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SUMMARY RECORD OF THE 21st MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 21 February 1984, at 10 a.m.

Chairman: Mr. KOOLJMANS (Netherlands)

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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 10.20 a.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1984/15, 16, 41, 52, 53 and 55; E/CN.4/1984/L.9; E/CN.4/1984/NGO/14, 15, 18, 20, 23 and 26)

1. The CHAIRMAN, after calling the meeting to order, said that he would have to suspend the meeting immediately until the meeting of a regional group had finished.

The meeting was suspended at 10.25 and resumed at 10.30 a.m.

2. Mr. JAEGER (Federal Republic of Germany) said that the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation was one of the main subjects of the present session of the Commission. The United Nations sought to establish co-operation among States on equal terms and, within the context of that co-operation, the right to self-determination was of paramount importance. Only through self-determination could all peoples be incorporated into a genuine community of States marked by collective responsibility. The right to self-determination was therefore a cornerstone of the order towards which the United Nations was working.

3. In its Charter, the United Nations had set itself the goal of developing friendly relations among nations based on respect for the principles of the equal rights and self-determination of peoples. The right to self-determination was also enshrined in article 1 of the two International Covenants on Human Rights and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Final Act of the Conference on Security and Co-operation in Europe. The signatories of the Helsinki Final Act had reaffirmed their intention to respect the right to self-determination, not only among themselves but also in their relations with all other States.

4. Since its inception, the United Nations had contributed to the establishment of a universal international community by promoting the realization of self-determination in former colonies. Although the process was drawing to a close and colonialism would soon be relegated to the past, the right to self-determination was now faced with new threats. Undiminished efforts were therefore required to protect that right, which accorded every nation the freedom to determine its own political status and its political, legal, economic, social and cultural development through referendums and elections. The right to self-determination called for a constant process of review of decisions freely taken. It also included the right of the nation to change its internal structure and its constitution and to develop them anew.

5. Realization of the right to self-determination was inconceivable without participation by the individual and guarantees of his basic rights and fundamental freedoms, including the right to property, the freedoms of religion, speech and information, assembly and association, as well as the right to move freely within one's country and to leave it.

6. The right of peoples to self-determination and observance of the basic rights of the individual were inextricably linked. All of the activities of the Commission were therefore of considerable importance for realization of the right to self-determination. Although that right now enjoyed world-wide recognition and had been widely realized, there were still cases in which it was abused and the independence of States sometimes threatened, something that was true not only of the remaining vestiges of traditional colonialism but also of new forms of colonialism founded on ideologies that sought to justify the illegal occupation of States and the oppression of nations. In consequence, millions of people had been deprived of their elementary rights in their own country or had been made refugees in a foreign country. The resulting political crises and the fate of the people concerned were and must be of deep concern to the international community. That was true of the violations of the right to self-determination in Afghanistan and Kampuchea, as well as in other parts of the world. In the centre of Europe the German nation was divided against its will and thus deprived of its right to self-determination.

7. The exercise of the right of peoples to self-determination had always been an essential component of the foreign policy pursued by the Federal Republic of Germany. It was a right of paramount importance to a lasting peace in Europe. His country would continue to work for a state of peace in Europe in which the German nation would regain its unity through exercise of its right to self-determination, a right that must also be respected elsewhere in the world; since it was the sole foundation on which peace, freedom and the realization of man's inalienable rights could be safeguarded.

8. Mr. HEWITT (United States of America) said it was deplorable that the Commission must yet again deliberate on a situation in which the right to self-determination could not be exercised, namely the situation in Afghanistan four years after the invasion by the Soviet Union. The subsequent adoption by the General Assembly, by an overwhelming majority, of four resolutions on Afghanistan reflected the outrage of nations, aligned and non-aligned alike, over the Soviet invasion. In resolution 1983/7 the Commission had proposed in 1983 a fair and comprehensive solution to the Afghan problem that called for an immediate withdrawal of foreign troops, the right of the Afghan people to choose their own form of government, preservation of Afghanistan's traditional political independence and non-aligned status, and the right of the refugees to return to their homes in safety and honour. The Afghan people were still deprived of their right to self-determination and hence the Commission must act again to reaffirm its commitment to those principles and seek a negotiated political settlement.

9. The policy of the United States Government vis-à-vis the problem of Afghanistan was clear and consistent. It sought the earliest possible settlement to obtain the withdrawal of the invading forces and to restore to Afghanistan its independence and the freedom to choose its own future. The United States firmly believed that a peaceful settlement was possible and strongly supported the efforts being made by the Secretary-General to that end.

10. In the meantime, the Soviet Union was continuing its futile war against the Afghan people and prolonging the suffering in Afghanistan. Such obstinacy in the face of almost universal condemnation year after year bespoke a stubborn policy of military conquest and cynical disregard of collective opinion. The Soviet-Afghan war

had now been fought longer than the Soviet struggle against Nazi Germany during the Second World War. The length of the struggle bore witness to the fierce pride and love of freedom of the Afghan people, despite the human and material losses and deprivation the war was causing.

11. Because of Soviet devastation and oppression, more than 3 million Afghans had fled their country and thousands more had become displaced persons within Afghanistan itself. Pakistan provided asylum to more than 2 million refugees, thus displaying both admirable humanity and competence. UNHCR also deserved special recognition for its efforts to lessen the burden of the refugees by providing shelter, food and medical care.

12. Soviet brutality against Afghan civilians had undermined the propaganda emanating from the Soviet Union and the Afghan Government, which portrayed the Soviets as protectors and Babrak Karmal as a beloved and democratically chosen leader. Alexander Solzhenitsyn has said that violence could not exist by itself and was invariably intertwined with the lie. Afghanistan thus afforded another example of Soviet brutality veiled by lies and deceit.

13. The ambitions of the Soviet leaders in Central Asia were no different from those of their tsarist predecessors. For the past 200 years Russia had expanded southwards with the goal of obtaining warm water ports on the Indian Ocean. In its effort to add Afghanistan to the conquered Central Asian khanates, Moscow had instigated a coup in late 1979 against the Amin Government, installed a puppet regime in Kabul and unilaterally intervened with military forces. Only later had the Soviets claimed that they had been invited in by an established Government. According to the Soviets, the Afghan people had exercised their right to self-determination through the so-called "revolution" of 1978, which precluded the need for elections. The argument that Moscow was fighting "outside interference" was valid only if the Afghans were regarded as being outsiders in their own country. Meanwhile, the USSR was still attempting to make Afghanistan a satellite, with 105,000 troops wreaking death and devastation. The true Soviet intentions would be confirmed if Soviet troops were still in Afghanistan when the General Assembly reconvened at the end of the year.

14. Moscow's satrap in Kabul, Babrak Karmal, had ridden into his country on the coat-tails of the invading army in December 1979, after the assassination of his predecessor. The Afghan people despised the Afghan communist movement, which counted barely 50,000 members, or 0.3 per cent of the population. Lacking in popular support, the regime was trying to exert control through terror. The Afghan secret police, known as Khad, was modelled on the Soviet KGB and was under Soviet direction. That organization systematically violated human rights in the areas controlled by the regime and instilled a pervasive atmosphere of suspicion and fear.

15. The entire world sympathized with the suffering of the Afghan people and regarded with unease the instability created by Soviet imperialism in an already volatile region. It was therefore absolutely necessary to find a settlement satisfactory to all parties concerned, including the Soviet Union. He wished to remind the Soviet Union that one of its renowned diplomats, Maxim Litvinov, had stated before the League of Nations some 50 years previously that peace was indivisible. According to Mr. Litvinov, it was clear that each war was the creation of a preceding war and the generator of new, present or future wars.

16. The nations of the world therefore appealed to the Soviet Union to commit itself to the path of peace and to allow the Afghan people to choose their own destiny, free from outside interference. Was it impossible for the Soviet Union to live in harmony with a small neutral and non-aligned neighbour that threatened no one?

17. A very similar tragedy had befallen the gentle people of Kampuchea. After having supported Pol Pot and the Khmer Rouge regime in 1975, Viet Nam had found them insufficiently subservient and had replaced them in 1979 with a regime under the control of a former Pol Pot lieutenant. Following the Vietnamese military invasion, hundreds of thousands of Kampucheans had been forced to flee to the Thai border. Nearly 400,000 of them had settled along the border or had found refuge abroad. In its campaign against the Kampuchean resistance, in 1983 Viet Nam had launched massive attacks supported by tanks and artillery against civilian encampments near the Thai border, causing hundreds of casualties and forcing 85,000 Khmers to flee into Thailand. In 1984 Viet Nam had already shelled one civilian camp and its army remained poised to attack others. It had also used chemical and toxic weapons affecting not only military personnel but also civilians. It was even settling its own nationals in Kampuchea with the assistance of local authorities and treating Kampuchea as a colony. Reports affirmed that the Vietnamese were being given priority access to the best farmlands and fishing areas, something that raised serious questions about Hanoi's long term intentions in Kampuchea. The Vietnamese settlers used a system of surveillance and of teachers to indoctrinate young Khmers. Vietnamese advisers controlled every level of the administration in Kampuchea and any person considered to be carrying out propaganda to sabotage internal unity and Kampuchea-Lao-Viet Nam solidarity was subject to arrest and "re-education".

18. Moreover, the border between Kampuchea and Viet Nam had begun to change, being moved further into Kampuchea. In July 1983, Hanoi and its regime in Phnom Penh had signed an agreement redefining the border on a basis which no previous Kampuchean Government, whether royalist, republican or communist, would have accepted. It seemed that the Khmers living in areas annexed under the agreement had been displaced by Vietnamese settlers.

19. The international community was thus witnessing, both in Afghanistan and in Kampuchea, major military efforts by two countries, the Soviet Union and Viet Nam, to subjugate neighbouring States, members of the United Nations, by seeking to destroy all opponents and by dismantling all of the infrastructure. It was essential for the Commission to express itself on the subject.

20. Mr. HILALY (Pakistan) said that a stable political situation in international affairs remained an essential prerequisite for full realization of the fundamental rights of peoples and that the fundamental principles governing international relations must be strictly observed. Unfortunately, the international political situation had continued to deteriorate for some years. The sacrosanct principles of the Charter, in particular the principles of self-determination, non-interference and non-use of force, were being violated more and more, thus seriously jeopardizing all prospects for attaining a stable world order. It was therefore imperative for the States Members of the United Nations to remain resolute in their defence of the ideals of the Charter.

21. The principles of self-determination and equal rights were enshrined in the Charter of the United Nations. It was the application of those principles to the situation of peoples under colonial or alien domination or foreign occupation that had enabled the United Nations to make an effective contribution to the early phasing out of colonialism. Yet, regrettably, certain vestiges of the colonial era still survived as an affront to civilization and human dignity. Pakistan remained closely associated with the struggle of colonial and oppressed peoples for self-determination and independence and would continue to support their liberation movements.

22. The central issue of the problem of the Middle East was that the Palestinian people were being denied the right to self-determination. Israel had recently committed countless acts of aggression and persecution against the Palestinian and Arab peoples of the region, whose fate continued to be a matter of deep concern to Pakistan. The international community must exert all efforts to redress the historical injustices committed against the Palestinian people. The Israeli policy of aggression and expansion, as recently witnessed in Lebanon, could have disastrous consequences for world peace and security. It was therefore imperative for concerted efforts to be made to ensure that Israel withdrew from Lebanon and from all other occupied Palestinian and Arab territories, including the Holy City of Jerusalem. The Commission must also continue to adopt decisions upholding the fundamental rights of the Palestinian people, including their right to self-determination and the establishment of an independent State in their homeland, Palestine.

23. Unfortunately, vestiges of colonialism remained not only in Palestine but also in Africa. The racist minority regime in Pretoria still persisted in its policy of oppression and persecution of the majority of the population of South Africa and continued its stranglehold over Namibia by denying the Namibian people their inalienable national rights. The international community, and especially those countries that were in a position to exert influence over the South African regime, must do everything possible to put an end to the regime's reckless policies. Like other countries, Pakistan had always condemned the apartheid system and had extended total support to the peoples of Namibia and Azania in their struggle for national liberation and independence. It had also declared its solidarity with the front-line States which had suffered from Pretoria's aggression.

24. The people of the State of Jammu and Kashmir had not yet been able to exercise their right to self-determination, despite recognition of that right in the resolutions of the United Nations and the fact that the Simla agreement of 1972 between Pakistan and India had reaffirmed the need for an amicable settlement in the interest of durable peace.

25. In the recent past the world had witnessed the recurrence of another phenomenon which, one would have thought, had become extinct with the passing of the colonial era. The dangerous escalation in international tensions was in no small way due to the use of military force by strong countries against small non-aligned neighbours. Such unilateral military intervention placed in jeopardy the most basic precepts of national rights and freedoms as well as world peace and security.

26. In Kampuchea, under the pretext of rectifying earlier violations of human rights, an unpopular puppet regime had been imposed by a foreign military force. The situation was still a matter of great concern to the international community and the United Nations had repeatedly called for the withdrawal of foreign forces from Kampuchea and for the restoration of the inalienable right of the Kampuchean people to determine their own future, free from outside intervention. Pakistan supported the call by the General Assembly for withdrawal of the occupation forces.

27. In Afghanistan the human rights situation remained bleak. The continuing foreign military occupation of the country contravened the Charter, the recognized norms of international conduct, the principle of peaceful coexistence, as well as the principles espoused by the Non-Aligned Movement and the Islamic Conference. The effects of the military intervention were incalculable in terms of human costs and threatened the prospects for peace and stability in an extremely sensitive region of the world. The national resistance by the Afghan people had been spontaneous and, for more than four years they had demonstrated their courage and firm resolve to defend their liberty and honour at any cost, in keeping with their glorious traditions.

28. The international community, after taking due cognizance of the situation, had repeatedly called for the immediate, unconditional and total withdrawal of foreign troops from Afghanistan. The General Assembly, the Non-Aligned Movement and the Islamic Conference had emphasized the basic principles for a just and comprehensive settlement of the crisis: immediate and total withdrawal of foreign troops from Afghanistan; preservation of the sovereignty, territorial integrity, political independence and non-aligned character of Afghanistan; the right of the Afghan people to determine their own form of government and to choose their own economic, political and social system, free from outside intervention, subversion, coercion and constraint of any kind whatsoever; and creation of the necessary conditions that would enable the millions of Afghan refugees driven from the country to return voluntarily to their homes in safety and honour.

29. A direct and tragic consequence of the situation in Afghanistan had been the massive exodus of helpless men, women and children, who had been obliged to seek shelter as refugees in Pakistan and Iran. The number of Afghan refugees now in Pakistan amounted to nearly 3 million and more were arriving every day. In accordance with their Islamic and humanitarian duty, the Government and people of Pakistan continued to provide relief and shelter to those refugees. The Pakistani Government had made arrangements for the distribution of relief supplies sent to Pakistan and in addition contributed, despite the meagreness of its own resources, 50 per cent of the total cost of the relief for the refugees. His delegation wished to take the opportunity to thank friendly countries, UNHCR, the International Committee of the Red Cross and other international agencies for their assistance and co-operation. It refuted the assertions by some parties who deliberately misinterpreted the humanitarian assistance provided by Pakistan as a form of interference in the internal affairs of Afghanistan. Moreover, it categorically rejected the claim that Pakistan was impeding the return of the Afghan refugees to their country. On the contrary, the Government and people of Pakistan would be happy to see the refugees return to their homeland, but the refugees should return voluntarily, in safety and in honour.

30. Pakistan's position on the Afghanistan crisis transcended considerations of expediency or narrow self-interest. It was entirely in keeping with the principles laid down by the General Assembly. His Government had from the start held the view that the problem did not admit of a military solution, even by a Superpower. It had always acted with restraint, anxious to seek a political solution and setting aside procedural problems in an effort to deal directly with the issues of substance. It was on the initiative of his Government that the United Nations diplomatic process for a peaceful settlement had been set in motion. In that regard, his delegation wished to pay tribute to the tireless efforts of the Secretary-General and his personal representative and observed that the Secretary-General, in his latest report to the General Assembly, had taken note of the results obtained through the diplomatic channel but had expressed concern over the slow pace of the negotiations and the obstacles encountered. Pakistan's Minister for Foreign Affairs, in his statement to the latest session of the General Assembly, had said that his country supported the United Nations diplomatic process and the Secretary-General's efforts, and that every effort must be made to resolve the issues outstanding, on the basis of work already accomplished and the understandings already reached. The Minister for Foreign Affairs had also pointed out that the great Powers, in particular the Soviet Union, could help in facilitating progress towards the goal of a just and lasting settlement of the Afghan problem and that an indication of a reasonable time schedule for the withdrawal of troops would give a decisive impetus to the United Nations process.

31. His delegation hoped that the Secretary-General's efforts would succeed in bringing an early end to the sufferings of the Afghan people and would lead to a just and comprehensive settlement of the problem in conformity with the decisions of the General Assembly. He was sure that the Commission, as the guardian of fundamental human rights, would remain apprised of the situation in Afghanistan and would defend and support the right to self-determination and other fundamental rights of the Afghan people.

32. Consistent with its efforts to promote a political settlement of the problem and bearing in mind the Commission's important responsibility for the restoration of the fundamental human rights of the Afghan people, his delegation wished to submit, on behalf of the sponsors, draft resolution E/CN.4/1984/L.9, on the situation in Afghanistan, the text of which avoided all polemics and needed no explanation. It was his hope that the draft resolution would meet with the unanimous approval of the Commission.

33. Mr. BEAULNE (Canada) said that the Charter of the United Nations, in Article 1, proclaimed the right of peoples to self-determination and conceived its realization in the context of peaceful co-operation - not armed struggle - and of negotiation, in keeping with the wishes of the individuals and groups concerned.

34. His Government recognized that settlement of the Middle East conflict required recognition of the rights of the Palestinians, including of course their right to a homeland. What would be that homeland, what form would it take and how could it fit into the region? Those were the issues on which the contending parties must ultimately agree. The Canadian Government felt that the legitimate ambitions of the Palestinians could not be realized at the expense of their neighbours, since all peoples in the region also had the right to live in peace. Without wishing to prejudge the outcome of negotiations, it did not reject any possible formula provided the formula was a viable one. The devastation caused by the war in Lebanon,

the factional struggles and the occupation of the country by various armed forces showed that such issues were political in nature and went far beyond the mandate of the Commission. They must first be settled by the parties to the conflict and then endorsed by the international community.

35. The United Nations had striven in recent years to promote and defend the right to self-determination and his Government supported the constructive efforts of the Secretary-General to resolve a number of current problems. Despite the appeals of the United Nations, many special situations continued to be of concern to the Commission. Although cases of colonial domination did exist here and there in the world, it was not so much colonialism as armed intervention, aggression and foreign occupation that were the causes of most of the violations of the right to self-determination. Hence it was quite proper for the General Assembly, in resolution 38/16, to request the Commission to continue to devote special attention to the violations of human rights, particularly the right to self-determination, resulting from intervention, aggression or foreign military occupation.

36. Afghanistan was one of the worst examples of the violation of the right of a people to determine its own future. Approximately 110,000 troops, as well as a large contingent of Soviet advisers, were supporting an extremely unpopular and repressive regime. Human rights were regularly and cynically trampled under foot and many political prisoners were at the mercy of arbitrary decisions by a government backed by foreign armed forces. Reports from Afghanistan told of forcible conscription, torture in prisons, summary executions, and the bombardment and shelling of villages and urban residential areas, which had led to thousands of deaths among defenceless civilians. The seriousness of those events was pointed up by the fact that approximately 4 million Afghans were refugees in Pakistan and Iran - more than 15 per cent of the Afghan population. A regime which managed to induce a mass exodus of 4 million people must surely be denounced for its serious dereliction of duty, with regard not only to the right to self-determination but also to fundamental human rights. The Commission could not remain unperturbed by such flagrant and systematic violations. The humanitarian assistance from many countries, including Canada, still being provided to Afghan refugees through international organizations was not enough. Nothing would be settled in Afghanistan until the Soviet troops were withdrawn, thereby enabling the Afghan people, now under oppression, to choose their own destiny.

37. Other countries, unfortunately, were victims of the same evil. Since 1973 the Vietnamese communist leaders had kept on extending their military and political domination over Kampuchea. The military occupation imposed from outside and backed by 200,000 troops and administrators was the main obstacle to national independence. It was to be feared that several thousand political prisoners were being detained in prisons by the men installed in Phnom Penh by the Vietnamese occupiers. Kampuchea was being kept in such isolation that it was impossible to determine accurately the scope of the human rights violations in that country. They none the less seemed to be sufficiently serious for the Commission to draw the attention of the international community to them and for it to demand that such violations be brought to an end and that the Vietnamese Government implement the recommendations of the United Nations. His Government continued to support international efforts

but hoped that the Vietnamese Government would realize how odious its stance was and finally recognize the fundamental right of the Kampuchean people to self-determination. Like all Member States of the United Nations, Viet Nam was required to act in conformity with the principles of the Charter of the United Nations, to which it had committed itself, and with the rules underlying international relations: Viet Nam must therefore immediately and unconditionally withdraw its troops from Kampuchea.

38. Mr. KHMEL (Ukrainian Soviet Socialist Republic) said that the liberation of peoples and freedom from the imperialist and colonial yoke, fostered by the Declaration on the Granting of Independence to Colonial Countries and Peoples, constituted a great step forward in the progress of mankind and the realization of the rights of peoples and individuals. For that reason, his country resolutely supported the struggle waged by peoples to gain independence and exercise their legitimate and inalienable rights, in other words, to become masters of their own fate.

39. His delegation shared the international community's concern at the persistence of vestiges of colonialism and regretted that the Declaration still had not been applied with regard to 20 States or territories, including Palestine, Namibia, Micronesia and some other islands in the Pacific Ocean, as well as the colonial enclave of Guantánamo in Cuba. Equally deplorable was a certain trend towards "recolonization" as could be seen from the convincing examples of the invasion of Grenada by the United States, which had set up an occupation regime, replacing the legitimate Government and instituting a reign of terror, the Israeli invasion of Lebanon, which sought to establish ethnic enclaves and zones of foreign influence in the country, and the acts of aggression committed by the South African régime with the support of Washington. The same threats loomed over other peoples in other regions of Africa, Central America and elsewhere in the world. In each case, attempts were being made to deprive peoples of their State and of their independence.

40. Colonialism drew its strength from capitalism, which, contrary to the claims made by some countries, such as the United States; was an indefensible socio-economic system in that it was founded on world economic and financial relations whereby some countries exploited other countries and peoples, particularly the poorest ones. Hence; capitalism was oppressive by its very nature.

41. The imperialist countries had transformed the territories in which they operated into veritable strategic military bases that served as staging areas for their interventions: that was true of Micronesia, from which the United States could intervene in Asia and where the United States, far from fulfilling the mandate conferred on it by the United Nations in 1947 to lead the Micronesians along the road to self-determination, was reinforcing its presence for military purposes and increasing its number of atomic weapons tests, which had already led to the disappearance of six atolls and had rendered others uninhabitable. The same applied in the case of Diego Garcia, from which the United States could intervene in Asia and Africa, and of Guantánamo, from which the United States could intervene in Cuba and other Central American countries. The Permanent Representative

of the United States to the United Nations in New York had admitted that fact when she had declared in a circular that her country's goal was to ensure political control over key strategic areas, in the Caribbean, the Mediterranean, southern Africa, the Pacific Ocean, the Indian Ocean - including the Gulf and Red Sea areas - and territories with large reserves of raw materials. Recent events had dispelled any doubts about the reality of that goal. His delegation condemned the illegal occupation of Grenada by the United States, as well as the undeclared war waged by the United States against Nicaragua and the threats it caused to loom over Cuba.

42. His country reiterated its support for the struggles waged by the Palestinian people under the leadership of their sole legitimate representative, the Palestine Liberation Organization, and the Namibian people, under the leadership of their sole legitimate representative, SWAPO, to exercise their right to self-determination, which must be granted them immediately and unconditionally in conformity with United Nations resolutions.

43. His delegation supported the right of all colonial peoples and territories to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples. It was essential to put an end to colonialism and ward off the imperialist States, which used the territories of those countries to threaten the whole world, especially the developing world. In that connection, attention should be drawn to the particular aggressiveness of the imperialist States towards States which, in the context of their development, adopted radical social and economic transformations in order to strengthen their independence and the progress of their peoples in the social sphere - aggressiveness that ranged from propaganda campaigns to latent war. History swarmed with examples and he reminded the Commission that between the years 1918 and 1920 his own country had been the target of fierce attacks by the forces of imperialism. Now Afghanistan and Kampuchea were the particular objects of such attacks in the Commission and the assistance that their allies were furnishing them in strict conformity with international law in order to strengthen their socio-economic transformations was being condemned. But the aim of those attacks was not to promote the cause of the right of peoples to self-determination or to foster human rights as a whole.

44. Sir Anthony WILLIAMS (United Kingdom) said that since 1945, and mainly before 1966, over 40 of the United Kingdom's previous colonies had exercised their right to self-determination and that the wishes of the population in the few remaining Dependent Territories that had not sought independence were always fully respected. It was, unfortunately, in allegedly independent countries that the right to self-determination was threatened or denied. It was a tragedy and a scandal that, despite all of the resolutions of the Commission and the United Nations, the Afghan people continued to be the victims of Soviet occupation, disguised as "fraternal assistance" which fooled no one. Furthermore, Soviet military aircraft violated Pakistani air space and destroyed Afghan homes and villages. One fifth of the Afghan population had fled from their own country, driven out by the horrors perpetrated by Soviet occupation forces. In their struggle for national liberation, the Afghan people had only too few resources to match against their invaders, except their courage. They should receive the overwhelming support of the Commission.

45. Similarly, in the case of Cambodia, both the Commission and the General Assembly had repeatedly adopted resolutions calling for the withdrawal of foreign forces. It was the United Kingdom that had insisted in 1978 and 1979 on the need to put an end to the atrocious human rights violations committed by the Pol Pot regime, but the Commission had failed to act at that time. Nevertheless, the fact that the Cambodian people had suffered terribly under one regime did not mean that the international community should acquiesce in perpetuation of that suffering under a successor regime. It was scandalous that the people of Cambodia were even now being denied the right to self-determination. The Vietnamese occupation forces were still attacking refugee camps and would in all likelihood continue to destroy civilian settlements, hospitals and humanitarian projects administered by international agencies. Only complete and final withdrawal of Vietnamese forces could put an end to the tragedy taking place in Cambodia and allow the Cambodian people to choose freely their own government. Exercise of the right to self-determination was a matter involving the freedom, independence and choice of the peoples themselves. Governments which denied that right, such as the Soviet and Vietnamese Governments, stood condemned by the international community.

46. It was in the interests of all governments to encourage exercise of the right to self-determination. By remaining impassive to the denial of that right by some countries, the international community would be failing in its duties and would contribute to failure to observe the principle of self-determination. The price of freedom was vigilance and the international community must maintain that vigilance at all costs.

47. Mr. BENDAÑA (Nicaragua) said that the countries of the Non-Aligned Movement had always defended peoples whose inalienable right to self-determination was threatened. His Government was concerned at the colonialism that still reigned in Puerto Rico, the military occupation of Western Sahara by Morocco, the indifference of the international community vis-à-vis the serious situation of the people of East Timor, and in particular the flagrant violations of the right to self-determination of the peoples of the Caribbean and Central America. The United States Government's policy of interference and aggression in the Latin American region had once again been revealed in the recent armed aggression against Grenada. The United States Government had also shown its arrogance by vetoing a draft resolution in the Security Council condemning that military intervention and had vainly opposed the draft resolution on the same subject submitted to the General Assembly, a draft supported by the great majority of members. It was worth noting in that connection that a large portion of public opinion of the United States had itself rejected the arguments put forward by the Government in an attempt to justify the intervention in Grenada. Such blatant contempt for the principle of the non-use of force, in breach of the sovereignty, territorial integrity and independence of States, could only arouse deep concern. At the present time the United States Government had made a veritable doctrine out of the violation of that principle, as could be seen from statements made by President Reagan and the Permanent Representative of the United States to the United Nations. It would be remembered that the United States had claimed that the size and specifications of the airport under construction in Grenada had been of strategic military importance. Yet, it had been reported in the International Herald Tribune of 17 February 1984 that official experts were now recommending rapid completion of the construction work for the same commercial reasons as those advanced earlier by Maurice Bishop, the assassinated leader.

48. Since the establishment of its present Government, his country had suffered from acts of political, military and economic aggression committed by the United States, mainly with the backing of members of the former Somoza national guard and of the Honduras army and Government. For example, in 1983 alone more than 1,000 Nicaraguan workers, peasants, students, officials and servicemen had been murdered by mercenaries in the pay of the CIA. The war of aggression against Nicaragua posed a serious danger to the Central American region and international peace. Nicaragua, for its part, was sparing no effort to reach a peaceful settlement of the crisis in Central America, a crisis for which the Government of the United States was responsible.

49. Despite the cost in human life, destruction and considerable economic damage, it was clear that the war being waged by the United States against Nicaragua with the assistance of the Honduran armed forces had met with failure. Nevertheless, the United States and Honduran troops were continuing military manoeuvres on Honduran territory and the United States Department of Defence had established a sizeable military infrastructure in Honduras without even obtaining the authorization of the United States Congress. The Secretary of Defence had admitted that the Pentagon intended to maintain a permanent force of 700 to 800 troops in Honduras after completion of the military manoeuvres, which were to last until 1988.

50. There were now two trends in Central America, one towards a fratricidal war among the peoples of Central America and intervention by United States armed forces; and another advocated by four countries in the region that sought to achieve dialogue and negotiation as the means for establishing peace, an indispensable condition for development and prosperity in the region. His country had welcomed the commitments undertaken by Panama, Mexico, Colombia and Venezuela at the Contadora meeting, which had shown that the countries of the region were aware of the potential danger of a new invasion of Nicaragua and of the need to use peaceful means to re-establish peace in the region. However, the United States was pursuing military aggression, thus aggravating the problems. It should also be remembered that the United States had opposed a proposal in the Security Council seeking firm support for the efforts of the Contadora Group.

51. His country was making great efforts to promote peace in the political and economic spheres, but the United States was still hindering the work of the Contadora Group by militarizing the region and using military solutions for the conflicts there. The members of the Group had requested the United States to abandon such military solutions, but to no avail.

52. Since the Contadora meeting, his country's flexibility and maturity had made for progress. Clearly, it was now the United States, Honduras and El Salvador that were experiencing difficulties in meeting the minimum demands for the withdrawal of foreign advisers and foreign military bases in Central America.

53. It was also important to facilitate the conditions for a negotiated political solution in El Salvador. In that connection, his country welcomed the positive proposal of the FMLN-FDR in El Salvador to form a broad-based provisional government.

54. The Contadora arrangements included immediate removal of foreign bases and all forms of foreign military presence in the area, particularly military manoeuvres, withdrawal of all foreign military advisers, and limitations on weaponry and the size of the regular armies of Central American countries, as well as the establishment of machinery to monitor the implementation of those arrangements. However, Nicaragua could not take measures to implement such commitments on its own; the United States must also support the Contadora commitments by civilized acts, rather than by further provocations and military aggression.

55. The first free elections in the history of Nicaragua had been announced for 1985 after a wide-ranging discussion in the Council of State in which the various parties and organizations making up the body had participated. An electoral law was to be drawn up; containing 19 chapters on such matters as electoral districts, electoral bodies and registers, registration and recourse procedures, ballots, electoral tribunals and State financing of political party campaigns. In 1985 not only a President and a Vice President would be elected but also a Constituent Assembly. Even if the electoral process was disturbed by threats, terrorist blackmail and aggression on the part of the Reagan Administration, his country would assert its right to be free and hold free elections, with the support of the international community.

56. Mr. DICHEV (Bulgaria) said that the right to self-determination, embodied in the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the International Covenants, was now recognized as one of the fundamental principles of modern international law and as a prerequisite for the exercise of other rights and fundamental freedoms. Unfortunately, there were still too many cases of flagrant violation of that right. The Palestinian people, for example, were forced to continue their struggle to achieve self-determination under the leadership of the PLO, their sole legitimate representative. At the International Conference on the Question of Palestine, Mr. Zhivkov, President of the Council of State of the People's Republic of Bulgaria, had said that Bulgaria would continue to give active support to the just struggle of the Palestinian people. Aggression, occupation and genocide were being used in Palestine to prevent a people from exercising its right to self-determination. Israel, with the support of the United States, had thus created an explosive situation in the Middle East. The United States, by shelling the area from its warships, had adopted the imperialist attitude to peoples struggling to exercise their right to self-determination.

57. Again, in South Africa a regime guilty of crimes against humanity enjoyed the support of the United States, which refused to apply against South Africa the sanctions that it unhesitatingly imposed on peoples which had already exercised their right to self-determination. Without assistance from the United States and other members of NATO, the South African racist regime would not have been able to pursue its policy of apartheid. Furthermore, the attempts to link the solution of the Namibian problem to unacceptable pre-conditions represented interference in the interior affairs of Angola. World public opinion demanded immediate implementation of the relevant resolutions of the United Nations that sought to ensure full exercise of the right of the Namibian people to self-determination.

58. In Latin America, the United States applied a policy which, among other things, had led during the past decade to the fascist coup d'état against the legitimate Government of Chile, the brutal invasion of Grenada, the civil war waged by a reactionary oligarchy against the Salvadorian people, and to subversive activities

that constituted an undeclared war against Nicaragua. The invasion of Grenada had raised protests, even among the allies of the United States, since it was an utterly blatant violation of the basic principles of international relations. During the Security Council debate on a draft resolution on the subject, the representative of Bulgaria had condemned that large-scale military intervention against an independent State.

59. On the other hand, his delegation rejected all attempts to call into question the self-determination of peoples who, after overthrowing reactionary and genocidal regimes, had undertaken to rebuild their society and to re-establish human rights. The Bulgarian Government maintained that position, notably with regard to the so-called questions of Afghanistan and Kampuchea.

60. Mr. TABIBI (World Muslim Congress) said it was deplorable that the Charter of the United Nations, signed nearly four decades ago in San Francisco, was now being trampled on by the same powers that were the original drafters and were responsible for the safety of the planet. The people of the Islamic Umma were among the first to suffer from such treatment, whether in Afghanistan, Palestine, Lebanon, the Philippines, or elsewhere. The Eastern and Western Powers also violated such instruments as the International Covenants, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration of Rights and Duties of States, and even the principles recognized in the Charter of the Nürnberg Tribunal.

61. The whole world recognized the fact that the United Nations resolution that had called for the creation not only of Israel but also of an Arab State in Palestine and the establishment of an international city of Jerusalem had not been fully implemented. The Israelis could not continue to practise their policy of hatred. When the Ottoman Empire had administered the Holy Land, the rights of Jews and Christians, as well as those of Muslims, had been protected, and their places of worship had been respected. Today, on the other hand, the Zionists were treating the Arabs of Palestine in a way that aroused indignation throughout the world.

62. The other great tragedy of Islam was the Soviet Union's violation of the fundamental rights of the Afghan people. The unjustifiable aggression by the Soviet Union had forced 3.5 to 4 million people, approximately 20 per cent of the Afghan population, to seek refuge in Pakistan, Iran and other countries. Pakistan and Iran were giving proof of their authentic spirit of Islamic solidarity. All Muslims were proud of the Afghan resistance, which was the true image of a Muslim nation defending its faith against the mightiest military power.

63. The entire world had been shocked by the Soviet aggression against a small non-aligned Muslim country with which the Soviet Union had signed non-aggression treaties in 1921, 1926, 1931 and 1933. No sooner had the Treaty of Friendship, Goodneighbourliness and Co-operation between the two countries been signed on 5 December 1978, than the Soviet Union had sent 100,000 troops, equipped with the most modern weaponry, to violate Afghanistan's sovereignty, destroy its towns and subject its people to genocide. For four years the General Assembly and the Commission on Human Rights had condemned that aggression, but far from withdrawing, the Soviet Union had sent in reinforcements and new squadrons of highly sophisticated MIG aircraft.

64. Today the conflict was growing worse and threatening the security of Pakistan, Iran, the entire region, and even the whole world; the Commission must not confine itself to adopting the usual draft resolution. It must demand immediate withdrawal of the Soviet forces and seek an immediate political solution on the basis of such a withdrawal and respect for the right to self-determination of the Afghan people and their sovereignty and territorial integrity. He expressed the hope that the efforts of the Special Representative of the United Nations for Afghanistan would constitute a genuine endeavour to bring about a just solution. He also hoped that the Chairman of the Commission would appoint a representative qualified to report to the Commission on the violation of human rights in Afghanistan and to unmask the great power that claimed to defend the rights of the third world and the Muslims.

65. Mr. SINGH (India), speaking in exercise of the right of reply, said that the State of Jamma and Kashmir, referred to by the representative of Pakistan, was an integral part of India. The principle of self-determination could not apply to an integral part of a sovereign country; furthermore, in that State as in all the other States of India, the population had the right to vote at frequent intervals and in total freedom. No resolution of the United Nations was therefore relevant in that context. The Simla Agreement of 1972, also mentioned by the representative of Pakistan, provided a framework for strengthening bilateral co-operation between Pakistan and India and for resolving disputes through peaceful and bilateral negotiations. His Government was fully committed to the process set out in the Agreement.

66. Mr. KHERAD (Observer for Afghanistan), speaking in exercise of the right of reply, denounced the slanderous allegations made by certain delegations against sovereign and non-aligned Afghanistan. The allegations sought to divert the attention of the Commission from the genuine problems caused by colonialism and racism, acts of aggression and the dictates of the imperialists. They formed part of an enormous conspiracy hatched by the United States and its reactionary accomplices against revolutionary Afghanistan.

67. The fraternal assistance granted by the Soviet Union at the request of the Democratic Republic of Afghanistan on the basis of article 4 of the Treaty of Friendship, Goodneighbourliness and Co-operation between the two countries was a matter that related entirely to the internal affairs of Afghanistan and in no way posed a threat to international peace and security. Indeed, the very circles that now slandered Afghanistan had initially sought to destabilize it through Pakistan. Without interference and aggression by those circles, the Soviet military contingent would not have had to intervene and would have rapidly been withdrawn by now.

68. The relations between Afghanistan and the Soviet Union and other peaceful countries, particularly the Islamic countries, continued to grow. The Soviet Union had been the first to recognize the independence of Afghanistan. Today, Afghanistan had benefited, per capita, more than any other country from assistance from the

Soviet Union, which had contributed greatly to the socio-economic development of the country. The peoples of the two countries were linked by strong ties based on mutual respect for sovereignty, on equality and on co-operation.

69. The efforts by some delegations to distort the events in Afghanistan and incite the Commission to concern itself with matters that fell within the competence of the Afghan Government and people ran the risk of undermining the Commission's prestige and authority. His delegation wished to state that such a discussion constituted interference in the internal affairs of his country and ran counter to Article 2, paragraph 2, of the Charter.

The meeting rose at 1 p.m.