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New York

SUMMARY RECORD OF THE 13th MEETING

Chairman: Mr. von KYAW (Federal Republic of Germany)

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(continued)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 76: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS (A/31/152 and Add.1-3, A/31/206) (continued)

1. Mr. van BOVEN (Netherlands) said that developments in the law and practice of the United Nations bore witness to the fact that very few international values had become so prominent as the right of peoples to self-determination. A noteworthy legal feature relating to that right was reflected in the report of the International Law Commission in document A/31/10. In drawing up articles to define State responsibility, the Commission had formulated provisions on international crimes and had explicitly recognized that a serious breach of an international obligation of essential importance for safeguarding the right of self-determination of peoples, such as that prohibiting the establishment or maintenance by force of colonial domination, might constitute an international crime inasmuch as such an obligation was essential for the protection of fundamental interests of the international community.

2. Serious breaches of various obligations of that kind often went hand in hand. Suppression of the aspirations of peoples seeking to determine their own political status and to pursue freely their own economic, social and cultural development was very often linked with serious and large-scale breaches of international obligations essential for safeguarding the human person. Clear examples of that could be found in the recent history of southern Africa in the conditions currently prevailing in Namibia and Zimbabwe. That link between the right to self-determination and the safeguarding of human rights had been explicitly recognized in the Declaration on the Granting of Independence to Colonial Countries and Peoples. The inclusion in article 1 of each of the two International Covenants on Human Rights of a provision on the right to self-determination indicated the political, economic, social and cultural dimensions of that right and its basic relationship to the enjoyment of human rights in general.

3. The collective character of the right to self-determination, which was a right to be exercised by peoples, was closely interrelated with individual freedoms. Mr. Cristescu, a Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in his recent progress report on the historical and current development of the right to self-determination (E/CN.4/Sub.2/L.641, para. 130), had very aptly described that interrelationship; he had noted that recognition of the right of peoples to self-determination as one of the fundamental human rights was bound up with recognition of the human dignity of peoples, for there was a connexion between the principle of equal rights and self-determination of peoples, on the one hand, and respect for fundamental human rights and justice on the other.

4. The right to self-determination was also dynamic: it should reflect the political will of the people, so that they could freely determine their political

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(Mr. van Boven, Netherlands)

status and maintain it without foreign interference, including the exercise of the right to have a government representing all citizens and capable of ensuring effective respect for the human rights and fundamental freedoms of all.

5. The right to self-determination included the right to dispose freely of natural resources, the right to social justice and the right to national and cultural identity. They were reflected in article 1 of the International Covenants on Human Rights and in the International Bill of Human Rights in its entirety (General Assembly resolution 217 (III)). In that connexion, he noted that the boundary between the right of peoples to self-determination and the rights of minorities, particularly in relation to the preservation and development of national, cultural and religious values, could not always be clearly drawn.

6. The international community must ensure that self-determination was not only acquired but also exercised. After formally gaining independence, a people might in fact lose it as a consequence of foreign interference and domination or owing to the absence of essential means of existence. In their international development efforts, organizations and countries must take special account of the essential needs of newly independent peoples. The budget for international development co-operation of the Netherlands contained special provisions for assistance to peoples in colonial Territories in Africa and for the reconstruction and development of recently independent African countries.

7. He noted that there was now a great deal of emphasis, and rightly so, on the word "self" in conjunction with other words indicating values, conditions and activities. Thus the term "self-determination" was related to such terms as "self-reliance" and "self-development". Those terms indicated that peoples and individuals were seeking their own identity. That search, it seemed to him, went to the heart of the question of human rights.

8. Mr. BAROODY (Saudi Arabia) noted that the principle of self-determination had been enunciated by Woodrow Wilson, then President of the United States, after the First World War. He also recalled that, at the third session of the General Assembly, during the debate that had led to the adoption of the Universal Declaration of Human Rights, certain representatives including himself had drawn attention to the lack of a provision in the Declaration concerning the right of self-determination. The response had been that that was a collective rather than an individual right. A number of years had elapsed before they had succeeded in having the principle of self-determination embodied in the draft International Covenants on Human Rights.

9. He noted in that connexion that the Latin American countries had rightly stressed that no people could exercise the right of self-determination unless they controlled their own natural resources.

10. It should be recognized that the people struggling to achieve self-determination did not want war; they would resort to bloodshed only if they found no other means of achieving recognition of their human rights. Political terrorism was merely an expression of that struggle.

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(Mr. Baroody, Saudi Arabia)

11. All those in the United Nations who stood for the freedom of man must heed the dictates of their own consciences. Even at the risk of sounding repetitive, they must continue to insist on the need to liberate those still under an alien yoke; they must continue to exert their moral influence. Those who exercised world power should come to their senses for unless they did so, they might plunge the whole world into an abyss of destruction.

The meeting rose at 11.40 a.m.