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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD (PARTIAL)* OF THE 1435TH MEETING

held at the Palais des Nations, Geneva,
on Monday, 19 February 1979, at 10 a.m.

<u>Chairman</u>	Mr. BEAULNE	(Canada)
later:	Mr. GARVALOV	(Bulgaria)

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the session.

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The meeting was called to order at 10.25 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1307; E/CN.4/1308; E/CN.4/1309; E/CN.4/1339; E/CN.4/L.1419).

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.4/1313; E/CN.4/Sub.2/404 and Add.1; E/CN.4/Sub.2/405)

1. Mr. CRISTESCU (Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities) said that the condensed version of his report on the historical and current development of the right to self-determination which was before the Commission (E/CN.4/Sub.2/404 and Add.1) had been drawn up in the light of the views and suggestions put forward by members of the Sub-Commission. At its latest session, the Sub-Commission had recommended that the study should be printed and given wide distribution. He thanked all those who had assisted him in the preparation of the study and had supported the recent General Assembly resolution expressing appreciation for it.
2. The study was an attempt at an interdisciplinary clarification of a particularly difficult and delicate subject of importance to all mankind, namely the right to self-determination. Previous studies on the subject had concentrated exclusively on the political aspect of self-determination, whereas the International Covenants also emphasized the economic, social and cultural aspects of that right, an approach which he had followed. The study was based exclusively on United Nations instruments, starting with the Charter, and dealt with the period following the foundation of the United Nations. It concentrated on the most topical problems and on specific cases and was designed to supplement other, similar studies prepared under the auspices of the United Nations, including the study on the implementation of United Nations resolutions on self-determination made by Mr. Gros Espiell (E/CN.4/Sub.2/405).
3. The study was designed to present an over-all picture of the current concept of the right to self-determination, United Nations accomplishments in that regard and the important work still to be done, for it was not merely an academic exercise but sought to provide support to the United Nations and Member States in their efforts to ensure respect for and realization of the right to self-determination. The United Nations had already adopted many declaratory instruments on the subject, but those declarations must be translated into firm legal obligations and international action must be taken to ensure strict respect for the right of peoples to self-determination. The proliferation of resolutions concerning independence, colonialism, racism and foreign occupation were proof of the lack of will of some nations, and the powerlessness of others, to implement measures for granting independence to the peoples which were still deprived of it. The time had come for firm undertakings and concrete action to implement the right to self-determination in all its aspects.

4. The current political context showed that the right to self-determination had become an essential element in the political life of nations and that it had a considerable influence on the political, legal, economic, social and cultural aspects of life and on the human rights, fundamental freedoms and destiny of all peoples. The desire for freedom and independence and political, economic and social progress was now so strong that nothing could prevent its realization.
5. The proclamation of the Charter of the United Nations had marked the first step in the process of affirming the right to self-determination as a fundamental principle for friendly relations and co-operation among States. For the first time, that principle of international law, which had binding force, had been hallowed. The importance of the principle was generally recognized and the changes which had taken place in the world since the adoption of the Charter had stressed its significance.
6. The principle of equal rights and self-determination of peoples was the most important of the principles of international law relating to friendly relations and co-operation among States. Thus, international co-operation was incompatible with any form of subjection of the weak by the strong. Non-intervention, another relevant principle of international law, should not be used to conceal violations of the right to self-determination but should serve to protect States and peoples struggling for their independence; any interference in that process was an attack on the equal rights of peoples and their right to self-determination. That principle was also linked to the renunciation of the threat or use of force which should protect the political independence and territorial integrity of States. Any aggression, use or threat of force was contrary to article 2, paragraph 4, of the Charter and to the principle of equal rights and self-determination of peoples.
7. The reaffirmation and development of the right to self-determination in the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)) was particularly important since from that time on, the principle had constituted the driving force behind the decolonization work of the United Nations. That work, accomplished on the basis of what had become a veritable law of decolonization, had led to profound international changes. The process should be continued and full implementation of United Nations resolutions on the subject should be ensured. The end of colonial domination was now in sight and soon all the peoples of the world would enjoy the benefits of independence and freedom.
8. Closely linked with colonial domination, racial discrimination and apartheid based on doctrines of racial distinction or ethnic or religious superiority constituted an affront to human conscience and dignity, a total negation of the purposes and principles of the Charter of the United Nations, and a crime against humanity. The United Nations should ensure full implementation of the legal instruments it had adopted to eliminate those scourges and, to that end, Member States must give the Organization strong support and put a stop to all assistance to racist régimes.
9. Universal respect for basic human rights and lasting peace in the world could not become a reality while unjust conditions were allowed to persist and peoples were still prevented by foreign occupation from exercising their fundamental right to independence and self-determination. The United Nations must therefore take urgent action to implement its resolutions concerning the termination of foreign occupation and the right to self-determination of peoples under such occupation.

10. Although the traditional form of colonialism was nearing its end, imperialism continued to exist under the mask of neo-colonialism and power relations, and to be exercised through exploitation of the difficulties and problems of the developing countries recently liberated, interference in their internal affairs and efforts to maintain inequality, pressure, economic domination, interference, racial discrimination, subversion and the threat of force. The countries which had acquired national independence reaffirmed their determination to oppose any attempt to detract from their sovereignty. In a period when international relations were characterized by growing interdependence and the desire to pursue an independent policy, the democratization of international relations, on the basis of self-determination, was a necessity. One of the major problems facing mankind today was that of combating unequal relations and the domination of one State by another. Those were but some of the aspects which reflected the growing importance of the right to self-determination as a principle of international law at the political and legal level of international relations.

11. The right to self-determination was a fundamental, collective right which formed part of the legal system established by the Charter. All peoples were entitled to that right, and without its exercise individual rights could not be fully enjoyed. It was therefore extremely important for the safeguarding and observance of basic human rights. Conversely, the promotion and protection of human rights and fundamental freedoms contributed to the implementation of the right to self-determination.

12. While the political aspect of the right to self-determination would remain important, its economic, social and cultural aspects, as recognized in the International Covenants on Human Rights, exercised a growing influence on international life with regard to the establishment of a new international economic order, balanced and integrated development, the promotion of economic, social and cultural rights and other human rights and freedoms. The right to self-determination was the cornerstone of the new international economic and political order which was needed to put an end to the exploitation of the weak and the poor by the strong and the rich and to the widening between the two groups. The main element of the new international economic order was the permanent sovereignty of peoples over their wealth and natural resources, a component part of the right to self-determination and a new concept in international law resulting from the decolonization process and the formulation of human rights and freedoms in the International Covenants on Human Rights. The permanent sovereignty of States over their natural resources had become the foundation stone of the development process, since the wealth and natural resources of a nation constituted the material basis which guaranteed the exercise of its right to self-determination and other basic rights. Thus, any effort to undermine that sovereignty was a violation of international law and an attack on the international order. Permanent sovereignty over natural resources and various other norms concerning development, recognized or proclaimed by the United Nations, constituted a new field of international law, namely international development law. That had been elaborated in various international instruments concerning the establishment of a new international order together with specific regulations governing industrialization, the development of agriculture, international trade and economic co-operation between States, the application of science and technology to development and the financing of development. All those

new norms of international development law, as well as the new concept of the right to development which had emerged from the discussions in the Commission, were based on the right to self-determination. The right to development was particularly important for the progress of mankind as a whole and for the safeguarding of social justice at the national and international levels.

13. The aim of the new international economic order was not only to increase the material wealth of peoples, but also to develop human beings through a comprehensive cultural process involving the environment, social relations, education and general well-being. Man must be the central element in the development process, whose general aim must be to create equal social conditions for all individuals so that they could develop in accordance with their possibilities and aptitudes. The United Nations must promote and develop the right to self-determination since it was the basis for the enjoyment and progress of individual human rights and was extremely important for the advancement of political, economic, social and cultural rights in every nation.

14. The study he had prepared contained seven chapters and a number of conclusions, which were further developed in the recommendations for action to be undertaken by the United Nations and Member States (E/CN.4/Sub.2/404/Add.1). He had recommended that the action initiated by the United Nations and its Members should be continued and that new measures to ensure the full realization of the right to self-determination in the areas of greatest contemporary concern should be adopted. Colonialism, neo-colonialism, racism, apartheid, foreign occupation and other forms of violation of the right to self-determination should be eradicated. Strong measures should be adopted to establish truly democratic relations between States. Further recommendations concerned a revision of the Charter that would make it the charter of the eradication of colonialism in all its forms and a charter of the rights of peoples and an international instrument such as to ensure the affirmation of every people and thereby open up the prospect of progress and peace for the whole world and the need for the United Nations always to be capable of guaranteeing the right of peoples to choose their political status by combating any form of aggression, intervention or pressure against States and peoples. He had also drawn attention to the harmful effects of all forms of domination of one State by another and had suggested the preparation and adoption of a universal code of conduct proclaiming the fundamental rights and duties of States, which would be particularly important for the promotion, in international life, of new relations between peoples, nations and States.

15. The study further recommended that the United Nations should undertake a thorough and systematic analysis of those economic and social problems that were of vital importance for the peace, progress and prosperity of the peoples of mankind, and should draw up precise standards and special action programmes for the attainment of the new international economic order. Moreover, measures were required at the national level to promote economic, social, cultural and political development, particularly to secure a more equitable distribution of income and wealth, the elimination of hunger and malnutrition, the reduction of unemployment and underemployment, the improvement of the distribution of social services and broad democratic participation in national political, economic and social affairs; the United Nations should assist those efforts. It was especially important to ensure, at the international level, respect for the principles, and

the implementation of decisions, relating to the establishment of the new international economic order, as well as to secure the developed countries' contribution to the economic and social development of the developing countries. In the context of its human rights-related activities, the United Nations should undertake practical, far-reaching and long-term measures to promote the economic, social and cultural progress of peoples, thus contributing to the implementation of the economic, social and cultural rights of the individual and to the affirmation of the right to development as a fundamental human right. It was also necessary for the United Nations systematically and continuously to support States' endeavours to ensure the achievement of fundamental human rights, the elimination of social inequalities and all forms of discrimination, and the establishment of equal, genuine and effective rights to work, instruction, education, culture and the benefits of civilization. The United Nations should also assist international efforts to ensure mass dissemination of information which would promote friendship among peoples, respect for each people's traditions and culture and awareness of man's best achievements in all spheres of human activity and knowledge.

16. The study also recommended that the United Nations should make an over-all examination of progress achieved in the establishment of a new international economic order and in the implementation both of all aspects of the right to self-determination and of economic, social, cultural, civil and political rights. Within the United Nations development strategy, co-ordination should be ensured between economic, social and cultural development, on the one hand, and progress achieved in respect of human rights, on the other. An over-all view of the achievement of the economic, social, cultural and political aspects of the right to self-determination was necessary, since those different aspects were currently dealt with by a variety of United Nations bodies and specialized agencies. Progress achieved in the field of social development should be analysed in conjunction with that achieved in the human rights field, and for that purpose closer co-ordination was required between the various United Nations bodies dealing with those respective fields.

17. He awaited with interest the views and comments of members of the Commission, which he hoped would adopt a resolution recommending that the study should be published.

18. Mr. YOUSSEF (Iraq) commended the Special Rapporteur on his very constructive and interesting study, which covered all aspects of the right to self-determination. In view of the close relationship between the right to development and civil, political, economic and social rights, he suggested that the study should be taken into account when the Commission considered agenda item 8.

19. One important aspect which perhaps required more detailed consideration was the international juridical status of national liberation movements within the United Nations context for, in the view of his delegation, the fact that such movements were invited to attend meetings as representatives of peoples struggling against imperialism and colonialism constituted a turning-point in the history of the United Nations.

20. His delegation supported both the conclusions and the recommendations set out in the study and the recommendation of the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the study should be printed, given wide distribution and submitted to the General Assembly at the earliest possible date.

21. The CHAIRMAN said that information concerning the financial implications of the proposal to publish Mr. Cristescu's study would be provided by the Secretariat in due course.

22. Mr. SHERIFIS (Cyprus) said that the importance in practical terms of the right to self-determination was borne out by the very fact that the membership of the United Nations had tripled since the Organization's establishment, mainly as a result of the exercise of that right by peoples who had emerged from colonial rule to independence and statehood. The United Nations rightly took pride in its outstanding work in that field, and a number of international instruments and resolutions, such as General Assembly resolution 1514 (XV), gave legal effect to that right. Under those instruments, States had a duty not only to refrain from measures aimed at depriving peoples of the exercise of the right to self-determination but also to respect, promote and assist in its application. Although that obligation was addressed first and foremost to colonial and occupying powers, it was also addressed to the world community at large, which could not and should not remain indifferent to the struggle of indigenous peoples for their rights in southern Africa, the Middle East and elsewhere.

23. His delegation shared the view of Mr. Gros Espiell that foreign occupation of a territory constituted an absolute violation of the right to self-determination. It maintained that foreign occupation, which was an act condemned by modern international law, had no valid legal effect. It joined in the universal condemnation of all attempts to disrupt the national unity or territorial integrity of any country. It also considered as an unlawful act, expressly so defined by international law, the uprooting of the indigenous population from occupied territories, the refusal to allow displaced persons to return to their ancestral homes and the implantation of settlers from abroad for the purpose of changing the demographic structure of occupied territories.

24. His delegation joined with others in expressing profound regret that there should still be States which directly violated international law and specific provisions of the Fourth Geneva Convention, thus flagrantly denying basic human rights and fundamental freedoms. Furthermore, peoples under foreign domination were denied the right freely to pursue their economic, social and cultural development, which formed part of the right to self-determination, for they were obliged to devote their resources to self-defence rather than to their social and economic advancement.

25. Turning to the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/33/356), he noted with profound regret the statement in paragraph 123 to the effect that a policy of settlement and annexation existed and that its application was being accelerated. He also noted the statement that the occupying power should not persist in denying the right to return to the civilians who had fled the territories during and immediately after the June 1967 hostilities. The Special Committee concluded that the occupying power followed a policy which was in violation of the Fourth Geneva Convention, particularly its articles 47 and 49. Above all, however, his delegation subscribed to the view that the fundamental violation of human rights lay in the very fact of occupation.

26. It had been said that no nation could be really free if it held another in subjection. It might also be said that no nation could feel really free if it remained indifferent to the subjection of another.

27. Mr. ERMACORA (Austria) said that the study introduced by Mr. Cristescu highlighted the interdependence of political and economic rights and the link between the right to self-determination and the right to development. However, since studies prepared in the United Nations framework were not only academic in nature but were also intended to serve for purposes of policy determination, it was necessary to consider how far a study of the kind under consideration could be applied to specific situations or cases.

28. Paragraph 154 of the study contained the important suggestion that self-determination was a form of jus cogens, and the same idea had been expressed by Mr. Gros Espiell on a previous occasion. However, the paragraph referred only to the Vienna Convention on the Law of Treaties and then went on to state that no United Nations instrument conferred such a peremptory character on the right of peoples to self-determination. There was therefore a certain divergency between the positions adopted, respectively, by Mr. Gros Espiell and Mr. Cristescu.

29. The second important problem concerned the beneficiaries of self-determination. There, the study failed to clarify the situation in a certain number of specific cases, such as that of divided peoples or nations and that of minorities. While Mr. Cristescu, in paragraph 279 of his study, referred to a principle expounded in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, he did not deal with the very delicate problem of a country without a government which represented the entire population of its territory. In the view of his delegation, certain national minorities could be considered to be peoples and, therefore, beneficiaries of the right to self-determination.

30. With regard to the content of the right to self-determination, he stressed the importance of paragraphs 288 and 300 et seq., which studied the various elements of self-determination. However, the study did not indicate who had the right to free association, to integration with an independent State or to choose and develop an internal political system.

31. Perhaps the most important point which had not been emphasized in the study was the difference between the right to self-determination and the methods of application of that right, including the role of the United Nations and of States. It was necessary to be realistic and to emphasize that the application of the right to self-determination was a political decision and, therefore, that people who were claiming that right should not always be overly optimistic about their chances of being able to exercise it. In particular, it should be stressed that the right to self-determination was not only a law of decolonization; that raised the question of who was entitled to make use of free association with another State, integration with an independent State and the other forms set out in paragraph 319.

32. Although the study was excellent and should be published, it was only the starting-point for more thorough discussion within the United Nations system of the right to self-determination

33. Mr. ORTIZ (Cuba) said that the very serious question of the violation of human rights in the occupied Arab territories, including Palestine, should continue to receive priority attention from world public opinion, the General Assembly, the Security Council, the Economic and Social Council and the other United Nations bodies concerned, including of course the Commission, which was deeply committed to the lot of the people living in or driven from the territories occupied by Israel. Despite the hundreds of declarations, decisions and resolutions that had been adopted on the matter, human rights continued to be outrageously violated by the invading power. There was no lack of evidence as to the reality of those violations, which continued to be denied only by those who were blind or deliberately ignored the facts because of their own petty interests. The Commission, which had been provided yet again with fresh proof of human rights violations in the occupied Arab territories and of the fate suffered by the Palestinian people under the yoke of the occupying power, was under an obligation to take more effective steps to put an end to the situation. It was faced with the need to conduct a thorough investigation of the reasons which made it possible for Israel to continue to violate with impunity the human rights of millions of people, while the farce of "peace talks" was played out at Camp David without the participation of the parties most intimately concerned.

34. In various international forums the Israel representatives persisted in their denial of the well-founded accusations brought against Israel, which continued to jeopardize peace and security in the Middle East and to flout international instruments such as the Universal Declaration of Human Rights and the 1949 Geneva Conventions, with the moral, economic and military support of certain Governments. The Governments which granted such support were aiding and abetting the development of zionism as an inhuman ideology. Racism had already given birth to nazism, which had perpetrated horrors unprecedented in the history of mankind; the exacerbation and unhindered promotion of nationalist and racist interests could lead mankind to witness another holocaust with grave repercussions for international peace and security.

35. The right of peoples to self-determination was one of the most important rights for mankind as a whole and was of particular significance for the peoples who were struggling for true independence and freedom from colonialism and neo-colonialism. Despite the overthrow of colonialism in many countries, there were still many regions where peoples' rights were not only denied full exercise but were often grossly violated, as has been pointed out in the introduction to document E/CN.4/Sub.2/404. In that connexion, his delegation again denounced United States manoeuvres aimed at denying the Cuban people their right to self-determination, by the continued economic blockade and the maintenance of the naval base at Guantánamo.

36. During the thirty-third session of the General Assembly, Cuba had reiterated the importance it attached to the granting of independence to the peoples of southern Africa and to the eradication of colonialism, neo-colonialism, racism and apartheid. The greatest obstacle to the eradication of those evils was the

support given by Western capitalist interests to racist régimes by such means as the use of mercenaries against national freedom fighters and the subjection of newly-independent nations to refined methods of neo-colonialist domination. Other examples of imperialism at work were Nicaragua, where a corrupt and unpopular régime was supported by imperialist interests; Puerto Rico, where some 80 years of colonial domination had cost the lives of many patriots; and the United States itself, where the Indian peoples, as well as the black and Puerto Rican minorities, had been denied their human rights. In that connexion, a representative of the United States Government had promised to give the Commission a reply to the allegations submitted by the International Indian Treaty Council; the Cuban delegation deemed it essential to reveal the true facts of the human rights situation hidden behind the consumer society's facade.

37. Mrs. LAKSHMI PANDIT (India) said that India had always accorded the highest importance and urgency to fulfilment of the rights of self-determination for all peoples still under colonial or alien domination. It had been among the first countries to break the shackles of colonial oppression after the Second World War, and it noted with satisfaction that many nations had achieved national independence during the past 30 years.

38. There was a moral obligation to help those peoples still struggling against colonialism and racial discrimination. The studies contained in documents E/CN.4/Sub.2/404 and E/CN.4/Sub.2/405 showed that the right to self-determination was bound up with complex legal, political, economic, social and cultural aspects and was therefore difficult to define. It was a collective right which nevertheless concerned individuals, and was also a fundamental right without which other individual rights and freedoms could not be enjoyed. Moreover, it had to be considered in conjunction with such other fundamental principles as sovereign equality of States, territorial integrity and non-intervention in other States' internal affairs, which together constituted the basis for mutual co-operation upon which the United Nations depended.

39. The words "the right of self-determination" in article 1 of the two International Covenants on Human Rights applied to peoples under foreign domination, not to sovereign States or to a section of a people or nation. As noted in document E/CN.4/Sub.2/404, the purpose of including the right to self-determination in international instruments was not to encourage secessionist movements or foreign interference, and it was necessary to safeguard the political independence and territorial integrity of a State which respected the equal rights of peoples and their right to self-determination and to a Government representative of the population as a whole.

40. With regard to paragraph 253 of document E/CN.4/Sub.2/405, the Indian delegation had recorded, both in the Commission at a previous session and in the General Assembly at its thirty-third session, its strong reservations about the reference to Jammu and Kashmir. India remained firmly opposed to the inclusion of those territories in the list concerned.

41. Mr. ALLANA (Pakistan) said that the right of self-determination was a prerequisite for the enjoyment of most other human rights and fundamental freedoms and in recent years had manifested itself in the achievement, by many peoples, of national independence - a process in which the United Nations had played a significant role. Pakistan itself had come into existence through the exercise of that right and had established a sovereign State in which the people's traditional religion, culture and ideology would be upheld; therefore, it naturally supported the exercise of that right by all peoples recognized as entitled to it.

42. Among the instruments recording the international community's efforts to promote universal realization of that right were the Charter and General Assembly resolutions 1514 (XV) and 2649 (XXV). In response to the latter resolution, which had been introduced by Pakistan, the study contained in document E/CN.4/Sub.2/405 had been prepared, and his delegation had already welcomed its comprehensive examination of the question of self-determination. He fully agreed with the observation, in that document, that the right of self-determination remained to be exercised in many parts of the world, including Namibia, Zimbabwe, Palestine and Jammu and Kashmir. His delegation also welcomed the historical review, in document E/CN.4/Sub.2/404, of the right of self-determination and had noted the wealth of material provided in that document.

43. Since the establishment of the United Nations, most nations and peoples under colonial and alien domination had realized their right to self-determination and had taken their place in the Organization as sovereign entities. In addition, the peoples of southern Africa had made gratifying progress in their struggle for self-determination and national independence. However, over 30 million people were still under colonial domination, and millions more were prevented, by foreign domination and military occupation, from exercising their right of self-determination. Pakistan deplored the continued resistance of the Pretoria and Salisbury régimes to national independence in Namibia, the achievement of genuine majority rule in Zimbabwe and the granting of equal rights to the indigenous people of South Africa. Pakistan would continue to support the struggle being waged by the peoples of southern Africa and felt sure that they would soon triumph over the colonial and racist régimes.

44. At the same time, the international community had noted with concern recent attempts to interfere in countries' internal affairs and to create "spheres of influence". Such threats to the right of self-determination, and their attendant dangers for peace and security, should be guarded against by the international community, particularly the third world.

45. With regard to the situation in Palestine, the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories provided clear evidence of the Israeli authorities' inhumane measures aimed at strengthening their hold on the area by terrorizing the Arab population, creating further settlements and revising the land's demographic, cultural and legal structure - a situation which had prompted the Commission to send a telegram to the Israeli authorities a few days previously. The Commission had already condemned such actions, which contravened the Fourth Geneva Convention and could therefore be described as war crimes and crimes against humanity. The Special Committee had rightly concluded that human rights violations in the

occupied territories stemmed basically from the very fact of military occupation by Israel, whose policy, looked at in a historical perspective, was clearly designed to annex all Palestine and the territory of neighbouring Arab States. Israel had sought constantly not only to enlarge the territory under its control but to change its demographic and physical character by means of Jewish settlements and the desecration of Moslem and Christian shrines. There could be little hope for peace or for observance of human rights in the region so long as that policy was pursued. The Commission must again strongly condemn Israel's disregard of civilized conduct and international law and must stress that peace could be achieved only if Israel withdrew its military presence and settlements, accepted the creation of a sovereign Palestinian State and restored the Holy City of Jerusalem to Arab sovereignty. It must also seek to bring home to world opinion the true situation in that region and the justice of the Palestinian cause.

46. Mr. TOSEVSKI (Yugoslavia) said he was concerned to note that the situation regarding observance of basic human rights in Palestine, as in other Israeli-occupied Arab territories, had worsened during the past year, as a result of Israel's general attitude towards the Palestinian people's desire for self-determination. Israel's long-term policy, as expressed during the past months, was widening the gap between the parties concerned and making a genuine solution of the Middle East problem even harder to achieve.

47. The basic problem was that Israel viewed self-determination in terms of its so-called historical right to neighbouring territories; that was a fiction employed by others in the past as a pretext for conquest, expansion, occupation and domination - in short, a repudiation of other peoples' rights to self-determination and independent development.

48. In no case was there any justification for taking or withholding such rights from any people. In the case of the Palestinian people, therefore, the international community could not approve Israel's expansionist policy, which had provoked the Palestinian people to a legitimate struggle for freedom.

49. The Palestinian people's right to self-determination lay at the core of the Middle East crisis. Yugoslavia had from the outset advocated a peaceful settlement based on Israel's withdrawal from all the territories occupied after June 1967 and the recognition of the Palestinian people's right to freedom and self-determination, independence and sovereignty, including the right to establish its own State, together with the affirmation of the right of all countries and peoples of the region to independent and secure development.

50. The Palestinian people, and their sole legitimate representative the Palestine Liberation Organization, were a reality and an integral part of the international community. Therefore, no lasting peace in the region, and hence in the world, could be achieved without the PLO's participation in negotiations. For over 30 years the Palestinian people had been subjected to aggression, exile and deprivation. That people had the same rights as any other; no policy of displacement and colonization could obliterate those rights, and no power could resist such a people's just struggle for national liberation.

51. Mr. AYENI (Nigeria) said that self-determination was an ongoing process which meant that newly independent and emerging nations must be allowed to develop even after the achievement of political independence. Hence the United Nations must not only promote collective action to highlight, condemn and discourage wanton disregard of the basic rights of peoples everywhere; it must also concern itself with impediments to the free exercise of self-determination and with freedom from alien domination or foreign occupation. The Commission must steadfastly oppose the acquisition of territory by force of arms under any pretext whatsoever. No argument could justify the occupation of Arab territories in the Middle East or the subjugation of the indigenous population in southern Africa. The international community must condemn the recruitment and deployment of mercenaries anywhere in the world because they represented a destabilizing force and must be regarded as international outlaws. It must also be recognized that multinational corporations had clearly established themselves as agents of coercion and destabilization, inhibiting the free exercise of the rights of economic and political self-determination. Finally, his country urged the vigorous condemnation of those foreign Powers who, uninvited, chose to see themselves as the saviours of small, weak and economically underdeveloped countries and arrogated to themselves the right to intervene in the affairs of those countries with military force.

52. Nowhere were the effects of alien domination and occupation more inhuman and degrading than in southern Africa. His country was resolutely opposed to the racist minority régimes in southern Africa and would continue its efforts to combat them and to support those who were physically committed to the liberation of Zimbabwe, Namibia and South Africa so that Africa could then be genuinely free. In that connexion, United Nations efforts to dismantle apartheid must be intensified. His country welcomed the forward-looking policy of a few Governments in the industrially advanced countries to halt all forms of further investment in South Africa and condemned those which continued to frustrate the efforts of the international community by co-operating with the racist régimes. Nigeria looked forward to the day when all peoples could exercise the right to self-determination and achieve total freedom from colonial and other forms of domination and oppression.

53. Mr. Garvalov (Bulgaria) took the Chair.

54. Ms. GÜELMAN (Uruguay) said that the right to self-determination was a basic natural right and a fundamental source of all other human rights. Her country therefore supported all measures aimed at liberating peoples from colonial or alien domination and achieving self-determination. Self-determination must be defined comprehensively, as a concept including political, economic, social and cultural elements, and did not end with the achievement of independence. There was also a close connexion between the principle of self-determination and that of non-intervention in the internal affairs of other States. As to the means for achieving independence, her delegation was convinced that all conflicts should be solved through dialogue and consultation in accordance with the principles of the Charter of the United Nations and was firmly opposed to the institutionalization of violence as a method to achieve that end. She drew attention in that connexion to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to article 1 of the International Covenant on Civil and Political Rights. Her country accordingly supported the legitimate right of the Namibian people to

independence and acknowledged the United Nations' major responsibility in that connexion. It endorsed the right of the Palestinian people to a sovereign and independent State but at the same time favoured guarantees for the territorial integrity of Israel. It also supported the peace talks begun by Egypt and Israel to work out a solution to the problem.

55. Mr. Beaulne (Canada) resumed the Chair.

56. Mr. MEZVINSKY (United States of America) said that his delegation deeply regretted that the debate on item 4 had begun with a decision taken outside the Commission's rules of procedure; that constituted a disturbing sign that rational discussion in the Commission, at least on some matters, was beside the point and raised the deeper question as to why the Commission debated the issues involved at all. The results were preordained and the rules of procedure which were designed to protect the rights of every United Nations member Government that might be affected by consideration of the item were made subject to the arbitrary will of the majority.

57. His Government was deeply disturbed by reports of human rights violations in the occupied territories and was concerned about the establishment of Israeli settlements there. The most promising means of dealing with that issue was successful implementation of the Camp David agreements, and it hoped that all concerned would take particular pains to do nothing which would impede further progress when the Camp David talks were resumed.

58. His Government's own conclusions regarding the human rights situation in the area had appeared in an often misunderstood report issued by the United States State Department. He wished to stress that there was a very clear distinction between the findings in that report and some of the allegations carried in the press. Although it was true that some credible evidence of ill-treatment had emerged, the report did not state that systematic torture was being practised by the Israeli authorities. His Government had also been repeatedly assured by those authorities that mistreatment of detainees was forbidden under Israeli law and that violators were punished. The report also noted that representatives of the International Committee of the Red Cross had been given increased access to detainees, and that its physicians could conduct medical examinations on them without witnesses. ICRC could also address inquiries regarding specific cases to the Israeli authorities. Its active role in the occupied territories should be given more weight in assessing the total human rights picture in that area. That role was consistent with the position his Government had repeatedly stated to the effect that the Fourth Geneva Convention applied to the occupied territories.

59. The one obvious solution to the human rights problem in the Middle East was a just peace, and his Government hoped that the talks which were to resume at Camp David would continue the movement in that direction. Those who supported the search for peace in the Middle East would insist that the United Nations show objectivity and impartiality and his Government urged all others to consider carefully their deep responsibilities as Members of the United Nations in that connexion.

60. Mr. EL-FATTAL (Syrian Arab Republic) said that the right to self-determination was the most basic human right and the Commission on Human Rights was a proper forum in which to discuss it. Surely Camp David, where two parties had attempted to impose a settlement on a third party, was not. He drew attention in that connexion to paragraph 186 of the study on the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination (E/CN.4/Sub.2/405), noting that the United States alone had voted against a draft resolution in the Security Council affirming the inalienable right of the Palestinian people to self-determination. It was clear that the Camp David agreements represented a negative element in the struggle for the rights of the Palestinian people and that was why the talks had been conducted outside the framework of the Security Council and the United Nations. Noting that the United States representative had referred to a United States internal document, he stated that no country had ever discussed its internal reports in the Commission or imposed them on it.

The discussion covered in the summary record ended at 1.05 p.m.