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SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 17 February 1982, at 4.30 p.m.

Chairman:

Mr. GARVALOV

(Bulgaria)

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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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The meeting was called to order at 4.40 p.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.4/1477 and Add.1, 1487, 1491 and 1498; E/CN.4/1982/3, 6, 7 and 9-14; E/CN.4/1982/L.2 and L.16; E/CN.4/1982/NGO/13)

1. Mr. MORENO-SALCEDO (Philippines) said that the Director of the Division of Human Rights had spoken, in his opening remarks, of the right to life and of the need to focus all efforts on the protection of that right. His delegation believed that such a concern could best be met by working within existing political institutions, primarily the State and in the second instance the United Nations. Pending the establishment of a global community, however, human beings lived as citizens of States, which appeared in today's world to afford the most practical and effective way of protecting the rights of man and enabling him to attain happiness. It was in the interest of everyone as a human being and citizen of an independent State, to protect freedom everywhere because the loss of freedom in one area constituted a threat to the freedom of all.
2. In that context he wished to draw attention to the grievous denial of freedom and human rights in Democratic Kampuchea, whose Government had been ardently supported before the whole world by its bigger neighbour, Viet Nam, as the sole legitimate Government of that State, only later to be attacked by that same protector, who turned enemy overnight. By invading the State of Kampuchea and depriving the Kampuchean people of its freedom and sovereignty, Viet Nam was guilty of a massive and continuing violation of human rights - massive, because approximately 5 million Kampucheans had been deprived of their right to be free, and continuing, because approximately 200,000 Vietnamese troops had remained in Kampuchea since December 1978. In that connection, he drew attention to the material relating to the human rights situation in Kampuchea prepared by Mr. Eide, rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1491). That report continually stressed that, as long as the right of self-determination was not respected, other human rights would continue to be violated. He further cited relevant resolutions of the Commission and the General Assembly condemning Viet Nam's violations of the human rights of the Kampuchean people.
3. In addition, the international conference on Kampuchea held in July 1981 had concluded that the presence of foreign - i.e. Vietnamese - troops in Kampuchea constituted a violation of the rights of the Kampuchean people and that those troops should be withdrawn. The conference had also adopted a declaration on Kampuchea stressing the need for a comprehensive political settlement of the Kampuchean problem and had established an ad hoc committee consisting of four Asian States and three African States entrusted, inter alia, with the task of assisting the conference in seeking a comprehensive political settlement of the Kampuchean question in accordance with General Assembly resolution 35/6 of 22 October 1980.
4. The international community had thus recognized that Viet Nam's political and military act of invading and remaining in Kampuchea was a continuing threat to international peace and security, particularly to the States of south-east Asia, and that there could be no political stability or lasting peace in the region until the threat of aggression resulting from the continued presence of Vietnamese troops in Kampuchea was eliminated. In that connection the five recommendations set forth in paragraph 24 of document E/CN.4/1491 were of particular value.

5. Despite the repeated appeals, recommendations and injunctions of 20 members of the Commission in 1980, 97 States Members of the United Nations at the thirty-fifth session of the General Assembly, 26 members of the Commission in 1981, 79 States participating in the international conference on Kampuchea in July 1981 and 100 States Members of the United Nations at the thirty-sixth session of the General Assembly that Viet Nam withdraw its troops from Kampuchea and that a political settlement be agreed upon, Viet Nam continued to defy world public opinion and the United Nations by maintaining its armed forces and consolidating its presence in Kampuchea. The Commission could not, as the "conscience of the international community", be indifferent to Viet Nam's continued violation of the human rights of the Kampuchean people, in particular its right of self-determination, and to Viet Nam's continued threat to international peace and stability. It was the duty of the Commission and the United Nations as a whole to endeavour to protect and restore the Kampuchean people's right to freedom, and to persuade and enjoin Viet Nam to agree to a settlement that would guarantee that right.

6. In that connection, and on behalf of the sponsors, he introduced draft resolution E/CN.4/1982/L.2 on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation, with particular reference to Kampuchea. The Netherlands had joined the sponsors listed after the title of the draft resolution. After outlining its provisions, he commended the draft resolution to the Commission for consideration and adoption.

7. Mr. BEAULNE (Canada) drew attention to the central role assigned by the United Nations to the right of peoples to self-determination, as reflected in the Charter, the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, the 1970 Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, and the International Covenants on Human Rights. At the prompting of the United Nations, much progress had been made since the Second World War in enabling colonial peoples to exercise their right to self-determination. However, colonialism had not completely disappeared, and violations of the right of self-determination were now being caused by foreign aggression and occupation. General Assembly resolutions 35/35 B and 36/10 drew attention to the latter problem and defined it precisely.

8. He again noted with great regret the situation prevailing in Kampuchea as a result of the increasingly repressive presence of Vietnamese troops, which continued to occupy that country and to prevent the Kampuchean people from exercising its right of self-determination. On several occasions world public opinion had called on the Government of Viet Nam to withdraw from Kampuchea so that the Khmer people could decide its own future through free elections. However, the appeals of the United Nations had had no effect on the Vietnamese Government and the international conference convened in pursuance of General Assembly resolution 35/6 had not succeeded in bringing about a change in that Government's policy. Nevertheless, the search for a global solution by peaceful means should be continued. His Government would continue to support the efforts made by the United Nations in order to promote a negotiated solution between Viet Nam and the other parties concerned. What was of paramount importance was that the fundamental right of the Kampuchean people to self-determination without foreign intervention should be restored following the withdrawal of all foreign troops from Kampuchea. Those who were so cruelly violating the Khmer people's right of self-determination must surely understand that it was in their interest to comply with the norms of behaviour which they had accepted in signing the Charter.

9. Despite the pious exhortations of the spokesmen for the Soviet Union concerning disarmament and their homilies on the collective right to life, that major Power continued to extend its domain. The Soviet army had invaded Afghanistan more than two years previously. According to the Soviet Government, it had been a minor operation involving only a small number of troops. Today, however, the occupation forces in Afghanistan numbered more than 90,000. He would like to know why all those soldiers were staying in that country, supporting a régime which the great majority of its people abhorred and repudiated.

10. It was significant that, in spite of its numerical superiority and power, the Soviet army had still not been able to overcome the resistance of the Afghan patriots. His Government had supported the resolutions which the General Assembly had adopted on three occasions, calling for the withdrawal of foreign troops and reaffirming the right of the Afghan people to determine its own form of government. The non-aligned movement, the Islamic Conference and the Commonwealth had also called for the withdrawal of foreign troops, but the Soviet Union continued to turn a deaf ear to those appeals, in flagrant disregard of the Charter and the International Covenants.

11. His Government had frequently condemned the Soviet invasion of Afghanistan, which constituted an incursion by an imperialist Power into the territory of a weak neighbour. Thousands of Afghans had lost their lives or freedom as a result of that invasion and millions had been forced to leave their homes. Resolutions adopted at the thirty-fifth and thirty-sixth sessions of the General Assembly had supported the efforts made by the special representative of the Secretary-General to find a political solution to those violations of human rights. It was to be hoped that Mr. Pérez de Cuéllar, who had already played an important role in the matter as representative of the Secretary-General and was now himself the holder of that office, would in turn appoint a special representative.

12. The most striking rejection of the Soviet argument was the massive exodus of 3 million Afghans who had had to seek refuge abroad because of the brutal suppression of their human rights, particularly their religious rights. Most of them had gone to Pakistan, whose Government and people had responded splendidly to the challenge posed by that distressing situation.

13. His delegation hoped that the Soviet authorities would heed the appeals of the international community and renounce their aggression in Afghanistan, so that the Afghan refugees could return home in dignity, honour and complete safety.

14. Mr. HILALY (Pakistan) said that one of the most important achievements of the United Nations since the adoption of the Charter had been the recognition and progressive exercise of the right of self-determination by various peoples under colonial or alien domination. However, there were several territories where the right of self-determination had yet to be exercised in accordance with the decisions and recommendations of the United Nations. In his delegation's opinion, the dispute relating to Jammu and Kashmir should be resolved in a similar manner in the spirit of the Simla Agreement.

15. The denial of the right of peoples to self-determination had been a prime cause of international disputes and the use or threat of use of force in the post-war period. As demonstrated by the deliberations of the Commission during the past two weeks, the denial of the right of self-determination and nationhood of the people of Palestine lay at the heart of the conflict in the Middle East

and the threat to international peace and security which that situation posed. Similarly, the continued delay in according self-determination and national liberation to the people of Namibia was the central issue that must be addressed in reducing political tension and achieving respect for basic human rights in that region. Equally, the system of apartheid in South Africa constituted first and foremost a refusal to recognize the right of its indigenous people to equal rights and self-determination. The Commission had correctly maintained its primary focus on the elimination of those final and most persistent vestiges of the age of colonialism and racialism.

16. The serious violations of human rights which had occurred in Kampuchea under the previous régime were indeed tragic and deplorable, but that could in no way justify the illegal and unilateral military intervention by Viet Nam in Kampuchea and the imposition of a puppet régime. In its heroic struggle against foreign domination, Viet Nam was supported by the vast majority of the international community, especially the non-aligned and third-world countries.

17. Pakistan remained firmly committed to the General Assembly resolutions which had repeatedly called upon Viet Nam to withdraw its forces immediately from Kampuchea and to allow the Kampuchean people freely to determine their political destiny and form of government. His delegation considered that the declaration adopted at the United Nations conference on Kampuchea in 1981 offered substantive elements and procedural avenues through which a just situation could be achieved. It hoped that the occupying Power would heed the call of the international community and co-operate in the efforts to achieve a peaceful settlement in Kampuchea. Draft resolution E/CN.4/1982/L.2, of which his delegation was a sponsor, sought to promote such a settlement and to restore the right of self-determination to the people of Kampuchea. He hoped that it would receive general support in the Commission.

18. The military intervention by the Soviet Union in Afghanistan had also given rise to unambiguous censure by the international community. There could be no justification for military intervention by a super Power in the internal affairs of a neighbouring, sovereign, independent and non-aligned country. Nothing could excuse the forcible liquidation of an existing Government by an external Power and the installation of that Power's nominee in its place. The General Assembly, the Islamic Conference, the non-aligned movement and the Commonwealth Summit had all expressed strong disapproval of that action and called for a political solution to the situation in Afghanistan on the basis of withdrawal of the foreign troops from that country. At its two previous sessions the Commission had also unequivocally denounced the foreign military intervention in Afghanistan and the resultant violation of fundamental human rights.

19. It was most unfortunate that the Soviet Union had so far not paid heed to the calls of the international community to withdraw its forces from Afghanistan and to allow the Afghan people to determine their own future free from coercion of any kind. On the contrary, its forces had reportedly been increased and the conflict within Afghanistan had intensified.

20. That conflict represented the heroic national response of a proud people who had never accepted foreign subjugation. Their national resistance had developed as a result of the foreign military intervention and was taking place in every corner of the country. The pattern in the flow of refugees from Afghanistan also confirmed the widespread nature of the national struggle. Prior to December 1979, about 350,000 Afghan refugees had fled to Pakistan and it was only after the

entry of the Soviet troops into Afghanistan that the flow of refugees had become a veritable flood. At present there were about 2.5 million Afghan refugees in Pakistan alone; according to the representative of Iran on the Executive Board of UNHCR, there were another 1.5 million Afghan refugees in Iran.

21. Pakistan had consistently adhered to the policy of non-intervention in the internal affairs of Afghanistan, despite the fact that the peoples of the two countries were bound by traditional ties of faith, culture and a shared history. The allegations about Pakistan being used as a base for operations and a conduit for arms to Afghan Mujahideen were pure fabrications, uttered in an obvious attempt to justify the foreign military intervention and the refusal to heed the demands of the international community for the withdrawal of the foreign troops in Afghanistan. Pakistan had a 1,400-mile frontier with Afghanistan, which traversed some of the most inaccessible terrain in the world; the frontier area was inhabited by fiercely independent tribesmen who had traditionally crossed the frontier freely. It was beyond Pakistan's ability to seal that frontier, just as it had proved beyond the capacity of the USSR on the other side to do so.

22. Despite its policy of non-intervention, Pakistan was faced with several grave consequences of the conflict in Afghanistan. The 2.5 million Afghan refugees in Pakistan represented the single largest concentration of refugees in the world. To provide them with shelter and food was Pakistan's Islamic and humanitarian duty. Despite generous international assistance, for which his country was most grateful, Pakistan continued to bear about half the financial burden of providing relief to the Afghan refugees. That amounted to about \$400 million annually. Moreover, the situation was further aggravated by regular violations of Pakistan's territory and airspace. Pakistan had continued to exercise great restraint in the face of those provocations, but its patience was not unlimited.

23. The situation in Afghanistan had important implications for the peace and stability of the entire region and for international peace and security. The Soviet military intervention in Afghanistan had obliged the countries in the region to reconsider the long-term objectives of the Soviet Union towards the entire area of south-west Asia and the Persian Gulf. Moreover, it had given rise to a revival of international tension, escalated the military rivalry between the major Powers and caused a serious set-back to the universally-shared objective of disarmament. For all those reasons, the world community had a vital stake in an equitable solution to the situation in Afghanistan.

24. His delegation was convinced that the Afghan question did not admit of a military solution. While the might of a super-Power could not be underestimated, it should not arrogantly dismiss the determination of a people struggling for national liberation and the exercise of the fundamental right to determine its own destiny free from foreign intervention or domination. History was replete with examples of realities which had been considered irreversible but had given way to accommodation and compromise. If the Soviet Union acknowledged the will of the people of Afghanistan and withdrew its forces from that country, it could thereby gain the friendship of that nation and remove the only source of friction with other States in the region.

25. The General Assembly, the Islamic Conference and the non-aligned movement had defined the following principles for a political solution to the situation in Afghanistan: the immediate withdrawal of foreign troops from Afghanistan; respect for its sovereignty, national independence, territorial integrity and non-aligned character; the right of the Afghan people to choose its own economic, political and social system free from outside intervention or coercion; and the right of the Afghan refugees to return to their homes in safety and honour.

26. Pakistan had explored every possible means of achieving a peaceful settlement. It had proposed that the Secretary-General should appoint a special representative to pursue the search for such a settlement and had engaged in bilateral consultations with countries of the region, including the Soviet Union. Indirect exchanges of views between the parties concerned had been initiated, and it hoped that they would continue and evolve into a genuine dialogue, generating a new momentum for the establishment of peace and security in the region.

27. On behalf of the sponsors, he introduced draft resolution E/CN.4/1982/L.16; its primary objective was to maintain the momentum which had been built up towards a peaceful political solution of the crisis in Afghanistan. It would be noted that the draft resolution avoided polemics and that its purpose was to reaffirm the principles of justice and equity. He hoped that it would receive the unanimous support of the Commission.

28. One aspect of the situation in Afghanistan of direct concern to the Commission was the grave violation of human rights occurring there as a consequence of the brutal repression of national opposition to the military intervention. Villages were being burnt, schoolchildren were being fired upon, young people were being pressed into military service, and chemical weapons and booby traps were being used. Since 1981, representatives of the International Committee of the Red Cross had not been given visas to visit Afghanistan and to perform their task of ensuring respect for certain minimal humanitarian standards in armed conflicts. In a spirit of humanitarianism, he called on the foreign forces in Afghanistan, which were bound by the Additional Protocols to the Geneva Conventions, to respect the basic rules prescribed by the international community.

29. Mrs. OGATA (Japan) said that there had been remarkable progress in the exercise of the right of self-determination by peoples formerly under colonial domination. However, there were still parts of the world where that right had yet to be realized. Particularly serious was the case of peoples which, after attaining independence, were subsequently subjected to foreign domination.

30. It was deplorable that the Kampuchean people had been denied their right to self-determination as a result of the military intervention of Viet Nam, which had thereby threatened peace and security in south-east Asia. Her delegation considered that the only way to restore lasting peace both in Kampuchea and in the region as a whole was to allow the Kampuchean people to exercise their inalienable right to choose their own political future free from foreign intervention. Accordingly, Japan had co-sponsored the pertinent General Assembly resolutions 34/22, 35/6 and 36/5, and, in co-operation with the ASEAN countries in particular, had made active efforts to implement them, including the holding of the international conference on Kampuchea in July 1981, which had been attended by two thirds of the States Members of the United Nations. Japan had welcomed the adoption by the conference of a declaration and resolution recommending that negotiations should be promptly initiated and vigorously pursued. It therefore urged Viet Nam to respond to the judgements and efforts of the international community. Her delegation associated itself with the initiative of the ASEAN countries in preparing draft resolution E/CN.4/1982/L.2, of which Japan had become a sponsor.

31. The situation of the Afghan people violated the principles of non-interference in internal affairs and non-use of force enshrined in the Charter. World opinion had been eloquently expressed in the relevant General Assembly resolutions, including resolution ES-6/2. The Government of Japan urged that the Soviet military

intervention in Afghanistan should be terminated at once and the Soviet troops withdrawn. Her delegation supported the efforts of the Secretary-General to promote negotiations among the parties concerned and those of the Islamic Conference to restore normalcy in Afghanistan. It appreciated the proposal made by the European Council in June 1981 for an international conference. It hoped that all those efforts would be vigorously continued. It strongly supported draft resolution E/CN.4/1982/L.16 and wished to reiterate most emphatically that the right of self-determination must be restored to the people of Afghanistan in the very near future.

32. Mr. ADJOYI (Togo) said that the use of force in relations between States constituted a danger to peace; all peoples must enjoy the freedom to choose their political system without foreign interference. In becoming parties to the Charter, States had undertaken to respect the independence, sovereignty and territorial integrity of every other State. Thus Togo, as a peace and freedom-loving State, deplored the occupation of Kampuchea and Afghanistan by foreign troops. It had supported the declaration and resolution of the international conference on Kampuchea, and had voted in favour of General Assembly resolutions 36/5 and 36/34 on Kampuchea and Afghanistan respectively. It urged the States concerned to implement the resolutions without delay. Acceptance by the international community of the invasion of Kampuchea and Afghanistan as a *fait accompli* would create a dangerous precedent and would undermine the confidence of small States in the ability of the United Nations to ensure their right to an independent existence.

33. World attention was focused on Western Sahara, where the Moroccan authorities had accepted the principle of self-determination. Nevertheless, all the parties concerned, including the Sahrawi Democratic Arab Republic, must be associated with all stages of the peace-making progress in order to ensure the free exercise by the Sahrawi people of its right of self-determination. Accordingly, Togo had co-sponsored General Assembly resolution 36/46 on the subject and hoped that a referendum would be held as soon as possible.

34. Another people fighting for the right of self-determination were the valiant Namibians, under the leadership of their sole, legitimate representative, SWAPO. Foreign economic interests should realize that it would be better for them if Namibia became independent sooner rather than later, before the entire geopolitical situation changed. All peace-loving States should endeavour to speed up implementation of Security Council resolution 435 (1978). To that end, it was to be hoped that, by playing a practical role in the achievement of Namibian independence, the United States of America would strengthen its friendship with the whole of Africa as the United Kingdom had done in the case of Zimbabwe.

35. The independence of Namibia would bring peace to the front-line States subjected to air attacks and incursions by South African and mercenary troops. Mercenaries were also making an appearance in other countries where foreign Powers had an interest in overthrowing the existing Government. Those who wept over human rights causes had never condemned with sufficient vigour the activities of those hired assassins. On the contrary, when such individuals were brought to trial, with full legal safeguards for their defence, there was always an outcry from some groups. The international community should put an end to the activities of those criminals.



36. All nations great and small must unite their efforts in order to safeguard their independence and liberty and to save the useless loss of human life. Human rights would then assume their true proportions.

37. Mr. OBOL-OCHOLA (Uganda) said that the right of self-determination was a fundamental right upheld in the Charter and other international instruments. It embraced legal, political, economic, social and cultural aspects, and had come to be recognized as a vital norm of general international law. Its importance was symbolized in the intensity of the struggles to achieve it. Such struggles reflected the realization by peoples that the enjoyment of their human rights depended upon the right to determine their own destinies, and that to be denied that right was to have their most basic human rights violated.

38. Consequently, the international community had evinced its concern about situations in which peoples were denied the right of self-determination, and the Commission rightly gave the highest priority to such situations, few of which throughout history had equalled the oppression of the South African and Namibian peoples by a racist régime. That régime had clearly shown the lengths to which it would go in repressing the rights of the majority of the population. Its acts of oppression, on a scale in many ways unprecedented in the region, involved the use of sophisticated weapons and the application of outrageous laws and policies in carrying out executions, torture and detentions without trial in defiance of sustained international condemnation. The suppression of the activities of black students, trade unionists and journalists, the exploitation of black labour and the execution of freedom fighters were but a few of the ways in which the minority régime shamelessly continued to frustrate progress towards self-determination. Even more ominous was the further fragmentation, during the past year, of the black population under the "Bantu homelands" policy, in continued defiance of Security Council resolutions 402(1976) and 417(1977).

39. Uganda unreservedly condemned the escalation of that policy, by means of which the Pretoria régime sought to make blacks aliens in their own country and to provide an excuse for banishing them to barren regions, in the furtherance of apartheid and exploitation. The international community must continue to condemn such practices; and the Commission must go on striving for a rapid and permanent end to the policy of apartheid and deprivation of the majority of the population of the right of self-determination.

40. The plight of the Namibian people had been no less painful during the past year. Despite the agreement of SWAPO and South Africa to the terms of Security Council resolution 435(1978) and the United Nations plan for Namibian independence, South Africa had, with typical bad faith, obstructed the pre-implementation talks at Geneva; and the application of sanctions under Chapter VII of the Charter had been vetoed in the Security Council. South Africa, taking advantage of the protection offered to it in the context of super-Power rivalry, had used its massive military presence in Namibia and its vast home-based arsenal to launch unprovoked attacks against Angola and Mozambique - breaches of the peace which gravely threatened international peace and security. South African troops had intensified their atrocities in Namibia: the accounts by four representatives of the British Council of Churches, as reported in The Observer of 14 February 1982, described but a few examples of the sickening atrocities committed. Numerous other examples were given in paragraphs 252 to 426 of the report of the Ad Hoc Working Group of Experts (E/CN.4/1485).

41. Uganda strongly condemned South Africa for its brutal oppression of Namibians and its aggression against neighbouring sovereign States on the pretext of combating terrorism. The right of self-determination was upheld by the Charter and international human rights instruments. The legitimacy of armed struggle to assert that right had been recognized in a number of United Nations resolutions, including General Assembly resolution 32/147, which had excluded such action from the definition of terrorism. The peoples of South Africa, Namibia and the front-line States continued to make untold sacrifices in their fight for freedom and self-determination. Uganda appealed to all States to implement the sanctions against South Africa called for by the General Assembly at its eighth emergency special session, and reiterated its appeal to the Western Contact Group to increase its efforts to enable the people of Namibia to exercise the right of self-determination.

42. The vicious policies and methods adopted by Israel were similar to those of South Africa - not surprisingly, since apartheid and zionism stemmed from a similar ideology, which the General Assembly had condemned. Indeed, South Africa and Israel had collaborated closely in economic and military - including nuclear - matters, as was attested to by recent statements by the Israeli Minister of Defence. Israel had intensified its acts of oppression against the Palestinians and continued to violate their right of self-determination. In defiance of General Assembly and Security Council resolutions, Israel continued, under the illegal pretext of "pre-emptive strikes", to bombard Palestinian refugee settlements in Beirut and southern Lebanon. A just and lasting peace in the Middle East, which Uganda strongly supported, was impossible unless the Palestinian people fully regained its rights to self-determination, statehood and resettlement in its homeland.

43. Uganda welcomed the steps taken by the Heads of Government of the OAU countries towards a peaceful solution of the situation in Western Sahara, and appealed to Morocco and the Polisario Front to co-operate fully with the OAU Implementation Committee on Western Sahara. His delegation was convinced that a general free and fair referendum, as proposed by OAU, would lead to the early and genuine exercise by the people of Western Sahara of the right of self-determination.

44. The Commission, as an institution for the promotion of human rights, must act with all courage, in the light of paragraph 1 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, to put an end to the subjection of peoples to alien subjugation, domination and exploitation, wherever it occurred.

45. Mr. BHAGAT (India), speaking in exercise of the right of reply, said it was regrettable that the delegation of Pakistan had again referred to the territory of Jammu and Kashmir. It was well known that the State of Jammu and Kashmir was constitutionally and legally an integral part of India, just like any other state of the Indian Union. Consequently, its inhabitants had always enjoyed, and would continue to enjoy, the same rights as those enjoyed elsewhere in India. They had participated, with the rest of the Indian people, in seven general and state elections. The delegation of Pakistan could surely not believe that the rights of self-determination and free expression could best be exercised under martial law.

46. The Simla Agreement provided for the settlement of all questions involving India and Pakistan within a bilateral framework. It was particularly regrettable, therefore, that such unwarranted references to Jammu and Kashmir should have been made less than three weeks after the Minister for Foreign Affairs of Pakistan had visited New Delhi for bilateral consultations and shortly before the holding of further talks in Islamabad later in the current month.