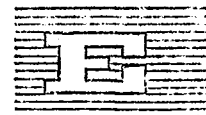


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 8TH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 February 1983, at 3 p.m.

Chairman:

Mr. OTUNNU

(Uganda)

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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 3.05 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.4/1983/2 and Add.1; E/CN.4/1983/12 and 13; ST/HR/SR.A/14)

1. The CHAIRMAN announced that three delegations had asked to exercise their right of reply in response to statements made at the previous meeting.
2. Mr. BARAKAI (Jordan) said that the Commission had that morning heard the observer for Israel express concerning Jordan the same opinion as the previous year, at the Commission's thirty-eighth session. Israel, which denied the Palestinian people's right to self-determination, had decided to throw the Palestinian problem out of Palestine and set it in Jordan. There were today 4 million Palestinians, who came from Palestine, a geographical entity known in history and recognized in geographical works and in atlases. The Palestinians' land had been occupied and there had been a Palestinian problem since 1948. The Israelis had occupied Palestine and seized Palestinian property and were applying on the West Bank a settlement policy which knew no bounds. An article concerning the West Bank in the 27 January 1983 issue of Time magazine showed that Israel expected the number of settlers to total 100,000 by 1987 and that the ultimate aim was to install 1.4 million Jews alongside the 1.6 million Arabs in that territory. It was, then, evident that the observer for Israel had sought to deceive the members of the Commission. There was also room for doubt concerning the Camp David agreements, which Israel claimed to observe. Israel's attitude had been the subject of constant criticism by high level Egyptian officials. President Carter himself had said, concerning Israel's application of those agreements, that the Begin Government had not kept its commitments and had shown little inclination to grant autonomy to the Palestinians on whom it had imposed its authority. What conclusion could be drawn from that, other than that the observer for Israel had lost all credibility and that his statement had been but one more lie and a distortion of the facts?
3. Mr. ARMALIE (Observer, Palestine Liberation Organization) said that no one was taken in when the Israeli delegation protested its good will and declared that the Zionist State was prepared to negotiate peace agreements. Israel was putting forward as a framework for negotiation the Camp David agreements with complete autonomy for the "Palestinians of Judea and Samaria". Everyone knew that, to the Israeli way of thinking, autonomy was no more than the perpetuation of the present occupation. After all, to judge from the statements of several Israeli officials, there would be no question of the Palestinians of Gaza or the West Bank having an ounce of sovereignty over Arab land; there would be autonomy for the persons, but not for the land, resources or water involved. Such was Israel's concept of "peace", a concept in complete contradiction with international law and with the very definition of self-determination and of its legal consequences. That being so, the Palestinian people naturally refused categorically the "complete" autonomy that the Israeli delegation proposed. For the Palestinian people, autonomy and the free determination of its future could be exercised only with the establishment of an independent, sovereign State on its national territory.
4. Mr. SENE (Senegal) said that, if the Israeli delegation thought that all the States members of the Commission which upheld the Palestinians' inalienable right to self-determination were enemies of Israel, it merely increased its country's

isolation. The Special Committee on the Exercise of the Inalienable Rights of the Palestinian People, to which the observer for Israel had referred, was an impartial organ of enquiry that had been set up by the General Assembly, of which Israel was a member. That Committee's good faith was beyond question, for its members had always sought collaboration with the Israeli Government in order to conduct their investigations objectively. It was, rather, the Israelis who prevented the Committee from contacting certain people and resorted to intimidation. Perhaps the observer for Israel would care to say why the Israeli Government would not agree, as an experiment, to one visit by the Special Committee so that the latter body could compare its findings with the experience of the Arab populations of the occupied territories.

5. The observer for Israel might also care to address the Commission concerning the creation of settlements in Gaza and on the West Bank or in the Syrian territory of the Golan Heights, where 60 per cent of the land was said to have passed into Jewish hands. Was that figure verifiable?

6. The CHAIRMAN declared concluded the exercise of the right of reply in relation to the previous meeting and invited the Commission to continue its consideration of item 9 of its agenda.

7. Mr. MACCOTTA (Italy) regretted that the Commission continued, from one session to the next, to be confronted with events relating to the fundamental principles of the right of peoples to self-determination, independence and territorial integrity. His country's position on the right to self-determination of the Palestinian people was well known and had been expressed in every international forum. The persistence in Afghanistan of the situation deriving from the entry of foreign troops into that country in December 1979 also remained a source of grave concern, as was evident from the General Assembly's resolutions on that matter.

8. Mr. Córdovez, the Special Representative of the Secretary-General, was, it was true, currently engaged in a political mission which Italy earnestly hoped would succeed, but in the meantime his delegation could not but deplore yet again the attitude of the Soviet Government, which persisted in rejecting the repeated appeals made to it not only, and principally, by the United Nations, but also by such other bodies as the non-aligned movement, the Islamic Conference and the European Economic Community. All those appeals were for a political solution based on the withdrawal of Soviet troops from Afghan territory and the right of the Afghan people to self-determination, for the enjoyment of human rights in general depended thereon.

9. The situation in Kampuchea was a further subject of concern to the international community. The military occupation of that country by foreign forces, which had lasted over four years, constituted a breach not only of the Charter of the United Nations, but also of the most essential human rights. It should also be borne in mind that the infringement of the rights of the Afghan and Kampuchean peoples freely to decide their own destiny had led to other highly negative consequences, particularly a massive and continuing exodus. Italy was, finally, sympathetic to the situation of Namibia, which it hoped would move as rapidly as possible towards independence by means of free elections based on the relevant resolutions of the Security Council.

10. Mr. ZORIN (Union of Soviet Socialist Republics) expressed his delegation's surprise and concern at the statement by the observer for Israel concerning the defensive aims of the Israeli aggression against Lebanon. Had Israel not heard how it had been condemned as the assassin of the Palestinians and Lebanese? The Israeli aggression must be ended and Israel must withdraw its troops from the territories occupied since 1967 and recognize the legitimate right of the Palestinian people to self-determination and the establishment of an independent State, with direct participation by the Palestine Liberation Organization in the negotiations. In that respect, it was noteworthy that the General Assembly had, in its resolution 37/43, appealed to all States to support the Palestinians' right to self-determination and independence; only Israel and the members of NATO had voted against that resolution.

11. The right of peoples to self-determination was the basis for the enjoyment of all other rights. For its part, the Soviet Government had always upheld the right to self-determination; it had, indeed, initiated the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It had struggled actively for the elimination of colonialism alongside with the peoples of Asia, Africa and Latin America which had fought for progress. The old empires had then been replaced by young States which had succeeded in achieving independence, thereby showing that autonomy was possible. However, those States must also eliminate the consequences of colonialism and avoid neo-colonialism if they were to achieve economic independence. That was why the Soviet Union supported the new States' calls for the restructuring of economic relations.

12. The Commission on Human Rights should concentrate on the application of the principles of the Declaration on the Granting of Independence to Colonial Countries and Peoples and assist in eliminating all the consequences of colonialism and racism. It was well known that the principal centre of racism was southern Africa, where one Government applied the regime of apartheid and was illegally occupying Namibia in violation of the right of the Namibian people to independence and self-determination. That Government sabotaged the United Nations attempt to free Namibia and sought to maintain its oppression of that country. The South African racist regime was able to remain in power, despite its condemnation by the United Nations, thanks to the unilateral support of the United States of America and various allies. The United States was reinforcing its strategic alliance with South Africa in order to suppress the struggle of the Namibian people and Pretoria was manoeuvring within the Western Contact Group with a view to quashing the United Nations decisions on Namibia.

13. In its resolution 37/235, the General Assembly had condemned South Africa and described the occupation of Namibia as an act of aggression against the Namibian people. It had added that Namibia must be supported in its struggle through the medium of SWAPO for self-determination and independence. For its part, the USSR had always favoured a rapid solution to the Namibian problem in accordance with Security Council resolution 435 (1978) and the Declaration on the Granting of Independence to Colonial Countries and Peoples. It condemned the South African regime and the other imperialists who were delaying the irreversible process of the liberation of Namibia.

14. With regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, it should not be forgotten that there were in the Pacific and Indian Oceans small colonial States in which the great Powers had, under various pretexts, installed military bases in breach of the right to self-determination. Two major Western Powers had provoked the departure of

the population of certain islands after requesting the United States to establish and then to expand a military base there. That showed the price which the United States set on human rights and on respect for the territorial integrity of small States. The case of Micronesia was a further example of United States occupation of a small State with a view to its annexation, in disregard of human rights and of United Nations decisions. Recent events in the southern Atlantic had shown the danger of a colonialist policy for the world. History had condemned colonialism and decolonization was in every way in the interests of humanity. The Commission must, therefore, do everything in its power to devise practical measures to ensure the application of the Declaration on the Granting of Independence and the liberation of those peoples that were still oppressed. It should not be forgotten that the majority of the States Members of the United Nations refused imperialist interference, by means of diktat, blackmail and the maintenance of "areas of vital interest", in the affairs of others. Examples of such interference included the action directed against Cuba and Nicaragua, with the aim, contrary to all the rules of international law, of preventing them from enjoying their independence.

15. That same policy also threatened the existence of Kampuchea and Afghanistan, States which, however unpalatable that might be to some, were now exercising the right to self-determination and living a new, independent life. In that connection, he refuted the insinuations made by one delegation concerning the situation in Afghanistan and Kampuchea. The delegation of the Federal Republic of Germany had been guilty of a lack of objectivity. Despite being well aware that there was a treaty of friendship and co-operation between the USSR and Afghanistan and that, faced with threats to national security, the Afghan Government had requested assistance from the USSR, which had sent a contingent that would be withdrawn as soon as the threat had disappeared, the delegation in question had demanded the immediate withdrawal of those troops from Afghanistan; it had not, however, mentioned the Israeli aggression against Lebanon, which had been universally criticized, and had not demanded Israel's withdrawal, even though the Security Council had called for it in its resolution 509 and the General Assembly had supported that call by a large majority.

16. Sixty years had now elapsed since the USSR had been created by the will of the people, the peasants and the workers as a country based on the principle of unity between the various Republics, which were equals. In celebrating that sixtieth anniversary, the Soviet people was proud to say that it was moving forward, that it was struggling for peace and independence and against colonialism and racism. Indeed, the Soviet Communist Party had adopted a peace programme and the Soviet people was striving for the realization of its lofty aims.

17. Mr. CHIKETA (Zimbabwe) remarked that the United Nations had reaffirmed several times that the right to self-determination was the cornerstone of the whole edifice of human rights. It was precisely the inability of the Palestinians to exercise that right that was at the core of the Middle East crisis. Furthermore, it was ironical that the State of Israel, a State created by a United Nations resolution and out of revulsion for man's inhumanity to man, should now itself be guilty of gross injustice.

18. The situation in the occupied territories must be viewed from two perspectives. First, there was the unwillingness of Israel's allies, without whose protection Israel could not maintain its aggressive and annexationist policy, to implement the numerous resolutions of the General Assembly and the Security Council. Secondly,

there was Israel's ambitious objective of dealing a fatal blow to Palestinian nationalism and to the hope of all Palestinians that they would one day have a State of their own in their own homeland, Palestine. Israel's clear objective was, therefore, to annex the remaining Palestinian territories, but to take them over empty of Palestinians: that was the context in which the recent massacres in Lebanon were to be seen, and the policy in question was consistent with the old Zionist dream of establishing a Greater Israel. Since that design could only be achieved by force, it had been openly proclaimed that peace with the Arabs was out of the question until the Palestinians acknowledged their humiliation and defeat; since they would not do so, there would be no peace.

19. It was therefore imperative for the maintenance of peace to seek with the utmost urgency for a comprehensive solution. Such a solution must be built around compliance with United Nations resolutions and the need for the establishment of a Palestinian State with guarantees of security for all the peoples in the region. A comprehensive solution was the only answer because, despite the substantial external backing available to Israel, it must not be forgotten that Israel was in the Middle East and that mutual acceptance and coexistence between that country and its Arab neighbours could alone guarantee a decent existence for the generations yet to come.

20. Zimbabwe had fought long and hard to attain independence and, at the end of that arduous campaign, it had chosen reconciliation. That choice had been dictated by the fact that to have taken another course would have exposed the country to self-destruction after more than 100 years of hostility. He was not proposing that example as a solution for the Middle East, but he did not see why, if his country had been able to implement such a policy after more than 100 years of antagonism, a similar policy of mutual acceptance should not work in the Middle East.

21. By virtue of the right to self-determination, all States must take due account of the political aspirations of the peoples of non-self-governing territories and no people could be deprived of its own means of subsistence on the grounds of any rights that might be claimed by any other. While the struggle against apartheid and colonialism continued in southern Africa, the attitude of Morocco forced the people of Western Sahara to fight for its independence. Morocco had admitted the existence in that respect of a colonial situation, but it had not taken the effective and positive steps required to terminate the situation as envisaged under the plan recommended by the Implementation Committee on Western Sahara of the Organization of African Unity. The two parties to the conflict, Morocco and the Polisario Front, must negotiate a ceasefire to permit the free holding of the referendum of which they had already accepted the principle. The people of Western Sahara and of Africa as a whole were waiting for Morocco to cease its procrastination.

22. The United Nations could not remain indifferent to the fate of East Timor. The resolutions of the Security Council and General Assembly on the matter still awaited implementation and the question remained on the agenda of the United Nations, which had refused to recognize Indonesia's claims to the territory. Indonesia must therefore withdraw her forces from the territory so that the United Nations could organize a referendum on the issue of self-determination and independence. The Commission could not behave as if it was unaware that, in seven years, a third of the population of East Timor had disappeared with nothing being known of its fate. If the Commission was unable or unwilling to examine at the present session the

situation of that small and vulnerable people, its mandate must be revised. The Commission could not remain indifferent to the fate of the people of East Timor without condemning them to perpetual servitude and without demonstrating flagrant disregard for its own responsibilities.

23. Mr. HEREDIA PÉREZ (Cuba) deplored the fact that, although more than 20 years had passed since the adoption by the General Assembly of resolution 1514 (XV) concerning the granting of independence to numerous peoples oppressed by colonialism, Palestinians were still dying for the sacred right to recover their homeland. The Namibian people also continued to be frustrated of its independence on the unacceptable pretexts of the South African racists who, with the support of the United States, continued their illegal occupation of Namibia.

24. The situation in north-west Africa also constituted a threat to the peace, stability and security of the region. Cuba welcomed the successes of the Saharan Arab Democratic Republic and reaffirmed that the only means of solving the problem of Western Sahara was to permit the Sahrawi people to exercise its right to self-determination in accordance with the recommendations of the OAU, the United Nations and the non-aligned movement. Morocco and the Polisario Front must find a negotiated solution to their dispute. It should be noted in addition that the tension in the area was heightened by the redeployment of imperialist military forces.

25. In Asia, the Kampuchean people was attempting, with the aid of the Vietnamese people, to reconstruct its country after its devastation by the Pol Pot regime. In the Americas, the United States had, in addition to its policy of intervention, recently contributed to the maintenance of the colonial situation that had afflicted the Argentine people for more than a century inasmuch as that people was unable to exercise its sovereignty over the Islas Malvinas, the Sandwich Islands and South Georgia. By acting as it had, the United States Government had shown clearly that its proclaimed friendship for the countries south of the Rio Grande in fact meant exploiting their economic resources and depriving them of the exercise of their right to self-determination. The peoples of Latin America would not forget the suffering and tears provoked by imperialist domination.

26. The United States Government was, in addition, subjecting Nicaragua to pressure and attack. Not content with having installed and supported the Somoza dictatorship, it now sought to annihilate the revolutionary people it had oppressed for 50 years. The participants in the recent ministerial meeting of the non-aligned movement at Managua had declared that Central America was facing a grave political, social and economic crisis provoked by government oppression and inappropriate political and economic structures and aggravated by more than a century of foreign interference. The Ministers had condemned the economic pressure and sanctions against Nicaragua, Cuba, Grenada, Argentina and, most recently, Suriname, which had hindered those countries' economic development. They had called for the sweeping aside of the embargo, economic blockade and other coercive measures taken against those countries and had reaffirmed the right of all States to exercise their sovereignty and to adopt the economic and social system which they considered the most appropriate.

27. In the United States itself, the Indians, Blacks, Latin Americans and chicanos were deprived of the right to self-determination. The Government continued to occupy the lands of the Indian nations and exploit their resources. The Commission should examine with particular attention the crimes committed against the Indian peoples by the United States Government, a Government which, despite spending millions of dollars to pass itself off as the defender of liberty, maintained Puerto Rico in a colonial status.

28. The United States Government was also intervening in other Central American countries, fomenting conflict and encouraging the most reactionary forces. It was that Government which organized, financed and trained the repressive forces in El Salvador and Guatemala, on the imaginary pretext of Cuban military assistance to the Salvadorian people.

29. The United States Government had been and still was flagrantly violating the right to self-determination of the Cuban people, which it was subjecting to economic blockade contrary to humanitarian standards at the same time as it exercised pressure on other Governments for the isolation of Cuba. The United States illegally maintained a military base at Guantánamo. It flouted international law and the principles of the United Nations by overflying Cuban territory for the purposes of espionage and violating Cuban sovereignty. In such circumstances, how could the United States dare to refer to international law and talk of peace? Would it allow foreign aircraft to overfly its own territory? The situation showed once again that the United States had no respect for the principle of equality between large and small countries. How could the United States speak of self-determination when it was trying to regulate the fate of an entire continent that did not belong to it? Who gave it the privilege of deciding what was good or bad in the light of its own "security"? Did not the other countries in the region also have the right to their own "security"? American domination was incompatible with the right to self-determination.

30. The patriot José Martí had said concerning the self-determination of peoples that the further the peoples of America divorced themselves from the United States, the freer and the more prosperous they became. He had added that, after having been tied to European countries, the peoples of Spanish America must unanimously proclaim their second independence from a powerful and ambitious neighbour which took an interest in them only in order to prevent their extension, as in Panama, or to appropriate their territory, as in Mexico, Nicaragua, Santa Domingo, Haiti and Cuba, and to isolate them from the rest of the world.

31. Mr. SCHIFTER (United States of America) said that the United Nations purpose, as set forth in the Charter, of developing friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples remained unattainable in several countries.

32. Afghanistan, a State Member of the United Nations, had entered its fourth year of occupation by USSR forces. The Soviet-installed regime of Babrak Karmal was maintained in power only by increased Soviet military activity. The Soviet troops stationed in Afghanistan now numbered 105,000 and an additional 30,000 soldiers were posted as a rearguard just beyond the Afghan border. The Afghan people, who continued to struggle against the foreign invaders, were the victims of such acts of violence as murder, rape and plunder. It was, then, not surprising that approximately one fifth of the population of Afghanistan had fled to Pakistan, thereby imposing an enormous burden on that country.

33. Parents were being prevented from choosing the education of their own children, many of whom were subjected to political indoctrination in summer camps in the Soviet Union. In addition, efforts were being made to turn children into informers on their parents. The Soviet Union was, then, denying the Afghan people not only its right to self-determination, but also its very soul. The United States firmly believed that that tragic situation must be ended by a negotiated settlement.

34. As called for in the four General Assembly resolutions on the subject, the Soviet troops must withdraw from Afghanistan, the Afghan people must be able to exercise its right to self-determination, Afghanistan must become an independent, non-aligned country and the refugees must be freely able to return to their homes. His delegation supported the efforts of the United Nations representative, Mr. Diego Córdovez, to find a political solution.

35. The central issue was whether the Soviet Union was at last willing to match its deeds to its words and completely to withdraw its forces. The Commission had to bring home to the Soviet Union the fact that the world continued to condemn its occupation of Afghanistan and the numerous violations of human rights that entailed.

36. The United States also regretted that the Kampuchean people continued to suffer under the occupation of a Vietnamese invasion force. The Vietnamese-installed regime survived thanks only to the presence, in breach of General Assembly resolutions, of 180,000 Vietnamese troops. On 31 January, Vietnamese forces had attacked and destroyed a Kampuchean refugee camp near the Thai border. Some 48,000 people had been obliged to seek refuge elsewhere.

37. Estonia, Latvia and Lithuania continued to be occupied by a foreign Power. Although those countries had been swallowed up by the Soviet Union 40 years ago as a result of the German-Soviet pact, they still sought, despite heavy censorship, to assert their rights as nations. The United States had received reports that advocates of Baltic national rights were being prosecuted in Soviet courts for having asserted their national identity. That situation should rightly be of concern to the Commission, which should call the Soviet Union to account. For its part, the United States had not forgotten the Baltic States, whose illegal incorporation into the Soviet Union it had always refused to recognize, for time did not make right any more than did might.

38. Those specific examples, particularly that of Afghanistan, were illustrative of a broader problem of a challenge to the principle of self-determination. Soviet theoreticians had emphasized that, despite the popular unrest in Afghanistan, there was no question of that country's recovering any degree of independence from Moscow. The principle according to which the Soviet Union would not relax its imperialist control over a country had become known as the "Brezhnev doctrine", although it had applied even before Mr. Brezhnev had come to power in the Soviet Union. According to that principle, which was also known as the principle of "limited sovereignty", countries within the Soviet orbit could take no action without the approval of the Soviet Government and, above all, could not exercise their right to self-determination without triggering Soviet military intervention. The case of Afghanistan was the first in which that principle had been applied outside eastern Europe, the precedents having been those of the Soviet interventions in Hungary in 1956, Czechoslovakia in 1968 and, most recently, in Poland. It was following the 1968 invasion of Czechoslovakia aimed at halting the experiment in "socialism with a human face" that

the principle had first been propounded as Leninist doctrine. An article published in Pravda on 25 September 1968 had held that the sovereignty of individual socialist countries could not be invoked in opposition to the interests of world socialism and the world revolutionary movement. The article had said that, in the Marxist conception, the law could not be interpreted in a narrowly formal way, outside the general context of the class struggle, and that self-determination for Czechoslovakia would signify freedom of self-determination not for the masses and the working people, but for their enemies. Laws, it had been declared, were subordinate to the laws of the class struggle and of social development.

39. That imperialist concept was tantamount to a Soviet amendment to the right of self-determination. When there was a risk that a group of leaders approved by Moscow might be replaced by one that was not, the Soviet Union reserved the right to send in its troops. That was the lesson which had been learnt anew in the case of Afghanistan.

40. Viscount COLVILLE of CULROSS (United Kingdom) said that, to quote the Chinese participant in the Seminar on violations of human rights in the Palestinian and Arab territories occupied by Israel which had been held at Geneva in November and December 1982, self-determination was a fundamental human right. It was a prerequisite for the enjoyment of all the other rights set out in the Universal Declaration of Human Rights and in the International Covenants on human rights. It was also fundamental to the maintenance of international peace and security. It was therefore in the interest of all that it should be observed; instead, it was now being threatened in many of the world's major trouble spots.

41. The right to self-determination was universal and could not be arbitrarily restricted, for example to colonial situations. Its exercise might result during the current year in the birth of a new sovereign State, St. Christopher and Nevis. But it applied to all peoples and if, as the observer for the PLO had said at a previous meeting, it was a cornerstone of international law, it must be equally applicable in Afghanistan, Kampuchea and elsewhere. The Covenants stated clearly that all peoples had the right to self-determination.

42. Although the General Assembly and the Commission had repeatedly adopted resolutions calling for the immediate withdrawal of foreign forces from Afghanistan, Soviet troops continued to maintain the Karmal regime in power in that country. While it had been alleged that the Afghan people approved that regime and the presence of Soviet troops, there was no proof of that. On the contrary, it was known that resistance was continuing and that some three million people had fled Afghanistan. Those refugees represented a very heavy burden for their host countries and for the international community as a whole.

43. The United Kingdom had been particularly appalled by reports of a massacre of 105 Afghan civilians by Soviet troops in September 1982. That act deserved categorical condemnation. The need was for a peaceful settlement including the complete withdrawal of Soviet troops, self-determination for the Afghan people, a fair solution of the refugee problem and the preservation of Afghanistan's independence and non-aligned status. The proposals made by the European Council on 30 June 1981 with a view to a political settlement remained open. His delegation was, however, ready to support any initiative that would lead to an acceptable solution in accordance with the relevant United Nations resolutions. It was following with interest the mediation efforts of Mr. Diego Córdovez and it continued to hope that the insistence of the international community on the immediate withdraw of foreign troops from Afghanistan would be heeded.

44. His delegation was also distressed by the situation in Cambodia, where the denial of the right to self-determination continued. The appeals by the General Assembly, the Commission and the Sub-Commission for the withdrawal of foreign forces remained unheard, the massive exodus of refugees was continuing, and conflicts were becoming more numerous, including on the Thai border. The international community had recognized that the withdrawal of foreign forces was crucial to the solution of Cambodia's problems. In a document prepared by the Sub-Commission (E/CN.4/Sub.2/1982/L.4) in response to Commission resolution 1982/13, it was stated that if the Vietnamese troops were not withdrawn immediately, it could be concluded, the reasons previously invoked for their intervention having disappeared, that the Government of Viet Nam intended to prevent the exercise of the right to self-determination by the Kampuchean people. The Sub-Commission had added that, as long as that right was not achieved, many other human rights would continue to be violated.

45. The situation of human rights in Cambodia therefore remained serious from all points of view. In recent years, the people of Cambodia had suffered terribly, first under the Pol Pot regime and now under foreign domination. Cambodia's problems must be solved, and urgently, by attention not only to their effects, but also to their causes and the methods of removing them. To achieve a Cambodia that was independent, united, free from outside interference and endowed with a genuinely representative Government, there must, as called for in the Declaration of the International Conference on Kampuchea, be free elections following the withdrawal of foreign forces. The United Kingdom hoped that the efforts of the Ad Hoc Committee of the Conference would be supported by all interested parties. It saw the recent formation of a coalition of Cambodian resistance forces as an important contribution to a political solution.

46. Concern could not be limited to cases where the right to self-determination had been denied by outside intervention. The International Covenants on human rights and the Universal Declaration of Human Rights provided that the right to self-determination was broader, a right of peoples and not of Governments. It belonged indeed to the peoples of southern Africa, the Middle East, Afghanistan and Cambodia, but it also belonged to all peoples everywhere.

47. Mr. ODOCH-JATO (Uganda) emphasized the fundamental nature of the right to self-determination, which was embodied in the Charter of the United Nations and in practically all international instruments concerning human rights. From that right flowed most of the other universally recognized rights. The peoples to whom it was still denied were waging a bitter struggle to obtain it. A number of such situations had regrettably deteriorated since the Commission's previous session.

48. In the case of Namibia, 1982 had been a year of failed hopes and betrayal. The tripartite negotiations for the implementation of Security Council resolution 435 (1978) and the United Nations plan for Namibian independence had raised great hopes, but a question that was a best peripheral, that of the presence of Cuban troops in Angola, had been catapulted into the limelight so as to delay independence, even though Namibia was in no way a party to the relevant arrangement between two sovereign States. It was particularly regrettable that a member of the Western Contact Group had supported the South African position on that matter. He urged the members of that Group to face up to their responsibilities with regard to the application of resolution 435 (1978). The people of Namibia continued to suffer mass killings, executions, torture, rape, detention and forced labour at the

hands of the South African forces; apartheid laws remained in force in Namibia and the plundering of the country's natural resources persisted. In addition, South Africa was continuing its acts of aggression against neighbouring States and its troops still occupied a large part of southern Angola following their invasion in August 1981. If the Namibian people and its representative, SWAPO, were to achieve the independence for which they had striven for two decades, there must be concerted international pressure on South Africa; for that reason, Uganda continued to support the imposition of comprehensive and mandatory sanctions against that country.

49. In South Africa itself, the racist regime continued to strengthen its military and political machinery against the forces of self-determination and democracy. In that regard, it was attempting to incorporate certain non-white minorities into a segregated power structure; since the real aim of that move was to fortify apartheid, his delegation hoped that the international community would reject it. Meanwhile, political detainees continued to be tortured and the courts that administered apartheid continued to pass death sentences on young patriots. Innocent refugees were slain in cold blood, as had recently been the case at Maseru, the capital of Lesotho. The racist regime was also persisting, in its "homelands" policy, in the massive deportation of urban blacks to reserves. In response to that increase in racial oppression, his delegation called for decisive international action, including the strict implementation of the arms embargo decreed by the Security Council in its resolution 418 (1977).

50. During the past year, Israel had further intensified its efforts to deprive the Palestinians of their rights, including the right to self-determination. Its settlement policy was aimed at altering the demographic structure of the West Bank, Gaza and the Golan Heights. The massive and unprovoked invasion of Lebanon had led to large-scale destruction of life and property, and the massacres at Sabra and Chatila would remain imprinted in everyone's memory. Uganda reaffirmed its support for the just struggle for self-determination of the Palestinian people under the guidance of its sole legitimate representative, the PLO.

51. In its concern that the right to self-determination and the ideals proclaimed in the Declaration on the Granting of Independence to Colonial Countries and Peoples should prevail, his delegation supported the implementation of the just and peaceful solution to the question of Western Sahara devised by the Heads of State and Government of the Organization of African Unity. It appealed to Morocco and the Polisario Front to co-operate in speedily ensuring self-determination by means of a general, free and fair referendum within that territory.

52. Mr. HILALY (Pakistan) stressed that the exercise of the right of self-determination remained an indispensable pre-requisite for the enjoyment of all other rights. Since Pakistan had itself achieved independence through that right, it had consistently supported the struggle of other people under colonial or alien domination to obtain it.

53. Where the Middle East was concerned, it was well known that the right of self-determination of the Palestinian people was the central issue. The tragic events in that region which had recently culminated in barbaric massacres demonstrated yet again that the Palestinian cause could not be stifled by terror or coercion. In southern Africa, the persistence of the inhuman system of apartheid and the illegal

occupation of Namibia constituted grave threats to regional and international peace and security. His delegation reaffirmed its complete solidarity with the South African and Namibian peoples. The right of self-determination as recognized in the relevant United Nations resolutions had yet to be exercised by the people of the State of Jammu and Kashmir. The need for an amicable settlement of that issue in the interest of durable peace had been reaffirmed in the Simla Agreement concluded between Pakistan and India in 1972.

54. There had recently been a recurrence of instances of unilateral military intervention in violation of the sovereignty of small non-aligned countries. The United Nations must check that dangerous trend in international relations. The imposition of a puppet regime in Kampuchea remained a matter of serious concern to the international community. The United Nations had repeatedly called for the withdrawal of foreign forces, and the Declaration adopted by the United Nations Conference on Kampuchea provided the framework for a comprehensive political solution to the problem. Pakistan welcomed the formation of a coalition Government of Democratic Kampuchea under Prince Sihanouk and hoped that it would facilitate the creation of conditions conducive to the implementation of the General Assembly's decisions.

55. The Soviet military intervention in Afghanistan constituted a flagrant violation of all the norms of international conduct, of the Charter of the United Nations and of the principles of peaceful coexistence and of the non-aligned movement. The General Assembly, the non-aligned movement, the Islamic Conference and the Pakistan delegation to the Commission on Human Rights had repeatedly denounced the illegality of the presence of foreign troops in Afghanistan and called for their immediate and unconditional withdrawal. Unfortunately, the situation in Afghanistan had continued to deteriorate. There was widespread, purely indigenous resistance sustained by the love for freedom which the Afghan people had manifested throughout its history. It was absurd to claim that a "limited contingent" of foreign troops had been sent to Afghanistan at that country's "request" in order to meet an "outside threat". The Government of Hafizulla Amin, which had supposedly invited the "limited contingent" to Afghanistan had been liquidated by that same contingent. The "limited contingent" in fact comprised 100,000 men and its occupation of Afghanistan over the last three years had created such terror and oppression that one fifth to one quarter of the country's entire population had sought refuge in Pakistan or Iran: nearly three million people in Pakistan and reportedly more than one million in Iran.

56. The peoples of Pakistan and Afghanistan were linked by geography, kinship, culture and faith. It was therefore in a spirit of brotherhood that, while scrupulously adhering to a policy of non-interference, Pakistan continued to provide relief to three million victims of the Afghan tragedy. The Afghan refugees in Pakistan represented the single largest concentration of refugees in the world. Pakistan therefore continued to bear a heavy burden and it was grateful to all those who had helped it to do so, particularly UNHCR and ICRC. The refugee camps were open to impartial observers from any part of the world and were visited by representatives of international agencies, who could testify to their exemplary administration.

57. The President of Pakistan had consistently reaffirmed his country's attachment to the principle of non-interference and its readiness to give any assurances that would strengthen regional security and ensure respect for the sovereignty and territorial integrity of the States in its area. The elements for a political solution had already been spelled out by the General Assembly, the Islamic Conference, the non-aligned movement and the Commission: the immediate withdrawal of foreign troops; the preservation of the sovereignty, independence and non-aligned character of Afghanistan; the right of the Afghan people to choose their own form of Government and economic, political and social system; and the voluntary return of the Afghan refugees. Those elements had but recently been reasserted in General Assembly resolution 37/38. His delegation hoped fervently that the Afghan crisis would be resolved by the application of the principles enunciated by the General Assembly and sincerely appreciated the steps taken by the Secretary-General in that regard. The Pakistan Government had co-operated fully with the Secretary-General's personal representative and hoped that the diplomatic process thus initiated would yield concrete results consistent with the expectations of the international community.

58. Mr. CHOWDHURY (Bangladesh) reaffirmed his country's consistent and principled approach to the question of East Timor, which should be considered as settled, since the process of decolonization had long since been completed through democratic elections and Indonesia was making sincere efforts to unite the population of the territory. At the thirty-seventh session of the General Assembly, 48 delegations, including that of Bangladesh, had voted against resolution 37/30. Those delegations represented the vast majority of the States of Asia and the Pacific. The discussion in the General Assembly had shown that the attempts to re-open the question of East Timor were gradually diminishing; furthermore, the fact that resolution 37/30 did not contain the operative paragraphs of earlier resolutions reflected a better understanding of the situation in East Timor by the international community.

59. The Commission had before it a draft resolution on East Timor submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had studied the text at the last moment and without the up-to-date information necessary for its realistic consideration. The Government of Indonesia had been unable to present the facts of the matter to the Sub-Commission, which had, furthermore, been without the benefit of recent reports by various United Nations agencies active in East Timor. His delegation therefore opposed the draft resolution and regarded any discussion by the Commission on the basis of that text as untimely and unnecessary.

60. Mr. LI LUYE (China) declared that the principle of self-determination of peoples, the development of which was proclaimed by the Charter to be one of the purposes of the United Nations, entailed respect for the national sovereignty, independence and territorial integrity of all countries and for the right of all peoples to determine their destiny without external interference. That principle was being violated in the modern world.

61. Israel had occupied large tracts of Palestinian and Arab land by means of a number of wars of aggression. It was now attempting by every possible means to legitimize and perpetuate its occupation and was continuing its efforts to wipe out

the Palestinian armed forces and prevent the Palestinian people from ever exercising its right to self-determination. At the same time, South Africa was pursuing its colonialist policy in Namibia and refusing to implement the United Nations programme that would enable that country to achieve independence. Like Israel, South Africa persisted in arrogance and in its disregard for the resolutions of the General Assembly and the Security Council; it did so with the support of a Superpower, the United States of America. The time had come for Israel and South Africa to respond to the international community's proposals by concrete action so that the Palestinians could return to their homeland and colonial rule could be terminated in Namibia.

62. The events in Afghanistan and Kampuchea were examples of aggression against independent States. The Soviet occupation of Afghanistan, which was now entering its fourth year, constituted an abominable outrage against the Charter of the United Nations and the norms governing international relations. Despite the justice of the international community's call for the immediate withdrawal of the occupying forces, the occupying Power persisted in describing its aggression as an internal matter and the consideration of the Afghan question within the General Assembly and the Commission as interference. It even described the Afghan people's resistance movement as foreign interference. To deceive world public opinion, the occupying Power on the one hand proclaimed its readiness to discuss a political settlement and, on the other hand, demanded "an international guarantee" before it would consider withdrawing its troops. It claimed to have restored calm in Afghanistan, whereas it had in fact caused the deaths of innumerable Afghans and the exodus of 4 million refugees. However, the Afghan people had undertaken a dauntless struggle for its independence and freedom and had dealt telling blows to the invaders. The latter must understand that they could never conquer the Afghan people, and that the only solution was for them to withdraw immediately so as to permit the exercise by that people of its right to self-determination, the recovery of Afghanistan's non-aligned status, and the return of the millions of Afghan refugees.

63. After invading Kampuchea three years ago, the Vietnamese had waged there a war of genocide and occasioned unprecedented calamities. Despite the resolutions of the Commission and the General Assembly on the question, the occupation authorities had stuck to their policy of regional hegemony, arguing that they had been responsible for the rebirth of Kampuchea. The invasion of Kampuchea had resulted in the loss of countless human lives and the exile of over a million inhabitants, not including the hundreds of thousands of homeless people who were languishing in exile on the Thai border. Furthermore, not content with occupying vast areas of land, the Vietnamese were fostering a puppet regime, had gone so far as to move the border and establish colonies in Kampuchea and were taking all kinds of measures to Vietnamize the occupied areas.

64. Viet Nam's purpose was to create an Indo-China federation under its axis and then to move southwards to dominate the whole of South-East Asia. However, its acts of aggression and expansionism, which threatened peace and stability, had met strong opposition from the countries in the region and from justice-loving countries in other areas of the world.

65. The aggressors had spread the most abominable lies in order to evade their responsibility. For example, they claimed to have intervened in Kampuchea to counter a threat from China. But if China had been threatening Viet Nam from the north, why had Viet Nam invaded a small neighbouring country in the south? It was

in fact Viet Nam which threatened the security of its neighbours. China did not have a single soldier in Kampuchea, Indonesia, or South-East Asia. It remained faithful to the principles of peaceful co-existence and respected the sovereignty and independence of other countries and the right of peoples to choose their own political, economic and social systems. The Vietnamese lies fooled no-one.

66. In supporting the just struggle of the Kampuchean people against Vietnamese aggression, China based itself on the fundamental principles of the Charter of the United Nations, the norms of international relations, its own traditional opposition to hegemonism and its resolve to safeguard peace in Asia and in the world. It was in no way attempting to establish a sphere of influence in Kampuchea. However, it did oppose the armed aggression of which Kampuchea had been a victim and it was demanding the immediate withdrawal of all the Vietnamese troops so that the Kampuchean people could exercise its right to self-determination.

67. The previous summer, the Kampuchean patriotic forces had formed the democratic coalition Government headed by Prince Sihanouk, the Government which represented the will of the entire Kampuchean people and whose sole purpose was to restore Kampuchea's sovereignty and independence. At the latest session of the General Assembly, Prince Sihanouk had declared that "Only with the total withdrawal of the Vietnamese troops can the question of Kampuchea be settled with dignity". If Viet Nam was really in favour of self-determination in Kampuchea, it should demonstrate its sincerity by immediately and unconditionally withdrawing all its troops from that country.

68. The questions of Afghanistan, of Kampuchea and of Israel's armed aggression against Lebanon were the three most serious manifestations of hegemonism in international relations since the beginning of the 1980s. In the first case, a neutral, non-aligned country had been directly occupied by the troops of hegemonists. In the other two cases, small, weak countries had been the victims of armed aggression by regional hegemonists supported by a Superpower. The acts in question constituted breaches of the Charter of the United Nations, the fundamental norms governing international relations and the principle of national self-determination. The international community could not allow the occupying Powers to continue with impunity. The Commission must adopt more effective measures to force the aggressors to comply with the relevant United Nations resolutions. All the occupying troops must withdraw immediately from Afghanistan, Kampuchea, Lebanon and the occupied Arab territories.

69. Mr. LOPATKA (Poland), said, after tracing the background of the proclamation of the right to self-determination, that, 22 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, it was interesting to read the United Nations records of the time and to see which States had not supported that Declaration. Following the recognition of the right to self-determination of peoples struggling against colonialism and colonial domination, the General Assembly adopted the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which emphasized the close relationship between the principle of equal rights and self-determination of peoples on the one hand, and human rights on the other. In 22 years, many peoples had been able to exercise their right to self-determination, but some were still struggling for it, particularly the peoples of Palestine, South Africa and Namibia. In other regions of the world "small territories" remained under colonial domination, but the latter's days were numbered.

70. As the representative of Nicaragua had stated at the previous meeting, attempts at destabilization constituted a new form of denial of the right to self-determination.

71. For their part, the Government and people of Poland had always actively supported the struggle of peoples against all forms of oppression. Solidarity with colonial peoples was one of the cornerstones of Poland's foreign policy.

72. What some speakers had said concerning the situations of Kampuchea and Afghanistan constituted an attempt to distort the very meaning of the right to self-determination. There was certainly no need for the Commission to look now into the situation in Kampuchea, where the most flagrant violations of human rights had been the genocide perpetrated by the Pol Pot regime, whose downfall had brought an end to the killing of innocents. The Kampuchean people was now engaged in an effort to normalize life in the country and restore human rights and fundamental freedoms. For that, Kampuchea needed peace, but instead it continued to be the subject of outside pressure and to armed attacks against its territory by puppet groups desirous of regaining the power they had lost.

73. The national democratic revolution of April 1978 had marked a turning point in the history of Afghanistan, whose people, much to the dislike of the proponents of destabilization, had at last been able to shape its future. By 1978, armed aggression and other forms of interference had reached such a point that, in accordance with the 1978 treaty of friendship between the USSR and Afghanistan and with Article 51 of the Charter of the United Nations, the Afghan Government had turned to the USSR for assistance. The Polish Government welcomed all progress towards normalization in Afghanistan and believed that the Secretary-General's efforts to that end would yield satisfactory results. The Commission could also contribute to that normalization if it refrained from acrimony.

74. Nicaragua was also a victim of acts of aggression from abroad. The commission of such acts against peoples which had succeeded in liberating themselves from colonial or neo-colonial domination seemed to be a consistent element of imperialist behaviour. Like colonialism, however, that policy had very little chance of surviving.

75. The representative of the United States of America, probably basing himself on his country's own practice, had made the ridiculous assertion that the Government of the Soviet Union had ordered the Polish authorities to dissolve trade unions. Unlike the countries in the pay of the United States, Poland was independent and did not take orders from any foreign government.

76. Mr. BHAGAT (India), speaking on a point of order, remarked that it would appear that representatives and observers wishing to exercise a right of reply would be unable to do so during the present meeting. It therefore seemed to him that the spirit of rule 45 of the rules of procedure had been violated. In his view, it would be better not to wait till the next meeting before allowing the representatives and observers who wished to do so to use their right of reply.

77. The CHAIRMAN pointed out that rule 45 of the rules of procedure merely laid down what should be the normal practice. He himself would prefer representatives and observers to be able to exercise the right of reply at the end of the meeting.

However, substantive statements had priority and it was not always possible to foresee the length of every statement. Furthermore, although some speakers still remained on his list, the Commission had no authority to prolong its meeting beyond the usual time.

78. Mr. de SOUZA (France) considered the right of self-determination to be one of the fundamental human rights without which peoples could hardly exercise effectively their other rights and fundamental freedoms. That being so, the Commission's task was not to determine the political solution to be applied in a particular situation, but to analyse that situation in relation to universally-recognized standards, principles or criteria and to formulate conclusions compatible therewith. However, the concept of self-determination was such that it was not always possible to reach a clear-cut decision; there was therefore a need for stringency, all the more so, as wherever the right to self-determination was flouted, human rights were more subject than elsewhere to violation.

79. With regard to the situation in Afghanistan and Cambodia, he wondered whether de facto independence corresponded to the de jure independence and sovereignty recognized by the international community. In each case, the country was occupied by foreign forces which did not in any way have as their objective the defence of the country against foreign aggression, because they were fighting against Afghans and Cambodians. Nothing could justify such intervention, especially when the appeal for assistance came from leaders installed by the occupiers themselves. In each case, the right to self-determination demanded the immediate and unconditional withdrawal of the foreign troops.

80. France had unequivocally condemned the Soviet military intervention in Afghanistan and considered that the crisis provoked by that intervention constituted a serious cause of international tension; for that reason, it had always favoured a political solution based on the total withdrawal of the foreign troops and complete respect for the independence and sovereignty of Afghanistan. On the question of Cambodia, his country adhered to the principles defined at the International Conference held in New York in July 1981.

81. The problem of Western Sahara was different. France favoured the self-determination of the Sahrawi people, but that after an honest census, a prerequisite for a regular referendum. On another matter, France, which was participating as a member of the Contact Group in the negotiations on Namibian independence, remained concerned by the fact that the Namibian people was still unable to exercise its right to self-determination and it was sparing no effort to ensure the implementation of Security Council resolutions 385 and 435 so as to bring about a negotiated settlement acceptable to the Namibian people, the neighbouring States and the United Nations.

82. The Palestinian people had the right to form a sovereign State if that was how it saw its independence. It was, moreover, in the case of that people that the violation of the right to self-determination was the most serious: having no land recognized as its own, could the Palestinian people be seen as having any future other than to remain as a people of refugees? If it did so, it would be doomed to disappear, either by forced assimilation or by dispersion or physical elimination. What had happened at Sabra and Chatila was unfortunately not unique in the history of mankind: a people which had no home anywhere was always exposed to the most horrible massacres.

83. To what extent did the Israeli authorities respect human rights in their treatment of the population of the occupied territories? France had already had occasion to condemn many of those authorities' practices. At the latest session of the General Assembly, the French delegation had voted for almost all the resolutions condemning those practices. In situations of the kind in question, the guarantee of individual freedoms by the occupying authority was always fragile for experience showed that the victim of occupation was incapable of accepting his fate for long and that that led inevitably to a cycle of violence and repression.

84. His country's policy was based on two principles: security for all States and justice for all peoples. In the case of the Middle East, that meant a conviction that there would be no just and lasting peace unless account was taken of the right to existence and security of all the States of the region, as stated in Security Council resolution 242 (1967), and of the legitimate national rights of the Palestinian people, including its right to self-determination and to a homeland.

85. Sight must never be lost of the objective of a global settlement based on those principles. That was what France had had in mind when, at the time of the Israeli invasion of Lebanon, it had, together with Egypt, sponsored a draft resolution in the Security Council. The same had been the case when France had decided to participate in the multinational observer force in the Sinai.

86. He had confined himself in his statement to situations where the violations of the right to self-determination was obvious. That was because it was necessary for the efficiency of its work that the Commission should deal with cases where the elementary principles of international law and of the right to self-determination continued to be transgressed.

The meeting rose at 6.15 p.m.