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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: Miss Olajumoke Oladayo OBAFEMI (Nigeria)

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-fifth session of the General Assembly in accordance with Assembly resolution 34/44 of 23 November 1979.
2. At its 3rd plenary meeting, on 19 September 1980, the General Assembly decided to include the item in its agenda and to allocate it to the Third Committee.
3. The Committee considered this item jointly with items 66, 67 and 74 at its 6th to 23rd, 26th and 32nd to 34th meetings, from 29 September to 17 October and on 21 and 27 October 1980. The views expressed by the representatives of Member States, specialized agencies and observers on this item are contained in the summary records of those meetings (A/C.3/35/SR.6-23, 26 and 32-34).
4. The Committee had before it the following documents:
 - (a) Report of the Secretary-General on the item (A/35/146 and Add.1 and 2);
 - (b) Letter dated 11 January 1980 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/35/65-S/13742);

(c) Letter dated 20 August 1980 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General transmitting the documents of the Eleventh Islamic Conference of Foreign Ministers, held at Islamabad from 17 to 22 May 1980 (A/35/419-S/14129).

5. At the 6th meeting, on 29 September, the Chief of the New York Office of the Division of Human Rights made an introductory statement on behalf of the Director of the Division of Human Rights.

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/35/L.12

6. At the 22nd meeting, on 15 October, the representative of Somalia, on behalf of the States Members of the United Nations which are members of the African Group, introduced a draft resolution (A/C.3/35/L.12) 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"; subsequently Cuba and Viet Nam joined in sponsoring the draft resolution.

7. At the 33rd meeting, on 27 October, the representative of Somalia orally revised the draft resolution on behalf of the sponsors by replacing operative paragraph 7 with a new text, which read as follows:

"Deplores the practice of using mercenaries against national liberation movements and sovereign States, which constitutes a threat to international peace and co-operation, and calls upon all States to take appropriate measures to prohibit their nationals from serving as mercenaries, bearing in mind the exercise being undertaken in the Sixth Committee with regard to a proposal to draft an international convention against the activities of mercenaries."

8. At the same meeting, the representative of Somalia withdrew the revision, which was subsequently reintroduced by the representative of Nigeria.

9. At the 34th meeting, on 27 October, the representative of Nigeria withdrew the revision to operative paragraph 7 (see para. 7).

10. At the same meeting, the representative of Pakistan introduced an oral amendment to insert, after the fifth preambular paragraph, a new preambular paragraph, which read as follows:

"Also taking note of the relevant resolutions of the Eleventh Islamic Conference of Foreign Ministers held in Islamabad from 17 to 22 May 1980,".

11. At the same meeting, the representative of Pakistan withdrew the amendment.

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12. The Committee then adopted the draft resolution by 109 votes to 18, with 7 abstentions (see para. 20, draft resolution I).

B. Draft resolution A/C.3/35/L.6

13. At the 21st meeting, on 14 October, the representative of Costa Rica introduced a draft resolution (A/C.3/35/L.6) sponsored by Costa Rica, Morocco, Oman, Pakistan and Saudi Arabia, 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"; Somalia subsequently joined in sponsoring the draft resolution.

14. At the 33rd meeting, on 27 October, the representative of Pakistan, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) In the first preambular paragraph, the word "International" was inserted after the words "Covenants on Economic, Social and Cultural Rights and";

(b) In the third preambular paragraph, the words "the increasing incidence" were replaced by the word "acts";

(c) In the fifth preambular paragraph, the words "Noting the resolutions 3 (XXXVI) and 29 (XXXVI) of the Commission on Human Rights" were replaced by "Noting the relevant resolutions of the thirty-sixth session of the Commission on Human Rights";

(d) In operative paragraph 3, the words "suppression against" were replaced by "repression, discrimination, exploitation and maltreatment of";

(e) In operative paragraph 4, replace the words "military occupation and intervention in various countries" by "aforementioned acts";

(f) Replace the text of operative paragraph 6 by the following:

"Requests the Secretary-General to report on this issue at the thirty-sixth session of the General Assembly under the item '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'."

15. At the same meeting, the representative of Mexico introduced oral amendments to operative paragraphs 2, 3 and 4 of the draft resolution as follows whereby:

(a) In operative paragraph 2, the word "resulting" would be replaced by "since they result";

(b) In operative paragraph 3, the words "pending the cessation of" would be replaced by "to cease";

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(c) In operative paragraph 4, the words "Expresses its deep sympathy and support for" would be replaced by "Deplores" and after the word "hundreds" replace the word "and" by the word "of".

16. The sponsors of the draft resolution accepted the amendments and revised the text accordingly.

17. At the same meeting, the representative of Algeria introduced the following oral amendments, later issued as document A/C.3/35/L.19:

(a) To reword the first preambular paragraph as follows:

"Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples - principles enshrined in the Charter of the United Nations, in the International Covenants on Human Rights and in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,";

(b) To reword operative paragraph 1 as follows:

"1. Reaffirms that the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples are a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights in various parts of the world;"

18. The sponsors of the draft resolution accepted the first amendment of Algeria, and revised the text accordingly.

19. At the 34th meeting, on 27 October, the representative of Ethiopia introduced the following oral amendments to the draft resolution whereby:

(a) In the fifth preambular paragraph the word "foreign" would be inserted after the words "aggression and";

(b) In operative paragraph 2 the word "aggression" would be inserted after "intervention";

(c) In operative paragraph 4 the words "and displaced persons" would be inserted after "refugees";

(d) In operative paragraph 5, the word "aggression" would be inserted after "military".

20. At the same meeting, the Committee voted on the amendments and on the draft resolution as follows:

(a) The second amendment of Algeria (see para. 17 (b)) was adopted by 66 votes to 29, with 26 abstentions;

(b) The first amendment of Ethiopia (see para. 19 (a)) was adopted by 70 votes to 10, with 38 abstentions;

(c) The second amendment of Ethiopia (see para. 19 (b)) was adopted by 73 votes to 7, with 37 abstentions;

(d) The third amendment of Ethiopia (see para. 19 (c)) was adopted by 84 votes to 6, with 28 abstentions;

(e) The fourth amendment of Ethiopia (see para. 19 (d)) was adopted by 73 votes to 7, with 38 abstentions;

(f) Draft resolution A/C.3/35/L.6, as revised and amended was adopted without a vote (see para. 21, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

21. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

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, 33/24 of 29 November 1978 and 34/44 of 23 November 1979, and Security Council resolutions 418 (1977) of 4 November 1977 and 437 (1978) of 10 October 1978,

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 concerning the use and recruitment of mercenaries against national liberation movements and sovereign States,

Recalling further its relevant resolutions on the question of Palestine, in particular resolutions 3236 (XXIX) and 3237 (XXIX) of 22 November 1974 and 34/65 A to D of 29 November and 12 December 1979,

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Recalling resolution on Namibia adopted by the Council of Ministers of the Organization of African Unity at its thirty-fifth ordinary session, held at Freetown from 18 to 28 June 1980, 1/

Taking note of the Political Declaration adopted by the First Conference of Heads of State and Government of the Organization of African Unity and the League of Arab States, held at Cairo from 7 to 9 March 1977, 2/

Considering that the activities of Israel, in particular the denial to the Palestinian people of their right to self-determination and independence, constitute a serious and increasing threat to international peace and security,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and bearing in mind that the international community will this year celebrate the twentieth anniversary of the Declaration,

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 full enjoyment of all human rights,

Reaffirming that "bantustanization" is incompatible with genuine independence, unity and national sovereignty and has 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 of the United Nations 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 Zimbabwe, Saint Vincent and the Grenadines and Vanuatu,

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 régime in southern Africa and the denial to the Palestinian people of their inalienable national rights,

1/ A/35/463 and Corr.1, annex I, resolution CM/Res.788 (XXXV).

2/ A/32/61, annex I.

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 struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, including armed struggle;

3. Reaffirms the inalienable right of the peoples of Namibia and 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. Takes note with satisfaction of the decision adopted by the Seventeenth Summit of the Heads of State or Government of the Organization of African Unity, held at Freetown from 1 to 4 July 1980, on the question of Western Sahara;

5. Takes note of the contacts made by the Government of the Comoros and the Government of France in the search for a just solution to the integration of the Comorian island of Mayotte into the Comoros in accordance with the resolutions of the Organization of African Unity and the United Nations on this question;

6. 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;

7. 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;

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

9. Again demands the immediate application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977), by all countries, particularly by those countries that maintain military and nuclear co-operation with the racist Pretoria régime and continue to supply related materiel to that régime;

10. 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;

11. Strongly condemns the ever-increasing massacres of innocent and defenceless people, including women and children, by the racist minority régime of South Africa in its desperate attempt to thwart the legitimate demands of the people;

12. Further condemns the expansionist activities of Israel in the Middle East, as well as the continuous bombing of civilian Arab and, in particular, Palestinian populations and the destruction of their villages and encampments, which constitutes a serious obstacle to the realization of the self-determination and independence of the Palestinian people;

13. Urges all States, competent United Nations organizations, specialized agencies and other international organizations to extend their support to the Palestinian people through its representative, the Palestine Liberation Organization, in its struggle to restore its right to self-determination and independence in accordance with the Charter of the United Nations;

14. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and the observance of article 5 of the Universal Declaration of Human Rights, 3/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

15. Demands the immediate release of children detained in Namibian and South African prisons;

16. Reiterates its appreciation for the material and other forms of assistance that peoples under colonial and foreign rule continue to receive from Governments, United Nations agencies and intergovernmental organizations, and calls for a maximization of this assistance;

17. Further calls for a maximization of all forms of assistance by all States, appropriate United Nations organs, specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through their national liberation movements recognized by the Organization of African Unity;

18. Takes note of Economic and Social Council decision 1979/39 of 10 May 1979, by which the Council decided that the two studies on the 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, 4/ and on the implementation of United Nations resolutions relating to the right of peoples under colonial and foreign domination to self-determination 5/ would be printed and given the widest possible circulation, including in Arabic;

3/ General Assembly resolution 217 A (III).

4/ E/CN.4/Sub.2/404 (vols. I to III).

5/ E/CN.4/Sub.2/405 (vols. I and II).

19. Demands that all Member States, specialized agencies and competent organizations of the United Nations do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

20. 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;

21. Decides to consider this item again at its thirty-sixth 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.

DRAFT RESOLUTION II

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,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples, principles enshrined in the Charter of the United Nations, in the International Covenants on Human Rights and in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right of self-determination by peoples formerly under colonial and alien domination and their emergence into sovereign statehood and independence,

Deeply concerned that the right of self-determination of a growing number of sovereign peoples and nations is being threatened or suppressed through acts of foreign military intervention or foreign occupation,

Further concerned that an increasing number of people have been uprooted from their homes and become refugees as a consequence of such actions,

Noting the relevant resolutions regarding the violation of the right to self-determination and of other human rights of peoples as a result of military

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intervention and foreign aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth session,

1. Reaffirms that the universal realization of the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples are a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights in various parts of the world;
2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation since they result in the suppression of the right to self-determination and other human rights of peoples in various parts of the world;
3. Calls upon those States responsible for such acts to cease their military intervention and occupation of foreign countries and territories, to cease all acts of repression, discrimination, exploitation and maltreatment of the peoples concerned, including innocent men, women and children, particularly the brutal and inhuman methods reportedly employed for the purpose;
4. Deplores the plight of the hundreds of thousands of refugees and displaced persons who have been uprooted by aforementioned acts and reaffirms their right to return voluntarily to their homes;
5. Requests the Commission on Human Rights to continue to give special attention to the violation of the right of self-determination and other human rights resulting from foreign military aggression, intervention or occupation;
6. Requests the Secretary-General to report on this issue to the General Assembly at its thirty-sixth session under 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".
