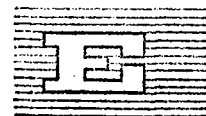


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE SECOND PART (PUBLIC) */ OF THE 1629th MEETING

held at the Palais des Nations, Geneva,
on Friday, 6 March 1981, at 11.45 a.m.

Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

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GE.81-15858

The public meeting was called to order at 11.45 a.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9). (continued)
(E/CN.4/L.1559, L.1565, L.1568 and L.1569)

1. Mr. TWESIGYE (Uganda); introducing draft resolution E/CN.4/L.1565 on behalf of the delegations of Algeria, Benin, Cuba, Cyprus, the Libyan Arab Jamahiriya, Madagascar, Mexico, Panama and Zambia and his own delegation, said that the debate on item 9 had shown that the attention of the international community was focused on the situation of the people of Western Sahara, which had not yet been able to exercise its right to self-determination in conformity with the relevant resolutions of the United Nations and OAU. At its previous session, the Commission had in resolution 4 (XXXVI) already expressed its deep concern about the violation of human rights and fundamental freedoms of the people of Western Sahara, resulting from the occupation of its territory by Morocco.

2. The draft resolution was aimed at drawing the Commission's attention once again to the situation that continued to prevail in that part of the African continent despite all the international community's efforts to achieve a just and final solution. The text of the draft resolution was explicit. The preamble referred to the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international instruments. It also pointed out that the United Nations, OAU and the non-aligned countries were deeply concerned about the decolonization of Western Sahara and the right of the Sahrawi people to self-determination and independence. Operative paragraphs 1 and 2 stressed the need for full co-operation between the United Nations and OAU to ensure the exercise by the people of Western Sahara of its right to self-determination and independence and condemned the continued occupation of that territory by Morocco. Operative paragraph 3 was procedural in nature and was similar to paragraph 2 of Commission resolution 4 (XXXVI). In conclusion, he expressed the hope that the draft resolution would be adopted without difficulty.

3. Mr. HILALY (Pakistan), introducing draft resolution E/CN.4/L.1568, said that Morocco had been added to the list of sponsors. The gravity of the situation in Afghanistan had been recognized by the international community and stressed in the discussion on the item. The States Members of the United Nations, and especially the members of the Islamic Conference and the non-aligned countries, had expressed their concern at the violation of international principles and norms in Afghanistan as well as at the suppression of the human rights of the people of that country, in particular its right to determine its own destiny. The discussion in the Commission had also revealed the desire of all States to achieve an early and equitable political solution to the situation in Afghanistan, a solution which would restore the human rights of the people of that country, enable the Afghan refugees to return to their homes and put an end to the violation of international principles inherent in the armed intervention of the USSR in Afghanistan. He stressed that the draft resolution was designed primarily to promote such a just political solution.

4. The operative part of the draft resolution demonstrated clearly the desire of the sponsors to eschew confrontation and recrimination. With regard to paragraph 1, the reaffirmation of profound concern was the least that the Commission could do in view of the persistence of a situation which, in a resolution adopted at the previous session, it had condemned in the most categorical terms. The call made in paragraph 2

for the immediate withdrawal of foreign troops from Afghanistan reflected the demand made by the General Assembly in its resolution 35/37 and the sentiment of the vast majority of the world community. Paragraph 3 reflected exactly the position adopted in the Declaration of the Foreign Ministers of the non-aligned countries at their recent meeting at New Delhi. Paragraphs 4 and 5 also reflected the position taken by the non-aligned countries at New Delhi and contained propositions that had won general acceptance.

5. His Government deeply appreciated the efforts made by the Secretary-General to promote a peaceful settlement in Afghanistan. It was confident that the Secretary-General's Special Representative would be able, in the first instance, to assist in removing the outstanding procedural obstacles in the way of negotiations and that thereafter he would also play a constructive role in the talks between Pakistan, Iran and representatives of the People's Democratic Party of Afghanistan. That was the purport of paragraph 6 of the draft resolution. Paragraph 7 was essentially humanitarian in nature and repeated the appeal made by the General Assembly, the Commission and other international bodies for humanitarian relief to be provided to the Afghan refugees. It was tragic that, despite the claims that the situation in Afghanistan had returned to normal, some 40,000 to 50,000 refugees continued to flow into Pakistan each month.

6. The people and Government of Pakistan had provided humanitarian relief and assistance to the refugees in a spirit of human solidarity and would continue to do so despite the immense burden which that placed on their limited resources. His Government deeply appreciated the generous contributions made by various Governments and organizations to assist in alleviating the plight of the refugees. However, as was generally acknowledged, the resources currently available were grossly inadequate to meet the growing problem. Therefore, his Government hoped that, as in the case of Kampuchea and refugees in Africa, it would be possible to convene an international conference in order to obtain more adequate relief and assistance for the Afghan refugees.

7. In conclusion, he expressed the hope that the draft resolution would be helpful in the search for a political solution based on the withdrawal of foreign troops and the return of the Afghan refugees in safety and honour to their own country.

8. Mr. HEREDIA PEREZ (Cuba) introduced draft resolution E/CN.4/L.1569 and summarized its contents. The sponsors' intention was to reaffirm the need for effective implementation of the right of peoples to self-determination, national sovereignty and independence as a prerequisite to the exercise of other human rights. The preambular part of the draft resolution recalled previous relevant resolutions of the General Assembly and the Commission. The operative part, inter alia, condemned South Africa's acts of aggression and Israel's expansionist policy, and welcomed the convening of the first session of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The policy of those States which continued to maintain relations with the racist régime in southern Africa, and the sentencing to death, by the South African courts, of freedom fighters of the African National Congress and the South West Africa People's Organization, were likewise condemned. The sponsors hoped that the text would find widespread support in the Commission.

9. Mr. PISSAS (Cyprus) said that his delegation supported draft resolution E/CN.4/L.1565. He reminded the Commission of the provisions of General Assembly resolutions 34/37 and 35/19, and of the advisory opinion given by the International Court of Justice in 1975 to the effect that Western Sahara was not terra nullius or property to be passed from hand to hand.
10. Almost 40 free countries had recognized the Democratic Arab Sahrawi Republic. There were no grounds, therefore, for denying the Sahrawi people's rights or permitting foreign domination to continue in defiance of internationally recognized principles.
11. The Commission had a duty to consider the question of Western Sahara carefully. The principles set forth in General Assembly resolution 1514 (XV), and the provisions of two clear General Assembly resolutions on that question, should be acted upon. Cyprus endorsed the rightful claim of the people of Western Sahara to exercise freely its right to self-determination.
12. The Commission should press for direct negotiations between Morocco and the Polisario Front at the earliest possible date in order that the international community might shortly be able to welcome an independent sovereign State of Western Sahara into its midst.
13. Mr. SANZE (Burundi), referring to draft resolution E/CN.4/L.1565, said that, in his Government's view, the dispute in the Western Sahara should be resolved first and foremost by means of existing regional machinery, pursuant to Article 52 of the Charter. The Ad Hoc Committee established by OAU had issued an impartial and objective recommendation, at its fifth session, which had been reflected later in General Assembly resolution 35/19. Burundi called for adherence to the provisions of that committee's resolution. OAU was the most appropriate forum for settlement of the dispute, and its good offices role accorded with the provisions of Article 52 of the Charter.
14. The African Heads of State had worked hard to achieve conciliation. However, the situation had worsened and had now attained intercontinental dimensions. Therefore, the United Nations should help in seeking the most expeditious way for the Sahrawi people to achieve self-determination, in collaboration with OAU. Negotiation, and a display of political will by the parties concerned were required, and the States which had taken sides in the dispute should avoid exacerbating the situation. The conflict was absorbing precious resources and thus hindering the region's development; it must therefore be brought to an end.
15. The confrontation stemmed from two opposing theses - one in which the nation was viewed as a society integrated to a stable and permanent power with fixed frontiers, whose inhabitants adhered consciously to the State and its laws; and another which regarded the nation as consisting of a common background and a wish to live together in the future. In the current political context, however, irredentist and sentimental standpoints alike must be abandoned, the situation must be faced realistically, and the voices of peace and reason must be heeded.
16. Mr. DAVIS (Australia) said that draft resolution E/CN.4/L.1565 conformed in substance to the provisions of the relevant General Assembly and Commission resolutions, which his delegation had consistently supported. However, his delegation found it difficult to accept the use of the word "Condemns" at the beginning of operative paragraph 2 and urged the sponsors to replace that term by "Deplores".

17. Mr. FOLI (Ghana) said that his delegation would like to be added to the list of sponsors of draft resolution E/CN.4/L.1565.
18. Mr. NGONDA BEMPU (Zaire) said it was clear that peace in the region was not the aim of the sponsors of draft resolution E/CN.4/L.1565.
19. First of all, they had added a subtitle to the agenda item. If such an addition was accepted, the practice would have to be extended to texts dealing with other situations, such as those relating to Afghanistan and Kampuchea. Perhaps the Secretariat could indicate whether that practice was permissible.
20. Secondly, the condemnatory nature of operative paragraph 2 ran counter to the spirit of negotiation which his delegation had always stressed and to the course advocated by OAU; in particular, the paragraph contradicted the recommendation made by that body's Ad Hoc Committee at its fifth session.
21. The draft resolution called upon the Commission to act beyond its jurisdiction, on behalf of certain interests far from the conflict itself. His delegation thought that OAU was the most appropriate forum for negotiations, and it would vote against draft resolution E/CN.4/L.1565.
22. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that even a cursory glance at draft resolution E/CN.4/L.1568 revealed how groundless it was. Both the preambular and operative parts were based on utterly erroneous assumptions and were contrary to the facts. Nowhere did the text mention that Afghanistan was being threatened by outside aggressive forces using trained bands of terrorists to serve their purpose. The same forces were trying desperately to prevent any improvement in the situation and to hinder the Afghan people's work of reconstruction. It was typical of the draft resolution that it ignored the information given to the Commission by the observer for Afghanistan and the statement made by the Afghan Government on 14 May 1980. That Government had stated, inter alia, that one way to resolve the situation in the area would be to put an end to the acts of unlawful intervention and to arrive at agreements between the Government of Afghanistan and its neighbours.
23. The draft resolution represented a blatant attempt to interfere in a nation's internal affairs. The Charter and many resolutions of the General Assembly and other United Nations bodies upheld the right of any State to request help from friendly States in order to resist threats of aggression.
24. The Commission must oppose all attempts at interference from outside, by rejecting draft resolution E/CN.4/L.1568. His delegation would vote against that draft resolution, and reserved the right to speak again in explanation of its position regarding that and other draft resolutions submitted under agenda item 9.
25. Mr. TWESIGYE (Uganda) said he was at a loss to understand why a certain delegation should apparently regard the Commission on Human Rights as lacking competence to consider the situation of Western Sahara. The fact that the matter was also being dealt with by OAU was surely beside the point; OAU was also considering other situations, such as those relating to South Africa and Namibia.

26. The subtitle of draft resolution E/CN.4/L.1565 was intended merely to put the matter in its context; any delegation opposed to the draft resolution must surely have some grounds, other than the subtitle, for its opposition. To state that the sponsors did not desire peace in the region was clearly absurd.
27. Operative paragraph 2 of the draft resolution was a condemnation of an action which was preventing the enjoyment of human rights, not of a country or Government as such. However, with a view to obtaining as much support as possible for the draft resolution, his delegation, as a sponsor, would be prepared to substitute the word "Deplores" for "Condemns", as requested by the Australian delegation.
28. Mr. AFSAR (Observer for Iran) asked for his delegation to be added to the list of sponsors of draft resolution E/CN.4/L.1565, in accordance with rule 69 (3) of the rules of procedure.
29. Mr. BARROMI (Observer for Israel), referring to draft resolution E/CN.4/L.1569, said that the condemnation of Israel contained in operative paragraph 6 was unwarranted.
30. Mr. EL-FATTAL (Syrian Arab Republic), speaking on a point of order, questioned whether an observer could be allowed to speak on a draft resolution before the text had been voted upon.
31. Mr. SALAH-BEY (Algeria) and Mr. YOUSSEF (Iraq) supported the representative of the Syrian Arab Republic.
32. The CHAIRMAN said that the Commission had always adopted a liberal approach in allowing observers to speak. He did not deem the intervention by the observer for Israel to involve interference with the Commission's proceedings, particularly since another observer had already been allowed the floor.
33. Mr. BARROMI (Observer for Israel) said that operative paragraph 6 of draft resolution E/CN.4/L.1569 deliberately ignored Israel's contributions to peace in the Middle East. The draft resolution should be rejected.

The meeting rose at 1.10 p.m.