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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: Mr. Naoharu FUJII (Japan)

I. INTRODUCTION

1. At its 4th plenary meeting, on 18 September 1981, the General Assembly decided to include in its agenda 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" and to allocate it to the Third Committee.

2. The Committee considered this item jointly with items 74 and 82 at its 4th to 14th, 18th, 20th and 22nd meetings, on 25 September, and on 1, 5 to 9 and 14 to 16 October 1981. 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.3/36/SR.4-14, 18 20 and 22).

3. The Committee had before it the following documents:

(a) 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 (A/36/403 and Add.1);

(b) Report of the Economic and Social Council, chap. XXIII (A/36/3/Add.23); 1/

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1/ To be incorporated in Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 3 (A/36/3/Rev.1).

(c) Letter dated 2 March 1981 from the Permanent Representative of India to the United Nations addressed to the Secretary-General, transmitting documents of the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at New Delhi from 9 to 13 February 1981 (A/36/116 and Corr.1);

(d) Letter dated 5 August 1981 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General, transmitting documents of the Twelfth Islamic Conference of Foreign Ministers, held at Baghdad from 1 to 5 June 1981 (A/36/421 and Corr.1);

(e) Letter dated 5 October 1981 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General, transmitting the resolutions adopted by the 68th Inter-Parliamentary Conference, held at Havana from 15 to 23 September 1981 (A/36/584);

(f) Note by the Secretary-General submitted in pursuance of General Assembly resolution 35/35 B (A/C.3/36/4).

4. At the 4th meeting, on 25 September, the Director of the Division of Human Rights made an introductory statement.

## II. CONSIDERATION OF DRAFT RESOLUTIONS

### A. Draft resolution A/C.3/36/L.11

5. At the 18th meeting, on 14 October, the representative of Angola, in his capacity as Chairman of the African Group for the month of October, introduced a draft resolution (A/C.3/36/L.11) 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".

6. The Committee had before it two amendments by Lebanon:

(a) An amendment to operative paragraph 2 (A/C.3/36/L.16), calling for the addition of the words:

"without prejudice to the independence, sovereignty, and territorial integrity of the host countries and peoples of the area."

(b) A new paragraph 18, reading as follows:

"Further condemns the expansion of the activities of Israel in the Middle East, and more particularly, the constant violation of the territorial integrity of Lebanon, and the continuous bombing of civilians in South Lebanon, as well as in the capital city of Beirut, and generally, the non-implementation of Security Council resolution 425 and subsequent resolutions, which condemn acts of violence against Lebanon."

7. At the 20th meeting, on 15 October, the representative of Angola orally revised the draft resolution as follows:

(a) Operative paragraph 18 was replaced by the following text:

"Strongly condemns the expansionist activities of Israel in the Middle East and the continual bombing of Palestinian civilians, which constitute a serious obstacle to the realization of the self-determination and independence of the Palestinian people;"

(b) A new operative paragraph 19 was inserted, reading as follows:

"Strongly condemns the Israeli aggression against Lebanon and the continual bombing, the destruction of towns and villages and the constant violations of its territorial integrity;"

(c) The remaining paragraphs were renumbered accordingly.

8. At the 22nd meeting, on 16 October, the following revisions were made:

(a) Operative paragraph 18 was replaced by the following text:

"Strongly condemns the expansionist activities of Israel in the Middle East and the continuous bombing of Palestinian civilians, which constitute a serious obstacle to the realization of the self-determination and independence of the Palestinian people;"

(b) A new operative paragraph 19 was inserted, reading as follows:

"Strongly condemns the Israeli aggression against Lebanon and the continuous bombardment and destruction of its cities and villages, and all acts that constitute a violation of its sovereignty, independence, territorial integrity, and security of its people, and hinder the full implementation of Security Council resolution 425 (1978) of 19 March 1978;"

(c) The remaining paragraphs were renumbered accordingly.

9. The amendments of Lebanon (see para. 6) were subsequently withdrawn.

10. At the same meeting, the draft resolution, as revised (see para. 8), was adopted by 111 votes to 17, with 8 abstentions (see para. 16, draft resolution I).

#### B. Draft resolution A/C.3/36/L.10

11. At the 18th meeting, on 14 October, the representative of Pakistan introduced a draft resolution (A/C.3/36/L.10) entitled "Importance of the universal realization of the rights of peoples to self-determination", sponsored by Argentina, Chile, Colombia, Costa Rica, Ecuador, Jordan, Morocco, Oman, Pakistan, Papua New Guinea, Saudi Arabia, Singapore, and Somalia, later joined by Kuwait, Malaysia and the Sudan.

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12. At the same meeting, the representatives of Ethiopia and Algeria made a number of suggestions concerning the draft resolution.

13. At the same meeting, the representative of Pakistan revised the title of the draft resolution to read: "The universal realization of the right of peoples to self-determination".

14. At the 22nd meeting, on 16 October, the representative of Pakistan revised the text of the draft resolution, taking into account some of the suggestions made by Ethiopia, as follows:

(a) At the end of the first preambular paragraph, the following text was added:

"as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,"

(b) In the fourth preambular paragraph, the words "and displaced persons," were added between the words "refugees" and "and emphasizing".

(c) In operative paragraph 1:

(i) The word "all" was added between the words "of" and "peoples";

(ii) The following text was added between the word "peoples" and the words "to self-determination": "including those under colonial, foreign and alien domination".

15. At the same meeting, the draft resolution, as revised, was adopted without a vote (see para. 16, draft resolution II).

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

16. 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,

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3382 (XXX) of 10 November 1975, 34/44 of 23 November 1979 and 35/35 of 14 November 1980, 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, 34/65 of 29 November and 12 December 1979 and 35/13 of 3 November 1980,

Recalling also the eighth emergency special session of the General Assembly on the question of Namibia and its resolution ES-8/2 of 14 September 1981,

Recalling the resolutions on Namibia adopted by the Council of Ministers of the Organization of African Unity at its thirty-seventh ordinary session, held at Nairobi from 16 to 26 June 1981, particularly resolutions CM/Res.855 (XXXVII) and CM/Res.865 (XXXVII), 2/

Deeply concerned at the continued terrorist acts of aggression committed by the racist Pretoria régime against the peoples of Angola, Mozambique, Zambia and other neighbouring States,

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,

Considering that the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine and the repeated acts of aggression by Israel against the peoples of the region constitute a serious 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,

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, national unity and sovereignty and has the effect of perpetuating the power of the white minority and the racist system of apartheid in South Africa,

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2/ See A/36/534, annex I.

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,

Reaffirming also that the system of apartheid imposed on the South African people constitutes an inadmissible violation of the rights of that people and a constant threat to international peace and security,

Welcoming the independence of Belize,

Reaffirming the national unity and territorial integrity of the Comoros,

Gravely concerned at the continuation of the illegal occupation of Namibia by South Africa and the continued violations of the human rights of the peoples still under colonial and foreign domination and alien subjugation,

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 people of Namibia, 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 resolution AHG/Res.163 (XVIII) adopted at the eighteenth ordinary session of the Assembly of Heads of State and Government of the Organization of African Unity 3/ and the decisions of its Implementation Committee to organize and conduct a general free and orderly referendum on self-determination in 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 decisions 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. Further condemns South Africa for its increased oppression of the Namibian

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3/ See A/36/534, annex II.

people, for the massive militarization of Namibia and for its armed attacks on the front-line States with the aim of destabilizing their Governments;

8. Also condemns strongly the recent invasion and occupation of part of the territory of Angola by troops of the racist Pretoria régime;

9. 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 territories, and the transit of mercenaries through their territories, to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

10. Strongly condemns 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;

11. Also 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 régime in southern Africa encourage that régime to persist in its suppression of the aspirations of peoples for self-determination and independence;

12. 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 matériel to that régime;

13. Takes note with satisfaction of the Paris Declaration, the Special Declaration on Namibia and the reports of the technical and political committees adopted by the joint OAU/United Nations Conference on Sanctions against South Africa, held in Paris from 20 to 27 May 1981; 4/

14. Demands the immediate implementation of General Assembly resolution ES-8/2 of 14 September 1981, on Namibia;

15. Further calls for a maximization of all forms of assistance given by all States, 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;

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4/ See A/36/319-S/14531.

16. Strongly condemns all Governments that 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;

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

18. Strongly condemns the expansionist activities of Israel in the Middle East and the continuous bombing of Palestinian civilians, which constitute a serious obstacle to the realization of the self-determination and independence of the Palestinian people;

19. Strongly condemns the Israeli aggression against Lebanon and the continuous bombardment and destruction of its cities and villages, and all acts that constitute a violation of its sovereignty, independence and territorial integrity, and the security of its people, and hinder the full implementation of Security Council resolution 425 (1978) of 19 March 1978;

20. Urges all States, competent organizations of the United Nations system, 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;

21. 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, under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

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

23. Reiterates its appreciation of 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;

24. Urges all States, specialized agencies and competent organizations of the United Nations system to 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;

25. 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;



26. Decides to consider this item again at its thirty-seventh 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.

## DRAFT RESOLUTION II

### Universal realization of the right of peoples to self-determination

#### 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 enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming 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,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation, which are threatening to or have already resulted in the suppression of the right to self-determination of an increasing number of sovereign peoples and nations,

Further expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent necessity of concerted international action to alleviate their conditions,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of military intervention and foreign aggression and occupation adopted by the Commission on Human Rights at its thirty-sixth and thirty-seventh sessions,

Reiterating its resolution 35/35 B of 14 November 1980,

Taking note of the note by the Secretary-General contained in document A/C.3/36/4 dated 1 October 1981,

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention and occupation of foreign countries and territories, and to cease all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned;

4. Deplores the plight of the hundreds of thousands of refugees and displaced persons who have been uprooted by the aforementioned acts and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination 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-seventh 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".

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