the immediate evacuation of the French administration and forces from the Comorian territory of Mayotte;
5. Condemns the policy of bantustanization and reiterates its support for the oppressed people of South Africa in their just and legitimate struggle against the racist minority régime in Pretoria;
6. Reaffirms that the practice of using mercenaries against national liberation movements and sovereign States constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of

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mercenaries in their territory and the transit of mercenaries through their territory to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

7. Condemns the policies of those members of the North Atlantic Treaty Organization and of other countries whose political, economic, military or sporting relations with the racist régimes in southern Africa and elsewhere encourage these régimes to persist in their suppression of the aspirations of peoples for self-determination and independence;

8. Strongly condemns all Governments which do not recognize the right to self-determination and independence of all peoples still under colonial and foreign domination and alien subjugation, notably the peoples of Africa and the Palestinian people;

9. Strongly condemns the ever-increasing massacres of innocent and defenceless people, including women and children, by the racist minority régimes of southern Africa in their desperate attempt to thwart the legitimate demands of the people;

10. Demands the immediate release of all persons detained or imprisoned because of their struggle for self-determination and independence, full respect for their fundamental personal rights and the observance of article 5 of the Universal Declaration of Human Rights, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment; 5/

11. Notes with appreciation the material and other forms of assistance that peoples under colonial and foreign rule continue to receive from Governments, United Nations agencies and intergovernmental and non-governmental organizations, and calls for this assistance to be maximized;

12. Looks forward to the publication of the following studies undertaken by the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) Historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms;

(b) Implementation of United Nations resolutions relating to the right of peoples under colonial and foreign domination to self-determination;

5/ General Assembly resolution 217 A (III).

13. Requests the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to give the widest possible publicity to the struggle being waged by oppressed peoples for the realization of their self-determination and national independence;

14. Decides to consider this item again at its thirty-third session on the basis of the reports that Governments, United Nations agencies and intergovernmental and non-governmental organizations have been requested to submit concerning the strengthening of assistance to colonial Territories and peoples under foreign domination and control.
