



General Assembly

Distr.
GENERAL

A/39/657
16 November 1984

ORIGINAL: ENGLISH

Thirty-ninth session
Agenda item 87

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

Report of the Third Committee

Rapporteur: Mr. Grzegorz POLOWCZYK (Poland)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1984, the General Assembly, on the recommendations of the General Committee, decided to include in the agenda of its thirty-ninth session the item entitled "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: reports of the Secretary-General" and to allocate it to the Third Committee.
2. The Third Committee considered this item jointly with items 84, 86 and 88 at its 4th to 15th, 27th and 34th meetings, on 8, 9, 12 to 18 October and 1 and 8 November 1984. An account of the discussion of the Committee is contained in the relevant summary records (A/C.3/39/SR.4-15, 27 and 34).
3. The Committee had before it the following documentation:
 - (a) Report of the Economic and Social Council, chapter V, section A (A/39/3 (Part I)); 1/

1/ To be issued as Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 3 (A/39/3).

(b) 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: report of the Secretary-General (A/39/505 and Add.1);

(c) Letter dated 15 March 1984 from the Chargé d'affaires a.i. of the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General, transmitting the final declaration and resolutions adopted at the Fourteenth Islamic Conference of Foreign Ministers, held at Dhaka from 6 to 10 December 1983 (A/39/133-S/16417);

(d) Letter dated 22 March 1984 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General, transmitting the text of the proclamation made on 21 March 1984 by the President of that country (A/39/140-S/16432);

(e) Letter dated 17 April 1984 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/39/185-S/16486);

(f) Letter dated 12 June 1984 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, transmitting the text of the Declaration issued at the London Economic Summit, held from 7 to 9 June 1984 (A/39/307);

(g) Letter dated 8 October 1984 from the Permanent Representative of India to the United Nations addressed to the Secretary-General, transmitting the Final Communiqué of the Meeting of Ministers and Heads of Delegation of the Non-Aligned Countries to the thirty-ninth session of the General Assembly, held in New York from 1 to 5 October 1984 (A/39/560-S/16773);

(h) Letter dated 15 October 1984 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General, transmitting the resolutions and other documents of the Third Conference of Ministers of Labour of Non-Aligned Countries and Other Developing Countries, held at Managua from 10 to 12 May 1984 (A/39/581-S/16782);

(i) Letter dated 16 October 1984 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General, transmitting the resolutions adopted by the 72nd Inter-Parliamentary Conference, held at Geneva on 29 September 1984 (A/39/590 and Corr.1);

(j) Note verbale dated 10 October 1984 from the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/C.3/39/3).

4. At the 4th meeting, on 8 October, the Assistant Secretary-General for Human Rights made an introductory statement.

II. CONSIDERATION OF DRAFT PROPOSALS

A. Draft resolution A/C.3/39/L.3

5. At the 27th meeting, on 1 November, the representative of Ethiopia, on behalf of the States Members of the United Nations which are members of the African Group, introduced a draft resolution (A/C.3/39/L.3) entitled "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".

6. At its 34th meeting, on 8 November, the Committee adopted draft resolution A/C.3/39/L.3 by a recorded vote of 105 to 17, with 9 abstentions (see para. 9, draft resolution I). The voting was as follows:

In favour: Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Barbados, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Bhutan, Greece, Honduras, Ireland, Japan, Malawi, Portugal, Spain.

B. Draft resolution A/C.3/39/L.4

7. At the 27th meeting, on 1 November, the representative of Pakistan introduced a draft resolution (A/C.3/39/L.4) entitled "Universal realization of the right of peoples to self-determination", sponsored by Chile, Costa Rica, Djibouti, Ecuador,

Jordan, Kuwait, Malaysia, Morocco, Oman, Pakistan, Papua New Guinea, the Philippines, Qatar, Saudi Arabia, Singapore, Somalia, the Sudan, Suriname and Thailand, as well as the Comoros, subsequently joined by Brunei Darussalam.

8. At the 34th meeting, on 8 November, the Committee adopted draft resolution A/C.3/39/L.4 without a vote (see para. 9, draft resolution II).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

9. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

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

The General Assembly,

Reaffirming its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

Reaffirming the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

Reaffirming the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

Recalling its resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1975, 33/24 of 29 November 1978, 34/44 of 23 November 1979, 35/35 of 14 November 1980, 36/9 of 28 October 1981, 37/43 of 3 December 1982 and 38/17 of 22 November 1983 and Security Council resolutions 418 (1977) of 4 November 1977 and 421 (1977) of 9 December 1977,

Recalling also its resolutions 1514 (XV) of 14 December 1960, 2465 (XXIII) of 20 December 1968, 2708 (XXV) of 14 December 1970, 3314 (XXIX) of 14 December 1974, 33/44 of 13 December 1978, 35/119 of 11 December 1980, 36/68 of 1 December 1981, 37/35 of 23 November 1982 and 38/54 of 7 December 1983, concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling further its resolutions 3103 (XXVIII) of 12 December 1973 and 38/137 of 19 December 1983, as well as Security Council resolutions 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the United Nations condemned the recruiting and the use of mercenaries, in particular against developing countries and national liberation movements,

Recalling further its resolutions on the question of Namibia, in particular resolution ES-8/2 of 14 September 1981, and Security Council resolutions 532 (1983) of 31 May 1983 and 539 (1983) of 28 October 1983,

Recalling the Paris Declaration on Namibia and the Programme of Action of the International Conference in Support of the Struggle of the Namibian People for Independence, held in Paris from 25 to 29 April 1983, 2/

Bearing in mind the outcome of the International Conference on the Alliance between South Africa and Israel, held at Vienna from 11 to 13 July 1983, 3/

Welcoming the holding at Tunis from 7 to 9 August 1984 of the Conference of Arab Solidarity with the Struggle for Liberation in Southern Africa, 4/

Recalling resolutions CM/Res.934 (XL) on Namibia, CM/Res.935 (XL) on South Africa and CM/Res.936 (XL) on the situation in southern Africa adopted by the Council of Ministers of Organization of African Unity at its fortieth ordinary session, held at Addis Ababa from 27 February to 5 March 1984, 5/

Reaffirming that the system of apartheid imposed on the South African people constitutes a violation of the fundamental rights of that people, a crime against humanity and a constant threat to international peace and security,

Gravely concerned at the continuation of the illegal occupation of Namibia by South Africa and the continued violations of the human rights of the people in the Territory and of the other peoples still under colonial domination and alien subjugation,

Expressing its profound indignation and its preoccupation at the brutal repression which followed the imposition of the so-called "new constitution" by the apartheid régime of South Africa in defiance of world public opinion,

2/ Report of the International Conference in Support of the Struggle of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part three.

3/ A/38/311-S/15883, annex.

4/ See A/39/450-S/16726.

5/ See A/39/207, annex.

Reaffirming its resolution 39/2 of 28 September 1984 and recalling Security Council resolution 554 (1984) of 17 August 1984, which rejected the so-called "new constitution" as null and void,

Deeply concerned at the continued terrorist acts of aggression committed by the Pretoria régime against independent African States in the region,

Deeply indignant at the continued occupation of part of the territory of Angola by the troops of the racist régime of South Africa,

Recalling Security Council resolutions 527 (1982) of 15 December 1982 and 535 (1983) of 29 June 1983 on Lesotho,

Reaffirming the national unity and territorial integrity of the Comoros,

Recalling the Political Declaration adopted by the First Conference of Heads of State and Government of the Organization of African Unity and the League of Arab States, held at Cairo from 7 to 9 March 1977, 6/

Recalling further its relevant resolutions on the question of Palestine, in particular resolutions 3236 (XXXIX) and 3237 (XXIX) of 22 November 1974, 36/120 of 10 December 1981, ES-7/6 of 19 August 1982, 37/86 of 10 December 1982 and 38/58 of 13 December 1983,

Recalling the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine, held at Geneva from 29 August to 7 September 1983, 7/

Considering that the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine and the repeated acts of aggression by Israel against the people of the region constitute a serious threat to international peace and security,

Deeply shocked and alarmed at the deplorable consequences of the Israeli invasion of Lebanon and recalling all the relevant resolutions of the Security Council, in particular resolutions 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

1. Calls upon all States to implement fully and faithfully all the resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

6/ A/32/61, annex I.

7/ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.I.21), chap. I.

2. Reaffirms the legitimacy of the struggle of peoples for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle;
3. Reaffirms the inalienable right of the Namibian people, the Palestinian people and all peoples under foreign and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference;
4. Strongly condemns those Governments that do not recognize the right to self-determination and independence of all peoples still under colonial domination and alien subjugation, notably the peoples of Africa and the Palestinian people;
5. Calls for the full and immediate implementation of the declarations and programmes of action on Namibia and on Palestine adopted by the international conferences on those questions;
6. Reaffirms its vigorous condemnation of the continued illegal occupation of Namibia by South Africa;
7. Condemns the policy of "bantustanization" and reiterates its support for the oppressed people of South Africa in its just and legitimate struggle against the racist minority régime of Pretoria;
8. Reaffirms its rejection of the so-called "new constitution" as null and void and reiterates that peace in South Africa can only be guaranteed by the establishment of majority rule through the full and free exercise of adult suffrage by all the people in a united and undivided South Africa;
9. Strongly condemns the wanton killings of peaceful and defenceless demonstrators and workers on strike, as well as the arbitrary arrests of the leaders and activists of the United Democratic Front and other mass organizations;
10. Condemns South Africa for its increasing oppression of the Namibian people, for the massive militarization of Namibia and for its armed attacks launched against the States in the region in order to destabilize them politically and to sabotage and destroy their economies;
11. Strongly condemns the establishment and use of armed terrorist groups by South Africa with a view to pitting them against the national liberation movements and destabilizing the legitimate Governments of southern Africa;
12. Strongly condemns the continued occupation of parts of southern Angola and demands the immediate and unconditional withdrawal of the South African troops from Angolan territory;
13. Strongly reaffirms its solidarity with the independent African countries and national liberation movements that are victims of murderous acts of aggression and destabilization by the racist régime of Pretoria, and calls upon the

international community to render increased assistance and support to these countries in order to enable them to strengthen their defence capacity, defend their sovereignty and territorial integrity and peacefully rebuild and develop;

14. Reaffirms that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

15. Strongly condemns the continued violations of the human rights of the peoples still under colonial domination and alien subjugation, the continuation of the illegal occupation of Namibia, South Africa's attempts to dismember its Territory, the perpetuation of the racist minority régime in southern Africa and the denial to the Palestinian people of their inalienable national rights;

16. Further strongly condemns the racist régime of Pretoria for its acts of destabilization, armed aggression and economic blockade against Lesotho and strongly urges the international community to extend maximum assistance to Lesotho to enable it to fulfil its international humanitarian obligations towards refugees and to use its influence on the racist régime to desist from its terrorist acts against Lesotho;

17. Denounces the collusion between Israel and South Africa and expresses support for the Declaration of the International Conference on the Alliance between South Africa and Israel; 3/

18. Strongly condemns the policy of those Western countries, Israel and other countries whose political, economic, military, nuclear, strategic, cultural and sports relations with the racist minority régime in South Africa encourage that régime to persist in its suppression of the aspirations of peoples to self-determination and independence;

19. Again demands the immediate application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977), by all countries and more particularly by those countries that maintain military and nuclear co-operation with the racist Pretoria régime and continue to supply it with related matériel;

20. Calls for the full implementation of the provisions of the Paris Declaration on Sanctions against South Africa and the Special Declaration on Namibia adopted by the International Conference on Sanctions against South Africa, 8/ held in Paris from 20 to 27 May 1981 under the auspices of the United Nations and the Organization of African Unity;

8/ Report of the International Conference on Sanctions against South Africa, Paris, 20-27 May 1981 (A/CONF.107/8), sect. X and annexes X and XI.

21. Demands once again the immediate implementation of its resolution ES-8/2 on Namibia;
22. Urges all States, specialized agencies, competent organizations of the United Nations system and other international organizations to extend their support to the Namibian people through its sole and legitimate representative, the South West Africa People's Organization, in its struggle to gain its right to self-determination and independence in accordance with the Charter of the United Nations;
23. Reaffirms the resolutions on the question of Western Sahara adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth and nineteenth sessions, held at Nairobi from 24 to 27 June 1981 9/ and at Addis Ababa from 6 to 12 June 1983, 10/ and calls for their immediate implementation;
24. Takes note of the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the integration of the Comorian island of Mayotte in the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on this question;
25. Calls for a substantial increase in all forms of assistance given by all States, United Nations organs, specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and apartheid through their national liberation movements recognized by the Organization of African Unity;
26. Demands the immediate release of women and children detained in Namibia and South Africa;
27. Strongly condemns the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constitute an obstacle to the realization of the self-determination and independence of the Palestinian people and a threat to peace and stability in the region;
28. Further strongly condemns the massacre of Palestinians and other civilians at Beirut and the Israeli aggression against Lebanon, which endangers stability, peace and security in the region;
29. Demands the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights, 11/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

9/ A/36/534, annex II, resolution AH6/Res.103 (XVIII).

10/ A/38/312, annex, resolution AH6/Res.104 (XIX).

11/ General Assembly resolution 217 A (III).

30. Urges all States, specialized agencies, competent organizations of the United Nations system and other international organizations to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter;

31. Expresses its appreciation for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and intergovernmental organizations and calls for a substantial increase in this assistance;

32. Urges all States, specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

33. Requests the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to give the widest possible publicity to the struggle being waged by oppressed peoples for the realization of their self-determination and national independence and to report periodically to the General Assembly on his activities;

34. Decides to consider this item again at its fortieth session on the basis of the reports that Governments, organizations of the United Nations system and intergovernmental and non-governmental organizations have been requested to submit concerning the strengthening of assistance to colonial territories and peoples.

DRAFT RESOLUTION II

Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, 12/ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

12/ Resolution 2200 A (XXI), annex.

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their conditions,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation adopted by the Commission on Human Rights at its thirty-sixth, 13/ thirty-seventh, 14/ thirty-eighth, 15/ thirty-ninth 16/ and fortieth sessions, 17/

Reiterating its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982 and 38/16 of 22 November 1983,

Taking note of the report of the Secretary-General, 18/

1. Reaffirms that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. Declares its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. Calls upon those States responsible to cease immediately their military intervention and occupation of foreign countries and territories and all acts of

13/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 (E/1980/13 and Corr.1), chap. XXVI, sect. A.

14/ Ibid., 1981, Supplement No. 5 (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

15/ Ibid., 1982, Supplement No. 2 (E/1982/12 and Corr.1), chap. XXVI, sect. A.

16/ Ibid., 1983, Supplement No. 3 (E/1983/13 and Corr.1), chap. XXVII, sect. A.

17/ Ibid., 1984, Supplement No. 4 (E/1984/14), chap. II, sect. A.

18/ A/39/505 and Add.1.

repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned;

4. Deplores the plight of the millions of refugees and displaced persons who have been uprooted by the aforementioned acts and reaffirms their right to return to their homes voluntarily in safety and honour;

5. Requests the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. Requests the Secretary-General to report on this issue to the General Assembly at its fortieth session under the item entitled "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".
