



Chairman: Mrs. Helvi SIPILÄ (Finland).

AGENDA ITEM 55

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 (*continued*)\* (A/8331, A/8403, chap. XVII, sect. D; A/C.3/L.1877/Rev.1, A/C.3/L.1878 to 1880, A/C.3/L.1881/Rev.1, A/C.3/L.1882, A/C.3/L.1886/Rev.1, A/C.3/L.1888, A/C.3/L.1889)

CONSIDERATION OF DRAFT RESOLUTIONS

1. Mr. SENDAULA (Uganda) said that his delegation, together with a number of other delegations, had submitted an amendment recommended by the Economic and Social Council in its resolution 1592 (L). It would be advisable to affirm that the United Kingdom should not negotiate the future of Zimbabwe with an illegal régime and that any settlement must be on the basis of "no independence before majority rule" and universal suffrage.
2. His delegation understood the motives of the sponsors of the amendments contained in documents A/C.3/L.1877/Rev.1 and A/C.3/L.1882. Despite the arguments advanced, however, it was difficult for his delegation to accept paragraph 1 in the first of those documents and paragraph 4 in the second, unless the delegations concerned were prepared to accept the subamendments submitted by Barbados and Uganda in documents A/C.3/L.1888 and A/C.3/L.1889. His delegation's position on the Palestine problem and the Middle East problem in general had already been explained clearly during the general debate (1873rd meeting). It considered that Security Council resolution 242 (1967) constituted the basis for any possible solution in the region. His delegation also supported the efforts of Ambassador Jarring, who was seeking a peaceful settlement of the situation, and the activities undertaken by the Organization of African Unity. The question was thus already being dealt with by existing machinery and any solution should be formulated within that framework. Consequently, it was necessary to refrain from any action which might impede the efforts being made in that sphere. The situation in Palestine was not the same as that in southern Africa and the conflict in Palestine was different, for example, from the conflict in the Portuguese Territories. His delegation considered that it would be unwise to isolate one aspect of the Middle East problem in order to deal with it separately, for the efforts already being undertaken within the framework of the United Nations were designed to settle the question of the Palestine people at the same time as the Middle East question. That was why the delegations of Barbados and Uganda had submitted their subamendments, in order that the question under consideration might be examined in the proper perspective and the draft resolution adopted unanimously by the Committee.
3. Mr. FASSOU (Guinea) said that the draft resolution recommended by the Economic and Social Council was so important that a number of countries, including his own, had felt obliged to submit amendments designed not only to strengthen the text but also to clarify the notions of colonialism and racism and reaffirm the principles adopted by the United Nations concerning the national liberation movements. Those amendments were contained in document A/C.3/L.1882.
4. Mr. NASSER-ZIAYEE (Afghanistan) recalled that during the general debate his delegation had stressed (1872nd meeting) that the subjection of peoples to alien subjugation was a form of colonialism. The legality of their struggle should be reaffirmed in the operative part of the draft resolution under consideration. It was for that reason that his delegation had submitted the amendment contained in document A/C.3/L.1879, which it hoped would be approved unanimously by the Committee.
5. Mr. AKRAM (Pakistan) said that the draft resolution recommended by the Council was based on the generally accepted meaning of the right to self-determination, which had been defined in many documents. At the twenty-fifth session (1773rd meeting), his delegation had submitted a draft resolution—subsequently adopted as resolution 2649 (XXV)—designed to strike a balance between the rights of peoples to self-determination and the equally important principle of the territorial integrity of States. On that occasion it had stressed that in determining whether a people should have the right to self-determination the inductive method—an objective and necessary procedure—should be used. In fact, efforts were sometimes made to abuse the right to self-determination. Consequently, in resolution 2649 (XXV), the General Assembly had stated that peoples under colonial and alien domination were entitled to the right to self-determination. In that connexion the resolution mentioned the peoples of southern Africa and Palestine. A distinction should therefore be drawn in the draft resolution now before the Committee, between the legality of the struggle waged by those peoples and the illegality of the acts of those who were seeking to abuse the right of self-determination to intervene in the internal affairs of other States. The amendments his delegation had submitted for that purpose (A/C.3/L.1886/

\* Resumed from the 1873rd meeting.

Rev.1) could not give rise to controversy, for they did not establish new principles but merely recalled principles already established by the United Nations, which should be reaffirmed.

6. The means most often used for the exercise of the right to self-determination, particularly since the Second World War, was the establishment of a sovereign and independent State. As stated in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the establishment of a sovereign and independent State constituted a mode of implementing the right of self-determination by a people.

7. The first preambular paragraph proposed in the first Pakistan amendment (A/C.3/L.1886/Rev.1, para. 1) therefore reaffirmed that established principle. The second preambular paragraph proposed by his delegation in its first amendment was based on paragraph 6 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which stated that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. The third preambular paragraph flowed logically from the first two, since it stated that interference in the internal affairs of a State established in accordance with the right of self-determination of its peoples was a violation of the Charter.

8. The two operative paragraphs proposed in the second Pakistan amendment (*ibid.*, para. 2) were the logical outcome of the preamble and were based on the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in conformity with the Charter of the United Nations, which affirmed that every State had an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

9. His delegation approved of most of the provisions of the draft resolution, but felt that the text could be made more balanced by the adoption of the amendments it had proposed.

10. Mr. STILLMAN (United States of America) said that his Government fully subscribed to the principle that peoples should be able to express their will freely without interference by another State. His delegation would have liked to be in a position to support a well-balanced draft resolution which reaffirmed that principle. It therefore regretted that the sponsors had seen fit to cite specific examples instead of producing a draft of universal scope. The text contained many provisions of which his delegation whole-heartedly approved; however, his delegation had been compelled to vote against it in the Economic and Social Council, for it considered that several paragraphs were not balanced and that some paragraphs drew conclusions which were not necessarily those of all the members of the Committee. Desiring to make the text of the draft resolution recommended by the Council acceptable to all, his delegation had submitted a number of amendments (A/C.3/L.1881/Rev.1), some of which concerned the substance of the text, while others were merely drafting changes.

11. The first amendment expressed a general truth with which his delegation hoped everybody could agree. The original text made unjustified accusations against certain States and cited some arbitrary examples. The second amendment was simply a stylistic one. The third amendment should be acceptable to everybody, since it consisted merely of a reference to the Charter of the United Nations. The means used by peoples who were struggling to exercise their right to self-determination must be consistent with the Charter; other means were inadmissible. The amendment to operative paragraph 3 did not affect its substance but simply deleted certain tendentious expressions which were out of place in a Third Committee resolution. Similarly, the wording of operative paragraph 4 had been made more general. Operative paragraph 5 contained some valuable elements which were retained in the sixth United States amendment. The United States amendment, however, deleted the condemnation expressed in the original paragraph.

12. He hoped that, as a result of the amendments he had proposed, the draft resolution would be adopted unanimously by the Committee, for it contained a number of excellent principles, particularly in operative paragraphs 6, 7 and 8.

13. Mr. BAROODY (Saudi Arabia) said that the draft resolution recommended by the Economic and Social Council merely reaffirmed in platitudinous terms the right of peoples to self-determination, without specifying the peoples who were denied that right. The United States representative had just said that, if the draft resolution was to receive wide support, it should not contain any element that might give rise to objections. However, generalizations were already embodied in the Charter of the United Nations and the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Was it necessary to recall that article 1 of each of those Covenants affirmed the principle of the right of peoples to self-determination? Paragraph 1 of that article had become a cliché, but reference was made less frequently to the last sentence of paragraph 2: "In no case may a people be deprived of its own means of subsistence", which very rightly proclaimed that the political aspect of the right to self-determination was meaningless if the economic aspect was forgotten. The scope of the draft resolution must therefore be spelt out more precisely in order to reflect the situation of peoples subjected to alien domination which deprived them of their political rights and means of subsistence. The proposed amendments to the draft resolution confirmed that need.

14. The first Iraqi amendment (A/C.3/L.1877/Rev.1, para. 1), which referred specifically to southern Africa and Palestine, was self-explanatory, for it was a fact that the peoples of Palestine and southern Africa were deprived of their right to self-determination. In that connexion, he had been deeply shocked by the subamendment to the Iraqi amendment to the Iraqi amendment proposed by the Barbadian and Ugandan delegations, whereby the word "Palestine" would be replaced by "elsewhere". What was the reason for such discrimination? The two delegations had not considered it necessary to exclude other facts that were spelt out later in the draft resolution. Did they think that the situation in Palestine was not of a colonial nature?

15. He would comment on the other amendments in chronological order. The Syrian amendment (A/C.3/L.1878), which reaffirmed the relevant General Assembly resolutions, was absolutely essential. The Afghan amendment (A/C.3/L.1879), too, was justified. He was surprised to see Barbados and Uganda among the sponsors of amendment A/C.3/L.1880. If that amendment was compared with amendment A/C.3/L.1888, which had also been proposed by those two delegations, it would be seen that they were not unwilling to mention certain countries by name, but there again they did not mention Palestine, which was covered by the expression "and elsewhere". Such discrimination was entirely unjustified and he appealed to the Barbadian and Ugandan representatives to reconsider their position and withdraw their two amendments.

16. Although the United States amendments (A/C.3/L.1881/Rev.1) seemed very constructive no mention was made of Palestine, where a colonial situation nevertheless existed. The purpose of that omission was to spare the feelings of United States Jews, whom the United States Government was afraid to antagonize. However, not all United States Jews were Zionists and the unnecessary gap in the United States amendments made them only partly constructive.

17. It was indeed advisable to clarify the scope of the word "exploitation" in the first preambular paragraph of the draft resolution, as proposed in the first amendment contained in document A/C.3/L.1882, for exploitation was also practised within particular countries. The third amendment contained in that document was also justified, and he was pleased to note that in the fourth amendment Palestine had, for once, not been forgotten.

18. Since he had not had time to study the Pakistan amendments (A/C.3/L.1886/Rev.1), he reserved the right to refer to it in due course. He urged the Committee to avoid platitudes and generalizations and to adopt a precise and detailed text. The number of countries under colonial domination was not so great that it was impossible to mention them all by name. He reiterated his appeal to the representatives of Barbados and Uganda to withdraw their amendments.

19. Mr. EL-FATTAL (Syrian Arab Republic) said he had already had occasion to point out during the debate (1870th meeting) that there were gaps in the draft resolution recommended by the Economic and Social Council. The text should refer, in particular, to the relevant legal documents, which would strengthen its impact. For that reason his delegation had proposed the amendment contained in document A/C.3/L.1878. General Assembly resolution 2649 (XXV) had been omitted from the list contained in that amendment: the words "2649 (XXV) of 30 November 1970" should therefore be inserted after the words "2625 (XXV) of 24 October 1970".

20. He also wished to comment on the two resolutions relating to the inalienable rights of the people of Palestine, namely, resolutions 2535 B (XXIV) and 2672 C (XXV). The former resolution merely reaffirmed the right of the people of Palestine to self-determination. There was no need to recognize that right since it was an inherent right

which the Palestinians had acquired at birth. The latter resolution had received the support of many African countries, including Uganda. Only four African delegations had opposed it. Moreover, all the resolutions adopted by the Organization of African Unity since 1967 had reaffirmed the right of the people of Palestine to self-determination.

21. Mr. MANI (India) drew attention to the importance of the relationship between General Assembly resolution 2649 (XXV) and the item under consideration. That resolution, which had received the support of the Indian delegation, had been submitted at the twenty-seventh session of the Commission on Human Rights, which had formulated a new draft resolution and had recommended it for adoption by the Economic and Social Council.<sup>1</sup> It was that draft resolution, which had been carefully considered by the Council, that the Committee now had before it.

22. A number of the proposed amendments to the text of the draft resolution under consideration were contradictory. The Committee must ensure that the final text of the draft resolution was comprehensive and balanced, and that it reflected the principles and covenants adopted by the United Nations. Moreover, the draft resolution should constitute a step forward and not a step backward. It was in that spirit that his delegation proposed two amendments to the amendments already submitted.

23. The first related to the amendment contained in document A/C.3/L.1878. An important resolution seemed to have been omitted from the list of relevant legal documents, namely resolution 2200 (XXI), in which the General Assembly had adopted the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the International Covenant on Civil and Political Rights. It was particularly important to refer to the first two of those international instruments since article 1 of each of them reaffirmed the right of all peoples to self-determination. The words "2200 (XXI) of 16 December 1966" should therefore be inserted after the words "1904 (XVIII) of 20 November 1963".

24. The second amendment related to the Pakistan amendments (A/C.3/L.1886/Rev.1), which were based partly on the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. The three preambular paragraphs proposed in the first Pakistan amendment reflected only a few of the ideas contained in the Declaration. In order to fill that gap, he proposed that the three preambular paragraphs proposed by the Pakistan delegation should be replaced by the following text:

*"Reaffirming the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which elaborated the principle of self-determination of peoples."*

The new operative paragraph 9, proposed in the second Pakistan amendment, seemed to be based on both the

<sup>1</sup> See *Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 4*, chap. XIX, resolution 8.

principle that States should settle their international disputes by peaceful means and that of the equal rights and self-determination of peoples. There again, however, only a few ideas had been reflected. He therefore proposed that the end of the proposed operative paragraph 9, after the words "territorial integrity of a State", should be replaced by the following words: "conducting itself in compliance with the principle of equal rights and self-determination of peoples and possessed of a distinction as to race, creed or colour is incompatible with the purposes and principles of the Charter".

25. The new operative paragraph 10 proposed by Pakistan took into account the last paragraph of the section on the principle of equal rights and self-determination of peoples in the Declaration and seemed all right. He hoped that it would be possible for Pakistan to accept the amendments which would only strengthen the ideas contained in the draft resolution. As regards the other amendments, he

reserved the right to take the floor at the appropriate stage to contribute to the smooth passage of those amendments.

26. Mr. FU HAO (China) requested that, in accordance with rule 58 of the rules of procedure, the text of the amendments proposed by the United States representative should be made available in Chinese.

27. Mr. LÜTEM (Secretary of the Committee) said that steps had already been taken to ensure that the amendments proposed by the United States representative were translated into Chinese; the Chinese text would be made available during the afternoon meeting.

28. The CHAIRMAN announced that the People's Republic of the Congo had joined the sponsors of the amendment contained in document A/C.3/L.1880.

*The meeting rose at 1 p.m.*