



General Assembly

Distr.
LIMITED

A/C.3/42/L.15/Rev.2
6 November 1987

ORIGINAL: ENGLISH

Forty-second session
THIRD COMMITTEE
Agenda item 91

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

Dominican Republic, Netherlands and United States of America:
revised draft resolution

Genuine and periodic elections and freedom of association

The General Assembly,

Conscious of its obligations under the Charter of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to promote and encourage respect for human rights and fundamental freedoms for all,

Affirming that by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter, all peoples have the right freely to determine, without external interference, their political status and to pursue economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter,

Recognizing that the Charter of the United Nations, General Assembly resolution 1514 (XV) of 14 December 1960, which contains the Declaration on the Granting of Independence to Colonial Countries and Peoples, and Assembly resolution 1541 (XV) of 15 December 1960, provide a framework in accordance with which peoples under colonial or alien administration are able to exercise effectively their right to self-determination and to freely determine their political status,

Regretting that peoples in certain parts of the world are being deprived of their right to self-determination,

Reaffirming the principle enshrined in the preamble to the Universal Declaration of Human Rights 1/ that it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Also recognizing, in accordance with article 21 of the Universal Declaration of Human Rights, that everyone has the right to take part in the government of his country, directly or through freely chosen representatives; that everyone has the right of equal access to public service in his country; and that the will of the people, as expressed in genuine and periodic elections - which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures - shall be the basis of the authority of government,

Mindful that the right to take part in the government of one's country has been reinforced in several international instruments, among them the International Covenant on Civil and Political Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination 3/ and the Convention on the Elimination of All Forms of Discrimination Against Women, 4/ and in regional instruments adopted by the Organization of African Unity, the Organization of American States and the Council of Europe,

Noting the progress in recent years in many regions towards the achievement of free and democratic political institutions, concretely expressed through the holding of genuine and periodic elections,

Noting with great concern, however, that gross and cruel violations of human rights under the apartheid system, itself a gross violation of the human rights and fundamental freedoms of the people of South Africa, continue to take place in South Africa, and in particular in this regard, rejects the denial to the black majority population of their full citizenship rights and the exclusion of the black majority population from participating in the political, social, economic and cultural life of their country,

Noting also that, in recent years, States in various regions have invited intergovernmental organizations, parliamentary observers and non-governmental organizations to observe elections in those States,

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 34/180, annex.

Recalling resolution 1 (XIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning the Draft General Principles on Freedom and Non-Discrimination in the Matter of Political Rights, 5/

Further recalling resolution 6 (XXIX) of the Commission on Human Rights and resolution 1786 (LIV) of the Economic and Social Council,

1. Recalls Article 55 of the Charter of the United Nations, which states that the United Nations shall promote, inter alia, universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples;

2. Reaffirms that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter, all peoples have the right to determine, without external interference, their political status and freely to pursue their economic, social and cultural development and every State has the duty to respect this right in accordance with the provisions of the Charter;

3. Recognizes, in accordance with the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 6/ that the establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right to self-determination by that people;

4. Welcomes the progressive exercise of the right to self-determination by peoples under colonial, foreign, or alien occupation and their emergence into sovereign statehood and independence;

5. Notes the duty of every State to promote, through joint and separate action, the realization of the principle of equal rights and self-determination of peoples, in accordance with the principles of the Charter, and in accordance with internationally established principles such as those formulated in, inter alia, General Assembly resolution 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960;

6. Also reaffirms that the subjection of peoples to alien subjugation, domination and exploitation or foreign occupation constitutes a violation of the principle of equal rights and self-determination of peoples and is contrary to the Charter;

5/ E/CN.4/Sub.2/213/Rev.1 (United Nations publication, Sales No. 63.XIV.2).

6/ Resolution 2625 (XXV).

7. Further reaffirms the necessity of expeditious and effective exercise of the right of self-determination by all peoples under colonial or alien domination or foreign occupation in accordance with internationally established principles;

8. Recognizes, in the context of the right of peoples freely to determine their political status and in accordance with the principles stated in such internationally accepted instruments as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, that everyone has the right to take part in the government of his country, directly or through freely chosen representatives; that everyone has the right of equal access to public service in his country; and that the will of the people, as expressed in genuine and periodic elections - which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures - shall be the basis of the authority of government;

9. Affirms that, in order to build a united, non-racial democratic society in South Africa, apartheid, which is a gross violation of the human rights of the people of South Africa, should be abolished in all its forms and that the enjoyment by all South Africans of human rights and fundamental freedoms, including in particular the right to participate in a political system based upon common and equal citizenship, universal franchise and duly elected representative institutions, is essential for the exercise of genuine self-determination;

10. Recalls also that, in accordance with the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, no action should be authorized or encouraged that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described in that Declaration and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour;

11. Appeals to Member States to provide, where they have not already done so, the necessary constitutional and legal protections that will guarantee and secure full respect for the free expression of the will of their peoples in genuine and periodic elections;

12. Appeals further to Member States to provide similar protections that will guarantee and secure full respect for the right to freedom of peaceful assembly and association, including for the purpose of the peaceful expression of differing political views and for the effective and meaningful organization and free functioning of the political process, subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society;

13. Calls upon Member States to fulfil their duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the Charter, in particular on

behalf of peoples in certain parts of the world who are being deprived of their right to self-determination;

14. Recognizes that, although political institutions and mechanisms are continuously evolving world-wide, the Draft General Principles on Freedom and Non-Discrimination in the Matter of Political Rights continue to provide a sound basis for determining the genuine nature of elections;

15. Urges regional intergovernmental organizations, non-governmental organizations and other groups, in responding to requests from Governments for expert assistance and observation to help ensure the genuine nature of their countries' elections, to draw upon the Draft General Principles when carrying out the aforementioned functions;

16. Invites the Commission on Human Rights, at its forty-fourth session, to consider during its debate on self-determination all aspects of the principle of equal rights and self-determination of peoples, including the right of all peoples freely to determine, without external interference, their political status, and to consider requesting the Secretary-General to transmit the report of its deliberations on this subject through the Economic and Social Council to the General Assembly at its forty-third session.
