

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/SR.1486
21 February 1979

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1486th MEETING

held at the Palais des Nations, Geneva,
on Monday, 19 February 1979, at 4 p.m.

Chairman

Mr. BEAULNE

(Canada)

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GE.79-10758

The meeting was called to order at 4.15 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS (agenda item 8) (E/CN.4/1271; E/CN.4/1329; E/CN.4/1334; E/CN.4/1340)

1. Mr. VASAK (United Nations Educational, Scientific and Cultural Organization) congratulated the Chairman of the Commission on his election; Mr. Beaulne, who had always been devoted to the cause of human rights, was the Canadian representative to UNESCO. He looked upon that combination not only as a confirmation of UNESCO's role, in liaison with the Commission, in the field of human rights, but also as an assurance of co-ordination which was more essential than ever before.

2. In resolution 4 (XXXIII), the Commission had expressed the wish that UNESCO should participate in the preparation of a study on the international dimensions of the right to development as a human right in relation with other human rights based on international co-operation, including the right to peace, taking into account the requirements of the new international economic order and fundamental human needs. It had been considered that UNESCO, as a multidisciplinary organization that carried out studies and research, could make an important contribution to the formulation of the concept of the right to development as a human right. UNESCO's contribution would be considered both from the conceptual and normative points of view. From the conceptual standpoint, it should be noted that document E/CN.4/1340 submitted to the Commission for consideration did not contain the UNESCO report as a whole, but only its introduction. The UNESCO report was in three parts, and although it had not yet been possible to reproduce the text, which had been submitted to the United Nations at the end of 1978, it was available to members of the Commission.

3. The first part was the report of a meeting of experts on human rights, human needs and the establishment of a new international economic order, organized by UNESCO from 19 to 23 June 1978 and attended by representatives of all relevant disciplines and all regions of the world. Two members of the Commission, Mr. Lopakta and Mr. M'Baye, had been among the experts and would be able to provide information on the subject as and when required. The second part of the UNESCO report consisted of a study on the emergence of the right to development as a right in the context of the new international economic order, submitted to the above meeting by Mr. M'Baye, who had been concerned with the question since 1972. The third part was a study on the right to development as a human right, which had been presented by Mr. Gros Espiell at a seminar held at Caracas in August 1978 under UNESCO auspices. A major advantage of the latter study was that it took into account thinking on the subject in widely varying circles since Mr. M'Baye had become concerned with the problem.

4. From the normative standpoint, it should be borne in mind that the right to development had first been mentioned in an international instrument to which no reference was made in the report of the Secretary-General on the international dimensions of the right to development as a human right (E/CN.4/1334), namely, the UNESCO Declaration on Race and Racial Prejudice, adopted at the twentieth General Conference of UNESCO on 27 November 1978, which had been designed to deal with all aspects of the racial problem - biological, sociological, cultural, economic and political - and to bring the individual, the State and the organized international community face to face with their responsibilities. Article 3 of the Declaration stated that, "Any distinction, exclusion, restriction or preference based on race, colour, ethnic or national origin or religious intolerance motivated by racist considerations, which destroys or compromises the sovereign equality of States and the right of peoples to self-determination, or which limits in an arbitrary or discriminatory manner the right of every human being and group to full development is incompatible with the requirements of an international order which is just and guarantees respect for human rights; the right to full development implies equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide". It was noteworthy that that normative instrument mentioned the right to development in both its individual and collective dimensions. Some elements of a definition of the right to development were already to be found in the article in question: "equal access to the means of personal and collective advancement and fulfilment in a climate of respect for the values of civilizations and cultures, both national and world-wide". When formulating a text, the Commission might take that precedent into account, incorporating the elements of the right to development as conceived by UNESCO.

5. UNESCO's contribution to the study on the right to development as a human right was concerned with the content, concept and realization of that right. As regards the content, the right was obviously closely related to a whole series of already recognized human rights: the right to life, the right to personal liberty, the right to self-determination, the right to work and the right to participate in scientific progress and its resultant benefits. The right to development had an individual dimension but also, and primarily, a collective dimension. It was aimed not only at individuals but also at human groups (local, national, ethnic and linguistic communities, etc.), and at the State as the primary guarantor of its realization at the individual level. The right to development was a composite right which, in encompassing a number of already recognized rights, enhanced their value and made them a true force for the establishment of the new international economic order. The status of that right as a composite right meant that it could be realized only through the application of all the other human rights forming its constituent parts.

6. As for the concept of the right to development, it would be noted that it was a right sui generis, to the extent that it belonged neither to the first generation of human rights - the generation of civil and political rights comprising the rights belonging to the human individual, which were opposable to the State, and respect for which presupposed an attitude of abstention on the latter's part - nor to the second generation of those rights - that of economic, social and cultural rights,

comprising the right to claim on the State and on the organized national and international community; such rights could be required of the State. The right to development was both opposable to, and required of, the State, but its main characteristic was that it could be realized only by the joint efforts of all those taking part in the social scene. That was why UNESCO was interested in that right, together with new human rights of the same nature: the right to peace (referred to in Commission resolution 4 (XXXIII)), the right to the environment, the right to ownership of the common heritage of mankind, and the right to communicate.

7. UNESCO took the view that an essential element of the application of the right to development was the participation of all those taking part in the social scene, i.e. of those who were both active and passive participants, the beneficiaries and the administrators of the right to development: the individual, the State, public and private entities and the international community. UNESCO hoped the Commission would undertake a study on participation as a means of applying the right to development according to already tried techniques such as that of the tripartite structure (State, professionals and users) or of other techniques at present being tested.

8. UNESCO was at the Commission's disposal to participate in its future work in that field. It would do so by placing itself in the global perspective of the rights which might be called third generation rights, the first two such rights being the right to development and the right to peace. The study of new human rights had been included in UNESCO's programme of work for 1979-1980; his Organization hoped the Commission would make suggestions and recommendations on the lines which the study should follow.

9. The penetration of human rights into the field of development, through the formulation of a right to development and through the link which it was being attempted to establish between development assistance and respect for human rights, was a recent phenomenon which had been mentioned by the Secretary-General in his report (E/CN.4/1334). The same was true of the penetration of human rights into the construction and maintenance of a just and lasting peace through a formulation of the right to peace, the first component of which was undoubtedly the Declaration on the Preparation of Societies for Life in Peace, adopted on Poland's initiative at the last session of the General Assembly. A similar phenomenon could be observed with regard to the environment, to the common heritage of mankind and to communication in general. Those new areas gave rise to questions of human rights, but had not yet been affected by them. Their study represented a new kind of challenge for the organizations of the United Nations system. UNESCO was fully prepared to take up that challenge.

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; E/CN.4/L.1421)

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, Vol. I, II, III; E/CN.4/Sub.2/405, Vol. I, II; E/CN.4/L.1422; E/CN.4/L.1423)

10. Mr. ARMALIE (Observer, Palestine Liberation Organization) said that the origin of the sufferings of the Palestinian people was to be found in the non-observance of the right of peoples to self-determination. The measures advocated by

Great Britain during its mandate and, in particular, the establishment of a national Jewish home in Palestine and the decisions taken by the international community at the end of the mandate were contrary to the principles of international law and to the most important of them - the principle of self-determination.

11. It was not easy to define the right to self-determination. The concept had evolved in the same way as international law, after the process of decolonization had begun. The wars of liberation waged by oppressed peoples and their accession to independence had played a decisive role in that evolution and had contributed to the development of the fundamental principles of international law. The example of international humanitarian law was very significant in that context. The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which had concluded in 1977 with the adoption of two additional protocols to the Geneva Conventions of 1949, had been able to achieve that result only because the new humanitarian codes recognized new factual situations. It was therefore only normal that international law should reflect the realities of the time. In that connexion, he wished to pay particular tribute to Mr. Cristescu and Mr. Gros Espiell, who had prepared studies, respectively, on the historical and current development of the right to self-determination (E/CN.4/Sub.2/404) and 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).

12. Unfortunately, it was clear that, in several regions of the world, the imperialist Powers were continuing to deny the right to self-determination to peoples which were the victims of occupation, oppression and racism. The conflict in the Middle East, in particular, was still threatening international peace and security. No solution to that conflict had been provided by the Camp David agreements, which ignored the rights and aspirations of the Palestinian people. Through General Assembly resolutions, the international community had acknowledged the right of the Palestinians to self-determination and to the establishment of an independent and sovereign State in Palestine. However, there was no question of either sovereignty or independence in the Camp David agreements, which merely offered administrative autonomy. In any event, Mr. Menahem Begin had declared in October 1978 that no Palestinian State would be created. For his part, President Carter had indicated, in his speech to the United Nations General Assembly in 1977, that it was up to the parties to say, in the course of detailed negotiations, how the rights of the Palestinian people were to be defined and enforced. He had admitted, at a press conference held in October 1977, that the Palestinians had the same rights as other persons in a number of fields (freedom, right to a home, right to education and care, right to bring up a family, for example), but had said nothing about the right of return or the national right to self-determination. Vice-President Mondale had remarked in that connexion that President Carter had been talking of rights but not of national rights.

13. In those conditions, therefore, the Palestinians could not be expected to take part in the negotiations. Thousands of persons in the occupied territories had, at public meetings, denounced the proposal for administrative autonomy and proclaimed their unwavering attachment to PLO. The Palestinians who had remained in Palestine in 1948 and became Israeli citizens had expressed themselves in the same terms. The Arab countries which had attended the last Baghdad Summit meeting - except the one which had participated in the Camp David agreements - the group of Islamic countries, the countries of the socialist bloc and the non-aligned countries believed that those agreements could not amount to anything. President Valéry Giscard d'Estaing had also expressed reservations concerning them and proposed an alternative solution under United Nations auspices. That was the solution which PLO had consistently advocated, since it was the only one which could lead to peace. Meanwhile, the Palestinian people was determined to continue and intensify its armed struggle against the occupiers of its land and those who were denying its rights.

14. The CHAIRMAN invited the representatives of India and Cuba to introduce draft resolutions E/CN.4/L.1421, E/CN.4/L.1422 and E/CN.4/L.1423 dealing with agenda items 4 and 9.

Draft resolutions E/CN.4/L.1421 and L.1422

15. Mrs. PANDIT (India) said it was unnecessary to speak at length about the content of draft resolution E/CN.4/L.1421 concerning the question of the violation of human rights in the occupied Arab territories, including Palestine, or about draft resolution E/CN.4/L.1422 concerning the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation, which she was introducing on behalf of Cuba, Cyprus, Egypt, India, Iran, Iraq, Morocco, Nigeria, Pakistan, Senegal, the Syrian Arab Republic and Yugoslavia. Many resolutions had already been adopted on those questions. However, the non-aligned countries and the developing countries were forced once more to draw the Commission's attention to the situation of the Palestinian people which, according to the conclusions of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, had not improved but, on the contrary, deteriorated. The Palestinian people was still being denied the right to self-determination, independence and national sovereignty. Israel was committing serious and repeated violations of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949 and persistently refused even to recognize the applicability of that Convention to the occupied territories, including Jerusalem. The Israeli practices and policies which violated the human rights of the Palestinian people were listed and condemned in operative paragraphs 3, 4 and 5 of Part A of draft resolution E/CN.4/L.1421. Israel was called upon to respect the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, and all States parties to that Convention were urged to exert all efforts to ensure respect for and compliance with its provisions in the Arab territories occupied by Israel since 1967, including Jerusalem. The sponsors of draft resolution E/CN.4/L.1421 hoped that Part B of the draft would be adopted by consensus.

16. Draft resolution E/CN.4/L.1422 concerned the denial to the Palestinian people of its inalienable rights to self-determination and the establishment of a fully independent and sovereign State in Palestine, as the result of foreign occupation. It urged all States and international organizations to extend their support to the Palestinian people through their representative, the Palestine Liberation Organization, in its struggle to restore its rights in accordance with the Charter.

17. Mr. ORTIZ (Cuba), speaking in behalf of Burundi, Cyprus, Iraq, the Syrian Arab Republic and Yugoslavia, introduced draft resolution E/CN.4/L.1423, which concerned agenda item 9. The basic ideas set out in that draft resolution were the same as those in the corresponding resolution adopted by the Commission in 1978. The use of mercenaries was condemned in operative paragraph 4, and some new ideas taken from General Assembly resolutions were stated in operative paragraphs 6 and 7. Lastly, he said that the sponsors proposed to delete the fourth preambular paragraph and add the following words to the third paragraph: "and resolution 33/124 adopted by the General Assembly on 29 November 1978".

18. Mr. ZORIN (Union of Soviet Socialist Republics) thought that draft resolution E/CN.4/L.1421 gave a correct description of the acts which had been committed by Israel in the occupied Arab territories, and which constituted a flagrant and massive violation of human rights.

19. Draft resolution E/CN.4/L.1422 concerned the broader problem of the right of peoples to self-determination. In that connexion, several delegations, including his own, had stressed the right of the Palestinian people to self-determination and its right to form an independent State. That idea was repeated in operative paragraph 1 of the draft resolution.

20. As for draft resolution E/CN.4/L.1423, the reference in the preamble to certain documents was of particular importance, since it implied that it was inadmissible that a people which had chosen its own path to follow should be diverted from it. It was necessary not to lose sight of that fact, not only in the case of the Palestinian people but also in other cases, such as that of the Vietnamese people which was experiencing aggression by China. That aggression, which was contrary to the Charter of the United Nations, also amounted to a violation of human rights and nobody could remain indifferent to it.

21. The draft resolutions which had been presented were aimed at the effective protection of certain rights, and his delegation supported them for that reason.

22. The CHAIRMAN said that, in the absence of any objection and in accordance with rule 69 of the rules of procedure, he would give the floor to the Observer for Jordan, who had asked to make a statement.

23. Mr. HASAN (Observer for Jordan) drew attention to the reports in the Washington Post and in the international press of the torture inflicted on Palestinian prisoners and detainees by the Israeli authorities, and noted that Israeli brutality in the interrogation of Arab political prisoners was a systematic practice.

24. The situation in the occupied Arab territories showed how Israel was violating human rights and the provisions of the fourth Geneva Convention. Continued Israeli occupation and aggression, intensification of settlements, demolition of dwellings and deportations were aggravating the situation in those territories. The annexation of parts of the occupied territories, transfer of the inhabitants, confiscation of Arab land and plundering of archeological property had become common practice. Moreover, Israel was seeking to change the character, demographic composition and institutional structure of the occupied territories, including Jerusalem, which represented a grave violation of the fourth Geneva Convention.

25. In rejecting the allegations of the Israeli representative, he affirmed that had the Jordanian army not defended the West Bank of the Jordan in 1948, Israel would have occupied it since that time. Now that it was occupying that West Bank, Israel was violating national laws and international instruments or was applying them wrongly.

26. He thanked the Commission for approving the dispatch of a telegram to the Israeli authorities (E/CN.4/L.1419). His delegation also wished to thank the members of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and also Mr. Cristescu and Mr. Gros Espiell, the Special Rapporteurs who had prepared valuable studies on the right of peoples to self-determination.

27. It was urgent to find for the Middle East problem a solution which would ensure a just and lasting peace in the area and would at last enable the Palestinian people to enjoy its inalienable right to self-determination, in accordance with the resolutions of the international community.

28. The CHAIRMAN said that, in the absence of any objection and in accordance with rule 69 of the rules of procedure, he would give the floor to the Observer for the Libyan Arab Jamahiriya.

29. Mr. AREBI (Observer for the Libyan Arab Jamahiriya), after pointing out that the full name of his country was "Socialist People's Libyan Arab Jamahiriya", said that the flagrant and systematic violations of human rights in all occupied Arab territories, including Palestine, were the result of Zionist aggression supported by imperialism. According to the central doctrine of Zionism, Jews throughout the world, irrespective of their status in the countries where they resided, constituted a nation, a single people separate and distinct from and superior to all others. Furthermore, the Zionist programme provided that Jews should leave their countries of residence to gather together in a single territory, from which non-Jews should be eliminated to make room for Jews coming from other countries.

30. The root of the evil was Zionism, which was a form of racism, as the General Assembly had declared in its resolution 3379 (XXX). It was therefore essential to be aware of the danger that Zionism represented for the peoples of the Middle East and for the world peace. Like apartheid, which was based on racial exclusiveness and superiority, Zionism, based on religious superiority and exclusiveness, had uprooted and scattered the inhabitants of the areas where it had developed. The time had therefore come for the international community to condemn Zionism, as it had apartheid, by declaring it a crime against humanity.

Meanwhile, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories were to be congratulated on the outstanding work they had done.

31. History, even very recent history, showed that the people were invincible. Those who struggled for their right to self-determination sooner or later managed to attain it. The Palestinian people would liberate themselves from Zionism, despite the activities of traitors and collaborators and despite all agreements concluded behind their backs.

32. The right to self-determination was a fundamental right and an essential prerequisite for the enjoyment of all other human rights. The General Assembly of the United Nations had reaffirmed the legitimacy of the struggle of peoples for their independence. It was morally inadmissible to deplore the fate of the blacks in Africa and of the Palestinians in Palestine while politically, economically and militarily supporting the racist minorities in Africa and the Zionist entity. The alliance between the racist régimes and imperialism should be denounced once again, and the peoples of Namibia, Azania, Zimbabwe and Palestine should be helped to recover their rights to self-determination and independence, since that was the best way of safeguarding human rights.

33. The CHAIRMAN said that, in the absence of any objection and in accordance with rule 69 of the rules of procedure, he would give the floor to the Observer for Argentina, who had asked permission to make a statement.

34. Mr. MARTINEZ (Observer for Argentina), referring to agenda item 4, namely the question of the violation of human rights in the occupied Arab territories, including Palestine, said that his delegation was still convinced that no lasting peace could be established in the Middle East unless all the parties concerned were prepared to accept a fair solution of the problem of Palestine and of the inalienable rights of its people. The report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories showed what deplorable acts were being committed against the Palestinian people while the reasons preventing the refugees from returning to their homes persisted. Moreover, the General Assembly had deplored the fact that attempts were being made to change the legal status, geographical nature and demographic composition of the occupied territories. On those two points, his delegation had followed with great interest the statements of various representatives, especially that of Mr. Kebo M'Baye, the former Chairman of the Commission, and associated itself with the basic principles of the proposals submitted on behalf of the non-aligned countries.

35. With regard to item 9, on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation, his delegation considered that the cases of Namibia and Zimbabwe, among others, placed the United Nations under an obligation to persist in the efforts which had already led to some positive results with respect to the right to self-determination. Like other delegations, it also wished to congratulate the two Special Rapporteurs who had prepared studies on that right, since they had succeeded in formulating principles and instructions to guide the international community in its efforts to

achieve decolonization. The Argentine Republic itself was suffering from the consequences of colonialism and from foreign usurpation of part of its territory, and therefore had strong feelings of solidarity with peoples struggling for their inalienable right.

36. Mr. BOUDJAKDJI (observer for Algeria) said he would confine his statement to agenda item 9, on the right of peoples to self-determination. The exceptional importance of that right in the modern world had been stressed by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as a principle which unquestionably had the character of a peremptory norm of international law (jus cogens), which was a sine qua non condition of respect for human rights and fundamental freedoms and in application of which the General Assembly had taken both general and specific decisions.

37. In that connexion, he referred to the excellent study prepared by Mr. Gros Espiell, Special Rapporteur 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, vol. I and II), where a special section was assigned to situations which had not yet been settled (chapter III), including that of Western Sahara; it was stated in that section that "the situation in Western Sahara continues without a definitive settlement and is giving rise to very serious and continuing confrontations in the territory, with the result that a situation of international conflict is being created throughout the region. The gravity of this situation at the present time is obvious".

38. Since the appearance of the study on 20 June 1978, certain events had taken place which might facilitate a solution in conformity with the purposes and principles of the United Nations and which should be taken into consideration. Mauritania had officially recognized the existence of a conflict between the Mauritanian armed forces and the liberation army of the people of Western Sahara, had taken note of the unilateral cease-fire announced on 12 July 1978 by the Polisario Front, had recognized the legitimate representatives of the people of Western Sahara, and had opened official negotiations with them with a view to creating favourable conditions for a peace offensive. It had recognized officially that the people of Western Sahara should be able to exercise their right to self-determination and had agreed at the same time that a consultation duly organized under international control was likely to meet that people's aspirations.

39. It was certainly not without reason that the General Assembly had reaffirmed year after year the inalienable rights of the people of Western Sahara to self-determination and independence and the responsibility of the United Nations for the decolonization of the territory in its entirety, in accordance with the principles of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. At its thirty-third session, the General Assembly had formally recognized the existence of a liberation struggle conducted by the Polisario Front and the Conference of Heads of State and Government of the Organization of African Unity had decided, at its fifteenth session in July 1978, to set up machinery for the establishment of contact with the Sahrawi people with a view to drawing up all the necessary measures for restoring peace and security to the region and examining all the aspects of the problem of Western Sahara, including the exercise of the right to self-determination by the

people of the territory. The Sahrawi people had thus succeeded in assuming responsibility for its future and establishing itself as an essential party to any settlement of the problem; and even international public opinion was now convinced of the need to take into account the rights and aspirations of that unfortunate people.

40. He noted with satisfaction the suggestion of the Director of the Division of Human Rights that the Commission should study ways of enabling him to establish contact with the peoples and individuals for whom it was working, and pointed out that the international community had recognized the obvious value of international inquiries into cases of violation of human rights. The people of Western Sahara, through its representatives, had placed itself at the disposal of the Commission and the Sub-Commission for a joint detailed investigation of its situation, both with respect to its most sacred right to self-determination in accordance with its own freely expressed will and to the extremely serious violations it had suffered over the years from an implacable alien army of occupation.

41. His delegation formally requested, in the interest of greater clarity, that the quotation from the advisory opinion of the International Court of Justice given in foot-note 121 (p. 186) of Mr. Gros Espiell's study should be incorporated in the body of the text of subparagraph 26 of paragraph 252 (p. 163), of which it was the continuation; otherwise, the whole quotation would lose its meaning and would be open to abusive interpretation.

42. His delegation was prepared to co-operate with the Special Rapporteur and the Commission in bringing up to date the parts of the study relating to the question of Western Sahara.

43. Mr. SKALLI (Morocco), speaking in exercise of his right of reply, observed that - just as it had done at the thirty-third session of the Commission - the Algerian delegation, for reasons that were utterly unrelated to the promotion of human rights, had tried to stir up trouble and dissension about a question which had nothing to do with the true concerns of the Commission.

44. The insistence of certain Algerian leaders on raising what they termed the problem of the "Western Sahara" was evidence of their designs on a territory to which they had no right, and of their intention to undermine both the work of development undertaken by Morocco and its efforts to build up a free, just and truly democratic society in which every man and woman could exercise their political, economic, social and cultural rights to the full, particularly in its Saharan provinces. Armed attacks on Moroccan territory, the kidnapping and assassination of Moroccan citizens and foreigners, the seizure of foreign hostages - who were basely used for purposes of blackmail and to bring intolerable pressure to bear on the Governments of the countries to which they belonged so as to force those Governments to support the Algerian position on the question of the Western Sahara - and anti-Moroccan propaganda campaigns were some of the methods to which they resorted in their efforts to sow discord, death and destruction in defiance of the Universal Declaration of Human Rights and the conventions on humanitarian law.

45. The Algerian Government was hardly in a position to invoke humanitarian law since it had expelled nearly 40,000 Moroccan citizens who had been resident in Algeria, and its armed forces had removed the Sahrawis, who were now enduring the rigours of confinement in the camps of the Tindouf area where they would languish for the rest of their life, or were exposed to corporal punishment and ill-treatment of every kind if they refused to fight against their Moroccan brothers, and were subjected to forced indoctrination to fill them with hatred against their fellow countrymen and their native land. According to the Algerian leaders, there were 50,000 Sahrawis in those camps. Long before the present tragic events, 50,000 persons, who had left Mali, Niger and other Sahel countries to escape the drought, had arrived in the Tindouf area and had been installed in camps there, as could be seen from the documents of the United Nations Office of the High Commissioner for Refugees and the League of Red Cross Societies, and the results of the latest census carried out by the former administering Power indicated that there were 73,497 inhabitants in the territory. He noted in that respect that the census which was to have been taken of the Sahrawis in the camps - after their origin had been verified - at the request of Morocco, and which the Secretary-General, after obtaining the consent of Algeria, Morocco and Mauritania, had asked UNHCR to organize in a letter of 27 April 1977, had not been held because of the lack of reaction by the other party. Morocco had, moreover, transmitted to UNHCR in February 1977 a number of letters in which Sahrawi families called for the release of their relatives who had been seized and deported to Algeria. He recalled in that respect that the President of the ICRC, at the invitation of Morocco, had visited the southern Moroccan provinces the previous spring. He had been able to see for himself the situation and the grief and distress of the families whose relatives were still held in the Algerian camps.

46. Those Sahrawis who had managed to escape the raids carried out by the Algerian army and had remained in their own country had been able to exercise their right to self-determination in February 1976 through the legitimate channel of their representative Assembly, in accordance with the letter and spirit of the Madrid agreement, duly noted by the General Assembly in resolution 3458 B (XXX), and more directly and individually by participating in the election of their local assemblies in 1976 and of their parliamentary deputies in 1977.

47. Refusing to imitate Algeria's unbridled actions, Morocco had only recently refrained from riposting to the dastardly attack which the Algerian army and the elements it indoctrinated, armed and controlled had launched against the town of Tan-Tan, killing a large number of civilians and carrying off 10 women. Following that attack, the Minister for Foreign Affairs of Morocco had sent his Algerian counterpart a letter, from which he would read out the following important passages:

"A definite aggression was launched against the town of Tan-Tan on Sunday, 28 January 1979. Apart from the physical damage done, innocent Moroccan citizens were killed in the course of the aggression or died as a result of it. Thus, the national territory of Morocco has once again been attacked and deliberately violated by forces led, organized and equipped by Algeria, coming from Algeria and going back to it when their mission has been accomplished.

"As you are aware, His Majesty King Hassan II has already announced, in the face of the repeated attacks made on Morocco, that he intends to exercise the natural right of pursuit which any sovereign State whose territory is violated is entitled to invoke.

"Morocco does not wish to attribute excessive importance to present events, which it still ventures to hope are temporary manifestations not involving any fundamental issue, and it has therefore so far refrained from exercising the right of pursuit ...

"Over and above every other consideration, Morocco has wished to safeguard the future and to do nothing which may have irreparable consequences ...

"... At all events, now that the Algerian people is called upon to choose the structures it wishes to see established and the men who will lead it in the future, it seems to me that there is no better time for us to invite each other to reflect further on these events and to arrive at a more accurate assessment of them.

"The responsibility we have assumed compels us to be particularly vigilant and, in the first place, to ask ourselves whether secret and uncontrolled forces are not seeking to challenge and obstruct the last wishes of the late President Boumediene, whose meeting with His Majesty King Hassan II - with the results which were naturally and rightly to be expected - would, if it had not been for his state of health, have constituted one of the noblest and most laudable of political actions".

48. Emphasizing his country's desire for appeasement and its firm resolve to put an end to the sufferings of the Sahrawis held at Tindouf and in the neighbouring region, he formally announced that his Government:

- (i) was prepared to receive any person of proven Sahrawi origin;
- (ii) agreed that a repatriation operation should be organized and carried out by UNHCR in accordance with the usual procedures;
- (iii) would give all the guarantees requested by UNHCR that persons who chose to return could live in dignity and freedom among their own people; and
- (iv) undertook to allow UNHCR representatives to verify at any time that such persons were constantly enjoying complete freedom and the same political, economic and social rights as the persons who had remained in the territory.

49. Morocco would continue to display moderation for as long as possible. It hoped that the Algerian leaders would grasp the brotherly hand it was stretching out to them, and would soon embark, together with Morocco on the construction of a peaceful, united and prosperous Maghreb for the greater good of Africa, the Arab community and the world.

The meeting rose at 6.45 p.m.