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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO  
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Letter dated 18 February 1988 from the Permanent Representative  
of South Africa to the United Nations Office at Geneva addressed  
to the Chairman of the Commission on Human Rights

The text of document E/CN.4/1988/L.12 dated 15 February 1988 and entitled: "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation; situation in southern Africa" has been brought to my attention.

The contents of this resolution have over the years reflected the complete alienation of the Commission on Human Rights from the realities of developments in the African sub-continent, thereby justifying its continued rejection by those concerned. The question remains nevertheless as to what possible justification the sponsors of the draft resolution can have for the inclusion at this session of an article such as that contained in operative paragraph 7, which purports to reject categorically the constitutional initiative in South Africa "which falls short of accepting the principle of one man one vote in a united democratic South Africa".

Apart from the presumption in prejudging the outcome of the current constitutional initiatives, the Commission has no mandate to prescribe to any sovereign Member State the nature of its Constitution. The effrontery of this

paragraph is amply demonstrated by the inclusion among its sponsors of representatives of Member States whose current régimes have never deemed it necessary or desirable even to test their legitimacy or popular support by the holding of elections, however limited. Examples, in a not necessarily exhaustive list, are Afghanistan, Angola, Cuba, Ghana, Moxambique, Nicaragua and Nigeria.

It is by acts such as these that the Commission sadly demonstrates, if further proof be needed, its irrelevancy in the search for a lasting constitutional settlement in southern Africa and itself provides the fullest justification for its increasingly unrealistic resolutions to be rejected out of hand by the South African Government.

I should be grateful if this letter could be circulated as an official document of the session.

(Signed) J.B. SHEARAR  
Ambassador and  
Permanent Representative