

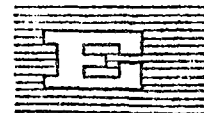
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Forty-first session

SUMMARY RECORD OF THE 19th MEETING ^{*}/

(Second part)

Held at the Palais des Nations, Geneva,
on Friday, 15 February 1985, at 6 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

CONTENTS

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

^{*}/ The summary record of the first part of the meeting is contained in document E/CN.4/1985/SR.19

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued)

1. Mr. LEBAKIN (Ukrainian Soviet Socialist Republic) said that his country had always strongly supported peoples fighting against colonial oppression. The complete realization of the right of self-determination was an essential precondition for the enjoyment of all other rights. In response to the appeal contained in General Assembly resolution 39/17, the Commission should make an appropriate contribution to the urgent task of concluding the process of decolonization.
2. A key remaining problem was the elimination of the racist regime in southern Africa. As many speakers had already pointed out, the system of apartheid and the illegal occupation of Namibia constituted crimes against humanity. However, in spite of appeals to certain entities in the West, recent events had shown that the situation in southern Africa remained unchanged, as did the attitude of Western countries - in deeds if not in words - towards the apartheid regime. Assistance to Pretoria continued on a large scale. The racists and their supporters were doing their utmost to reinforce the regime, while attempting to whitewash it by means of the so-called constitutional reforms; at the same time, efforts were being made to undermine neighbouring independent countries through various counter-revolutionary activities. In other words, there was a broad-based imperialist conspiracy to help the South African terrorist regime to delay the solution of the Namibian problem by legalizing puppet groups and preventing SWAPO from participating in decisions on the fate of Namibia. His delegation considered that an immediate decision should be taken on the legitimate right to self-determination of the Namibian people, on the basis of relevant United Nations resolutions, in particular Security Council resolution 539 (1983). It also reaffirmed its belief that only a combined effort by all States to achieve the complete isolation of the Pretoria regime would force it to implement the numerous relevant United Nations decisions, to desist from its campaign of terror against the indigenous populations, and to end its acts of aggression against neighbouring countries. His delegation supported action under Article 7 of the Charter of the United Nations.
3. Another serious problem was the long-standing refusal to grant the martyred Palestinian people their right to exist as an independent nation. Zionist circles in Israel continued their policy of territorial expansion by means of increasingly flagrant acts of annexation. Only a settlement which took into account the interests of all concerned, including the PLO, would bring peace to that region of the world. Such a settlement would involve the withdrawal of all Israeli armed forces from the illegally-occupied Arab territories and the establishment of guaranteed conditions for the secure and independent development of all States in the region.
4. There were numerous other instances in various parts of the world where the right to self-determination was being either impeded or categorically denied on pretexts such as the small size of the territory or population concerned, lack of preparedness, and so on. The problem of decolonizing small territories was becoming increasingly acute in view of the ambitions of a number of Western countries to expand their colonial territories for use as bases in order to further their military and strategic aims and to combat national liberation movements. His delegation supported the demand that the right to full self-determination should be granted to the populations of Micronesia and the island of Diego Garcia.

5. His delegation was also concerned about events in Central America and the Caribbean, where imperialist attempts to thwart the legitimate aspirations of peoples seemed particularly in evidence. It condemned the undeclared war being waged against Nicaragua and the attempt, with the assistance of external forces, to crush the national liberation struggle of the people of El Salvador. It also deplored the aggression against Grenada. Such actions were evidence of attempts to deprive nations of their right to self-determination.
6. His delegation wished to highlight one aspect of such attempts, namely the use of mercenaries. It was no secret that mercenaries had been increasingly used against newly independent countries in Asia, Africa and Latin America, under the policy of State terrorism pursued by imperialist forces. That policy also included interference in the internal affairs of States which had "stepped out of line" in order to bring about destabilization and provoke disturbances, by giving support to reactionary separatist movements and organizing acts of sabotage and subversion. The aim was to change the existing political regime in such countries by force. Other forms of pressure included State-organized military, economic and political measures and various types of intimidation and blackmail such as the mining of ports and the massing of armed forces near frontiers. The targets of the policy of State terrorism were primarily young countries or those engaged in the struggle for self-determination; they included, for example, the independent States in southern Africa, the Democratic Republic of Afghanistan, the People's Republic of Kampuchea and Nicaragua. The General Assembly had more than once deplored the use of mercenaries and, at its most recent session, it had condemned State terrorism and other action to undermine the social and political regimes of sovereign States. The Commission could not pass over such practices in silence.
7. It was clear from statements on the situation in the Democratic Republic of Afghanistan and the People's Republic of Kampuchea that a number of representatives were trying to use the Commission in order to justify a policy of subversion against countries which had embarked on progressive changes in their economic and social systems. The peoples of those countries had achieved self-determination long since and thus had every right to decide who their allies were and how best to defend their sovereignty.
8. His delegation was convinced that no force would be able to impede the contemporary trend towards national freedom and social justice. The Commission must reaffirm those inalienable rights and terminate once and for all colonialism and neo-colonialism. His delegation was prepared to support any proposal to that end.
9. Mr. ERMACORA (Austria) took the view that, in addition to discussing specific problems, the Commission should consider item 9 in a more general way. For that reason, he would take specific situations merely as examples. In his opinion, there were two main elements of a general nature, namely, the general development of the right to self-determination within the United Nations and the application of that right in specific situations. His delegation was convinced that self-determination was an important element in the whole range of human rights which should serve the welfare of peoples and contribute to a solution of conflicts and tensions wherever they existed.
10. With regard to the general development of the right to self-determination, reference should be made to the thorough study by Mr. Gros Espiell (E/CN.4/Sub.2/405/Rev.1), which had made a substantial contribution to a better understanding of the subject. However, it had become apparent that some important

elements in the study required clarification by the Commission because they were of a highly political nature. There was the problem whether minorities should exercise the right to self-determination; the Commission had, in fact, just heard an important statement by the representative of Sri Lanka on that problem. Mr. Gros Espiell had been among those who had rejected that possibility on various grounds but there had been important political events where the question had arisen. The second problem raised by Mr. Gros Espiell was whether the right to self-determination had the force of jus cogens. The third was whether the right to self-determination was an individual right as well as a collective right. That question was of paramount importance for the application of the International Covenant on Civil and Political Rights, to the extent that it had been raised in connection with minorities. Relevant examples were quoted in the annual reports of the Human Rights Committee.

11. It would also be appropriate if, in its discussions on agenda item 9, the Commission took into account that Committee's general comments and interpretation of article 1 of the Covenant, which were referred to in its most recent annual report (A/39/40). The Commission should not bypass the ideas expressed in that interpretation. With the help of the secretariat, it should endeavour to find a common interpretation and bring its approach to the applicability of the right to self-determination into line with the work already undertaken in other United Nations forums.

12. The other general element to be considered under item 9 was the application of the right of self-determination in specific situations, which was a highly political issue. Whether it was applied depended on the individual situation. From the numerous examples of self-determination problems which had been brought to the Commission's notice, it should endeavour to draw conclusions of a general nature. He wished to refer in that connection to the problems of Cyprus and the Middle East; in both cases, various United Nations bodies had recognized the right of peoples to return to their homes as a prerequisite for the exercise of the right to self-determination. That was a general conclusion which went beyond specific cases. Another conclusion of a general nature, concerning the problem of divided nations, might be drawn from the case of Korea: it had been clearly stated in the Human Rights Committee by the delegation of the Democratic People's Republic of Korea that, in its opinion, the reunification of divided peoples constituted an element of self-determination.

13. The application of the right of self-determination within the United Nations raised serious questions of principle which should not be overlooked in the discussion of specific problems. A further problem was that article 1 common to both the International Covenants stated that the right of self-determination should be exercised "freely". As the Human Rights Committee had commented, that formulation meant that all the other rights set forth in the Covenants must be guaranteed so that there could be a free expression of will on the matter of self-determination.

14. Mr. LI Luye (China) said that although the principle of self-determination had received general international recognition, cases of serious violations of that principle continued to occur. In the Middle East, Israel's aggression and expansion had kept the region in turmoil for several decades. Relying on its military strength and the support of a super-Power, Israel had ignored innumerable United Nations resolutions, as it wantonly trampled on the legitimate national rights of the

Palestinian people and resorted to premeditated massacres of Palestinian refugees in a vain attempt to eradicate the cause of Palestinian liberation. However, the Palestinian problem was at the core of the Middle East question and could be solved only by allowing the Palestinian people to exercise their inalienable rights. Israel must withdraw from the occupied Arab territories and allow the Palestinian people to return to their homeland and establish an independent State. The PLO, as the sole legitimate representative of the Palestinian people, must be a party to all negotiations to solve the Middle East question.

15. It was unfortunately the case that the South African authorities had used the six years which had elapsed since the adoption of Security Council resolution 435 (1978) to strengthen their colonial rule over Namibia, while employing multifarious delaying tactics to undermine the negotiations about its independence. The "regional solution" which they had proposed was an attempt to replace United Nations plans for Namibian independence by their own scheme, while their political and military activities showed that in reality there had not been the slightest change in their position. The independence of Namibia could be achieved only through the effective implementation of resolution 435.

16. In spite of continued setbacks, the Soviet Union was obstinately pursuing its goal of conquering Afghanistan. The occupying forces were constantly consolidating their military installations and had intensified mopping-up campaigns against the resistance forces and the civilian population. The human tragedy in Afghanistan had reached shocking proportions. However, the struggle for national survival of the heroic people of Afghanistan had won them the support of all peace-loving countries. The United Nations, the non-aligned movement and the Organization of the Islamic Conference, among many other international organizations, had condemned the occupation of Afghanistan by foreign forces. Moreover, it was clear from their recent activities that although the occupying authorities constantly claimed to favour a "political settlement" of the Afghan question, that was only a smoke-screen for their real goal, which was to force the world to accept the occupation of Afghanistan as a fait accompli. China shared the hope of all other peace-loving nations that a just and reasonable solution of the Afghan problem could be found within the framework of the United Nations, and that the General Assembly resolutions on the subject could be implemented. Only on that basis would it be possible to restore the right of self-determination to the people of Afghanistan and bring relations among neighbouring States back to normal.

17. Kampuchea was another case in which a regional hegemonist had violated a people's right to self-determination. The Vietnamese authorities, posing as "saviours" of the Kampuchean people, had defied all United Nations resolutions on the subject. A peaceful independent country had been turned into a theatre of massacre and violence in which millions had been killed or uprooted from their homes, villages had been devastated, and historical and cultural relics destroyed. In addition to propping up a puppet regime by force, the occupying troops had tried to implement policies of colonization, including annexation of territory, large-scale Vietnamese immigration into Kampuchea and the compulsory learning of the Vietnamese language. The purpose was clearly to subjugate Kampuchea to Viet Nam and not, as was claimed, to assist in its re-birth and the realization of self-determination. At the same time, the Vietnamese authorities assumed an outward semblance of seeking peace, which was speedily belied by their deeds. Yearly "partial troop withdrawals" turned out to be a regular rotation of troops

and the proposals for dialogue and the convening of an international conference were merely a way of compelling the international community to accept the fait accompli of their occupation of Kampuchea and of legalizing their puppet regime there. The attacks since November 1984 by Vietnamese troops on the patriotic armed forces of Kampuchea and against unarmed refugees along the Thai-Kampuchean border were convincing evidence that the Vietnamese authorities harboured no sincere desire to find a political solution to the Kampuchean question. On the contrary, their ambition was to assert hegemony in Indo-China - a policy which posed a serious threat to peace and security in South-East Asia. To justify its refusal to withdraw from Kampuchea, Viet Nam was singing the old refrain of the "threat from China". It claimed to have occupied a neighbouring country because its own security was threatened by another neighbour. No self-respecting country would attempt to deceive the world with such infantile foolishness. The Vietnamese authorities could not damage China with their lies, which served only to expose their own failure to comply with their international obligations and to tarnish still further their distasteful public image.

18. The position of the Chinese Government on Kampuchea was well known. It upheld international justice and the principles of the United Nations Charter, and strongly condemned the Vietnamese occupation of Kampuchea. It sincerely hoped that a just and reasonable solution to the problem could be found. However, the key to that solution lay in the total withdrawal of Vietnamese troops so that the Kampuchean people could hold free elections and choose their own political system and governmental structure under United Nations supervision and free from outside interference. Only in that way could the Kampuchean people's right to self-determination be restored. His Government believed that the desire to achieve that outcome was shared by the international community and the majority of the members of the Commission.

19. Mr. NGUYEN THUONG (Observer for Viet Nam) said that the main obstacle to the progress of still oppressed or newly liberated peoples towards full national independence was increasingly neo-colonialism, although there were still some last bastions of old-style colonialism. However, over the preceding 20 years the former colonial Powers had yielded the limelight to an arrogant imperialism which declared various regions of the world to be within its zones of vital interest and aspired to impose on all peoples its own standards of liberty and democracy, thus rendering nugatory the essence of their right to self-determination. Over the preceding 10 years it had pursued an overt policy of State terrorism and in a certain region had discovered common strategic interests with the hegemonists of a large nation, in addition to its traditional allies in various places which it supplied and protected for use as local policemen.

20. In Central America, its activities included an undeclared war against Nicaragua, open intervention in El Salvador and the use of threats against Cuba, while the invasion of Grenada was presented as a military and political triumph. In the Middle East, Israel had been encouraged to conduct a war against the Palestinian Arabs and to invade Lebanon, while the right to self-determination of the Palestinian people continued to be denied. In southern Africa, through a policy described as "constructive engagement", imperialism helped its South African ally to impose on the front-line States a policy both prejudicial to their own security and harmful to the right to self-determination of the African peoples of Namibia. All those attacks on the right to self-determination were concealed by the smoke-screen of the struggle against Marxism. However some Western countries had not found it possible to endorse that pretext. At the present stage

the right of peoples to self-determination was first and foremost the right to choose their own path to development, in conformity with their traditions and experience.

21. Viet Nam was on the side of the peoples of Cuba and Nicaragua in the defence of their sovereignty against imperialist intervention. It condemned the invasion of Grenada and fully supported the struggles of the peoples of El Salvador, Puerto Rico and Latin American countries for sovereignty and territorial integrity. It also supported the struggle of the Palestinian people under the PLO, its sole legitimate representative, for the establishment of an independent State on Palestinian soil. In that connection, Viet Nam endorsed the Soviet proposal, approved by the International Conference on the Question of Palestine, to hold an international conference on the Middle East. It was in full sympathy with the struggle of the Namibian people, under SWAPO, and the African people of South Africa, under ANC, to secure the right to self-determination and social progress. It attached considerable importance to solidarity among African peoples and the Arab peoples in order to achieve their respective goals.

22. Viet Nam also unreservedly supported the struggle of the Afghan people to consolidate the gains of the April revolution, which constituted its right to self-determination in the strictest sense of the word and which no one had the right to question. It endorsed the call of the Democratic People's Republic of Korea for the withdrawal of imperialist troops from the south of the country and for peaceful national reunification. It supported the peoples of the Sahrawi Democratic Arab Republic and Micronesia and all other peoples struggling to exercise their right to self-determination.

23. Mention had been made in the Commission of the so-called problem of Kampuchea. If it had been before the United Nations for six years without being solved, it was because it was an artificial problem alien to the real situation in that region of South-East Asia, the essence of which was the struggle of the three Indo-Chinese peoples to defend their right to self-determination and sovereignty against the hegemonism and expansionism of their northern neighbour. The Kampuchean people had in fact been reborn from the mass graves of the Pol Pot regime and continued to exercise its right to self-determination, which was first and foremost to the right to live free of the perpetrators of the most hideous genocide in history. Under the pretext of defending the right to self-determination, imperialists and reactionaries were endeavouring to reimpose the Pol Pot clique. But the six years had ended in their evident failure. The People's Republic of Kampuchea was an undeniable reality, strong in the commitment of a united people and the increasing support of socialist, non-aligned and friendly countries. The arrogant claims on the part of some to give Viet Nam a second lesson and repeated incursions deep into Vietnamese territory had created a dangerous state of tension. While remaining resolved to defend their respective homelands, the three Indo-Chinese countries attached great value to their long-standing friendship with the Chinese people and desired to re-establish normal relations with China. However, that required goodwill on both sides.

24. Despite certain disagreements, most of the countries in South-East Asia were becoming increasingly aware that the only realistic course was dialogue based on equality and mutual respect. Several ASEAN countries perceived that the Kampuchean question was not a problem dividing ASEAN and Indo-China; the Indo-Chinese countries welcomed their intention to promote bilateral relations with Viet Nam and Laos. The goodwill of the three Indo-Chinese countries had been reaffirmed at the recent conference of their Ministers for Foreign Affairs, whose final communiqué had been distributed in the Commission (E/CN.4/1985/37). In that communiqué, the three countries reiterated their constructive proposals, which included the withdrawal of Vietnamese volunteers from Kampuchea, the organization of free general elections by the Kampuchean people in the presence of foreign observers, and the establishment of peace and stability in South-East Asia. Laos and Viet Nam upheld the policy of national union of the People's Republic of Kampuchea, as reaffirmed in the August 1984 resolution of its National Assembly.

25. Inspired by their desire to see peace and stability established in South-East Asia, the Indo-Chinese countries welcomed any effort by any country within or outside the region to help settle outstanding disagreements. With their future-oriented outlook, they considered that the United States of America, which had a part to play in the region, should make its contribution to peace and stability in South-East Asia. Ideally there should be a negotiated solution, and that was completely feasible since the opposition to the Pol Pot clique was gaining in strength. But the Indo-Chinese countries were also prepared for the possibility that no negotiated solution would be achieved owing to obstruction by international reactionary forces. Even in that case, they considered that within five to ten years the so-called Kampuchean problem would have solved itself. In any event, the Kampuchean people had an unshakeable hold on their right to self-determination.

26. Ms. PEREIRA (Pax Romana), speaking on the question of East Timor, recalled that that Territory was one of the few exceptions to the general enjoyment of the right to self-determination, to which the Assistant Secretary-General had referred in his opening statement (E/CN.4/1985/SR.1, para. 17). Denied the right freely to express their wishes about their future, the Timorese continued to suffer in isolation. Access remained strictly controlled by the occupying authorities and communications from the Territory were subject to censorship and intimidation. The reason why the Indonesian Government was unwilling to allow the humanitarian organizations, the Churches and the international press free access to East Timor was apparent in a detailed report, to which Pax Romana and Pax Christi had had access, about the violations of human rights by Indonesian troops in 1983 and 1984. The report confirmed information from various sources, in particular the Timorese Church and the latest report of Amnesty International (E/CN.4/1985/NGO/8). It quoted the testimony of two concentration camp inmates to the effect that people who had been herded into concentration camps in 1978 and 1979 were forced to live like animals. They were rarely allowed to travel beyond their little allotments situated within a two-kilometre radius of the camps and even that was frequently forbidden owing to military operations against the FRETILIN guerrillas. Furthermore, the allotments were often destroyed by Indonesian troops on the pretext of preventing the guerrillas from obtaining supplies. A state of war continued to exist. Nine years after the invasion of the Territory, which had led to the killing of one third of the population, the Timorese, through FRETILIN, were still sufficiently organized to offer resistance to occupying forces nearly 40,000 strong.

27. The Indonesian authorities continued to claim that the situation was improving in East Timor. They were making a considerable effort to dominate the situation by building roads and houses, encouraging the migration of Indonesians from the overpopulated islands and setting up schools to teach young people the Indonesian language and culture, while at the same time they imprisoned hundreds of Timorese teachers. They were also spending considerable sums on administration, because it was difficult to maintain their illegal and disputed presence. They had also sought to respond to the concern of the international community about the human rights situation by releasing several hundreds of political prisoners from the island of Atauro in October 1984 on the occasion of the visit of the Apostolic Nuncio to Djakarta. The prisoners had not been allowed to take their possessions with them and political prisoners released in 1982 were suffering from famine and had not received any assistance from the International Committee of the Red Cross (ICRC).

28. Human rights violations would not cease until the war was over. The prime need was for the free exercise of self-determination under conditions guaranteed by the international community. Her organization therefore urged the Secretary-General to continue to use his good offices in order to encourage all the parties concerned, namely Portugal, as the administering Power, Indonesia, as the occupying Power, and FRETILIN, as the fighting force of the Timorese people, to find a way of achieving that end. It was also essential that a new cease-fire agreement should be concluded and that the Territory should be opened, without restrictions, to all humanitarian organizations, the Churches and the international press.

29. Mr. ZOLLER (Pax Christi International) said that the steering committee of his organization had held a special session on the Afghan question in November 1984, details of which were given in its written statement to the Commission. Three main problems arose from foreign intervention in Afghanistan. The first related to the massacres in the villages, which in some cases constituted reprisals after Soviet troops had been ambushed but were most often uninhibited acts of vengeance and hatred by the Soviet forces and the Afghan police. The second related to the treatment of prisoners, who were detained in appalling conditions, often tortured, and subjected to summary trial and execution. The third was the problem of refugees, who now numbered 5 million, or over one quarter of the population.

30. Turning to the situation in East Timor, he said that reports which continued to arrive from that Territory in spite of an almost complete news blackout, showed that the civilian population was still suffering gross and massive human rights violations. Apparently unaware of the provisions of the Geneva Conventions, the Indonesian troops destroyed villages, forcibly relocated the population, conducted mass arrests and practised torture. By the beginning of 1983, out of a population which had numbered 688,000 in 1974, over 250,000 had been killed. His organization harboured no animosity against Indonesia, with whose representatives it had exchanged views. However, the information in Indonesian documents lacked the credibility of reports from inside East Timor. It was stated that the population of that Territory had exercised its right to self-determination and had opted for annexation. What value could the international community attach to a consultation organized by an occupying Power which had sealed off all access to the country for nine years? It was alleged that there had been no human rights violations by the armed forces in East Timor, but it was unlikely that strong military forces using modern equipment in attacks on inhabited localities had confined their destruction to enemy forces. Furthermore, it was unlikely that documents relating to army

manuals on the use of torture were pure fabrications by bodies wishing to discredit Indonesia. It was also stated that Timorese resistance had been crushed and there remained only a few "terrorists who terrorized the civilian population". In that case, why was it necessary to keep such large military forces in the Territory?

31. His organization considered that the international community should intervene before it was too late. The conflict could not be settled by arms but only by negotiations, which should not be confined to discussions between the colonial Power and the current occupying Power but should also include FRETILIN, since what was involved was the right to self-determination. Public opinion should call on the Commission and the Indonesian authorities to take steps to end what increasingly resembled genocide in East Timor. If there was really no problem, the occupying Power should permit the humanitarian agencies and the ICRC to function without restriction. Such a step would be more satisfactory than the action so far taken by the Indonesian authorities, such as the organization of carefully shepherded visits by internationally-eminent people whose statements were misquoted or the use of remarks by religious leaders living in fear. He hoped that at its current session the Commission would fulfil its responsibilities and would not appear to subsequent generations to be an accomplice in an act of genocide which could still be averted.

32. Mr. KARIM (Bangladesh) observed that the right of self-determination as enunciated in the Charter (Article 1, paragraph 2, and Article 55) might be understood in two ways: the right of peoples to choose freely their political, economic, social and cultural systems, and the right of a people to constitute itself into a State. The rapid emergence of newly independent nations after the establishment of the United Nations had given rise to the hope that the end of colonial domination was in sight, but that was not to prove the case. The main problems relating to self-determination currently under discussion concerned the peoples of Palestine, South Africa, Namibia, Afghanistan and Kampuchea. With regard to the Palestinian people, his delegation reaffirmed its endorsement of the Declaration and Programme of Action adopted by the International Conference on the Question of Palestine in 1983. It wished also to reiterate its support for the South African and Namibian peoples. With regard to Afghanistan and Kampuchea, Bangladesh viewed the situation in the light of its commitment to the Charter and to the principles of sovereign equality of States, territorial integrity, non-use of force, non-interference and non-intervention in the internal affairs of other States, the right of every nation to self-determination and the peaceful settlement of disputes.

33. It had consistently stated its conviction that the withdrawal of all foreign forces from Afghanistan was essential for a just and lasting settlement of the problem there. The continued presence of foreign forces in that country denied the Afghan people its inalienable right to choose freely its own form of political, social and economic system without foreign interference. Furthermore, the millions of Afghan refugees in neighbouring countries created humanitarian problems. Bangladesh considered that there must be a comprehensive political settlement reached through a process of genuine negotiation and accommodation and based on the principles of the Charter. It supported the relevant General Assembly resolutions and the initiative undertaken by the Secretary-General to that effect. However, such a solution required a demonstration of genuine political will by all the parties concerned.

34. Bangladesh took an identical position with regard to the situation in Kampuchea. It fully subscribed to the Declaration adopted by the International Conference on Kampuchea held under United Nations auspices some four years previously and supported the endeavours of the ASEAN countries to find a satisfactory solution to the Kampuchean problem. It also greatly appreciated the initiative taken by the Secretary-General in that regard.

35. Mr. HÖYNCK (Federal Republic of Germany) said that the peaceful realization of the right to self-determination of nations was a fundamental consideration in his country's foreign policy. Self-determination constituted one of the fundamental needs of both individuals and peoples, and it was inextricably linked to the observance of the individual's basic rights. The realization of the right to self-determination of peoples was inconceivable without the participation of the individual and it could be fully exercised only if the individual enjoyed basic human rights such as freedom of speech, information, association and movement. The link between self-determination and respect for human rights was reflected in Article 55 of the Charter, in the International Covenants on Human Rights and in the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States. In those instruments and other relevant United Nations resolutions, self-determination was viewed as an evolutionary process, universal in scope and applicable to all peoples and individuals without distinction as to race, sex, language or religion. The individual exercised his right to self-determination through participation in free elections. Hence respect for that right implied that States must give their citizens the opportunity freely and democratically to express their political will. As was proved by the current size of its membership, great progress had been made since the founding of the United Nations towards the universal application of the right to self-determination. The right had become a corner-stone of an order comprising co-operation among States on equal terms, an order which the United Nations was endeavouring to establish.

36. Nevertheless, the right to self-determination was fragile and the international community was currently witnessing instances of its violation through military strikes across frontiers. The United Nations must see to it that the old form of colonialism was not superseded by an ideologically motivated colonialism and a new policy of hegemony. It was the duty of the Commission to address itself to situations in which the right to self-determination, an elementary principle of international law, continued to be violated. That principle was of paramount relevance to the problems in southern Africa, the Middle East, Afghanistan, Kampuchea and other parts of the world.

37. Turning to those specific cases, he said that his Government remained committed to working towards the speedy accession of Namibia to independence in accordance with Security Council resolution 435 (1978) and fully subscribed to the two fundamental principles for any peace settlement in the Middle East as laid down in the Venice Declaration of June 1980 of the Member States of the European Community, namely, the right to existence of all States in that region, including Israel, and justice for all peoples in the area, which included recognition of the legitimate rights of the Palestinian people to self-determination. His Government shared the opinion of the overwhelming majority of States Members of the United Nations that the continuing presence of Soviet military forces in Afghanistan constituted a flagrant violation of the human rights of the Afghan people, including its right to self-determination. The continuing occupation of

Kampuchea by Vietnamese forces constituted a further flagrant violation and a serious threat to international peace and security. His country therefore continued to support efforts to achieve a comprehensive political solution which provided for the withdrawal of all foreign troops and the exercise by the Kampuchean people of the right to self-determination.

38. However, the right to self-determination was not realized everywhere in Europe. The German nation was divided against its will. Just as the Federal Republic of Germany supported the peaceful attainment of the right of peoples to self-determination in all regions of the world, it demanded the same right for the German people. Its declared political aim continued to be to work for a state of peace in Europe in which the German nation would regain its unity through free self-determination.

39. In conclusion, he appealed for world-wide respect for the right of self-determination because it was on that foundation that peace and inalienable human rights could be safeguarded. A State that acquired independence must genuinely have the freedom to determine its own political, economic and cultural development. His Government attached great importance to partnership on equal terms, especially with the young States of the world, and that attitude applied also to the dialogue between industrialized and developing countries. The sound economic development of the young States was an essential factor in ensuring that they retained their rights of self-determination. The Federal Republic of Germany was willing to assist other States in securing and protecting that right.

40. Mr. FRAMBACH (German Democratic Republic) recalled that credit for having initiated the Declaration on the Granting of Independence to Colonial Countries and Peoples lay with the Soviet Union. Two and a half decades later, it seemed desirable to concentrate on still unresolved problems. In spite of the irreversible breakdown of the imperialist colonial system, the existence of apartheid, the denial of the right to self-determination of the Namibian and Palestinian people, and the colonial subjection of the so-called small territories in the Pacific, Atlantic and Indian Oceans still constituted sources of dangerous international tension. To mark its sympathy for those peoples fighting for freedom and national self-determination, the German Democratic Republic had supported Commission resolutions 1984/11 and 14 and General Assembly resolution 39/17, in which the majority of States had again urged the adoption of immediate steps to implement the right to self-determination of oppressed peoples.

41. In southern Africa, the front-line States were making great efforts to ensure peace in the region, in spite of the policy of destabilization directed against them by the apartheid regime and the activities of armed counter-revolutionary elements which had become the accomplices of imperialism in an attempt to halt the process of national and social liberation in the world. The German Democratic Republic supported the front-line States and the liberation organizations in their struggle against imperialism, colonialism and racism. It hoped for the final elimination of the apartheid system and the independence of Namibia on the basis of Security Council resolution 435 (1978). In its view, mandatory sanctions must be imposed on South Africa under Chapter VII of the United Nations Charter.

42. His Government condemned the imperialist policy of exacerbating conflicts in an effort to maintain spheres of interest. That applied to southern Africa and Latin America, as well as the Near and Middle East on which his delegation had spoken at the 6th meeting. A durable peace in the Middle East was inconceivable without implementation of the Palestinian people's right to self-determination and that could be achieved only by an international Middle East conference held under the auspices of the United Nations, with the participation of all interested parties, including the PLO as the sole legitimate representative of the Palestinian people.

43. His delegation was deeply concerned about the undeclared war against social progress in the Central American region, where the brutal aggression against the people of Grenada in 1983 had led to the present state of unconcealed occupation. Attempts were also being made to deprive the valiant people of Nicaragua of their right to self-determination. There were constant acts of aggression against that country aimed at destroying the democratic order for which the people had freely opted. The imperialist policy of intervention constituted a totally unjustifiable attack on the right of peoples to self-determination. In addition by aggravating tensions in international relations it represented a threat to world peace. The German Democratic Republic supported the demand for a political solution to the crisis in Central America, as proposed by Nicaragua and the Contadora Group.

44. His delegation was opposed to the extension of imperialist military bases in colonial territories in the Pacific, Atlantic and Indian Oceans. That constituted a flagrant violation of the right to self-determination and an open challenge to the United Nations, which should take action to ensure that obligations under international trust agreements were being fulfilled by the administering Power, in accordance with the Charter.

45. The German Democratic Republic categorically rejected the artificially imposed debate on the situation in Kampuchea, which was a sovereign State. In breach of obligations assumed under the Charter, a vain attempt was being made to tell a people how to shape its development - an attitude which belittled the struggle of the people of Kampuchea to overcome the Pol Pot reign of terror and rebuild their lives. The same observation applied to the comments of certain States on Afghanistan. The situation in that country represented the revolutionary course adopted by a people which was exercising its sovereign right to self-determination and building a society free from imperialistic exploitation and tutelage. The people and Government of the German Democratic Republic were appreciatively following the development of Afghanistan. Accordingly, his delegation rejected the discussion on that subject in the Commission: it had nothing to do with self-determination or any other human right but constituted gross interference in the internal affairs of a sovereign State.

46. A lack of realism in their approach to the right to self-determination seemed to be characteristic of certain States. That remark also applied to the statement by the previous speaker on the right to self-determination of the "German people". Once again he had trotted out worn-out formulas reminiscent of views which could not but be regarded as revanchist. It might be helpful to recall that a leading Western European politician had said that respect for the realities in Europe was of decisive importance in safeguarding peace. Anyone who questioned the political territorial results of the Second World War and of post-war development was creating grave dangers for Europe and the world. The lessons of history must not be forgotten. At the thirty-ninth session of the General Assembly, the Minister for Foreign Affairs of the German Democratic Republic had observed that the socialist German Democratic Republic and

the capitalist Federal Republic of Germany, which belonged to opposite military alliances, could not be reunited and that there was no peaceful alternative to relations between the two States on the basis of international law and peaceful coexistence. In his view, the precondition for fruitful dialogue was recognition of existing political facts. Anyone who failed to take them into account prevented the development of normal relations and showed a lack of any sense of political reality.

47. Mr. YIANGOU (Cyprus) observed that as the right of self-determination constituted the essential prerequisite for all individual human rights, it had been considered appropriate to refer to it in the article 1 common to both the International Covenants on Human Rights. It was clear from the historical evolution of that right that it had the unique characteristic of being a collective right exercised by the people as a whole through a referendum and having an effect on the people as a whole. It was not an individual right exercised by a particular individual with effect on him as such, still less by individuals constituting any part of a people as a whole. The right of peoples to self-determination as a legal concept forming part of international law had emerged from 1945 onwards on the basis of the Charter, relevant resolutions and declarations, and the decolonization resulting from the struggles of dependent peoples to gain their freedom. Accordingly, from the very beginning it had always related to "whole" peoples and not to "portions" of a people. As such, as stated in the Declaration on the Granting of Independence to Colonial Countries and Peoples, it had become a milestone in the struggle for freedom, independence and dignity.

48. In the light of its historical evolution, there might be a temptation to think that, once exercised, the right to self-determination ceased to exist. But that was not the case: the right to self-determination was dynamic in that it existed as the basis for a people's free expression of its will in determining its internal or external political status and the manner in which it wished to pursue its economic, social and cultural development. It was both legally and politically important to stress that the right of peoples to self-determination had its internal and external aspects. In the former, it constituted a basis for free decision-making - without foreign interference - about the organization of a people in a political, economic and social system. In its external aspects, it served as a basis for a people freely to determine its position at the international level within the international community.

49. The exercise of a right with such an important content could not fail to be a matter of concern to the international community, which had endeavoured to regulate its exercise in order to avoid any misinterpretation or abuse. Accordingly, in paragraph 3 of the article 1 common to the International Covenants, it was laid down that States parties to the Covenants should promote the realization of the right of self-determination and respect it, in conformity with the provisions of the Charter. The Declaration on the Granting of Independence to Colonial Countries and Peoples was more explicit: in its paragraphs 6 and 7, in relation to the safeguards to be observed in exercising the right of self-determination, it specifically prohibited any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country. And the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States was even more explicit in stating that no action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States was to be authorized or encouraged. The undertaking

embodied in the Final Act of the Conference on Security and Co-operation in Europe to respect the right of peoples to self-determination similarly contained a reference to the norms of international law relating to the territorial integrity of States. Such provisions illuminated the very serious consequences that a misinterpretation or abuse of the right of self-determination might entail for both an independent sovereign State and the international community itself.

50. In practice, such a misinterpretation occurred through distortion of the concept of the people entitled to exercise the right. There were a number of schools of thought on the subject and the United Nations itself had not so far defined the concept of a people entitled to the right to self-determination. However, international practice had made it clear that a people was constituted by a social entity, with a clear identity and its own characteristics, which had a relationship with a territory. A people as such should be clearly distinguished from an ethnic, religious or linguistic minority. Whereas such minorities were to be protected collectively and their members were to enjoy equality with other citizens, they did not have the right to self-determination. Were minorities to be accorded that right, hardly any contemporary independent and sovereign State, large or small, could maintain its sovereignty and territorial integrity, and the repercussions on international peace and security in such a case were easily imaginable. It was therefore regrettable that the international community was once again witnessing attempts by certain States illegally to exploit the existence of ethnic, religious or linguistic minorities in the territory of other sovereign States for their own political purposes. Such attempts were totally alien to the genuine exercise of the right to self-determination by the people of those States as a whole. He had refrained from dealing with specific cases in the hope that more competent bodies within the United Nations might make an effective contribution to their peaceful and speedy solution.

51. Mr. SAKER (Syrian Arab Republic), speaking in exercise of the right of reply, said that the assertion by the observer for Israel that the living conditions of the Palestinians in the occupied territories were good was far removed from the truth. If the situation of the Palestinians had improved, that was due to assistance from the Arab peoples represented in the Commission. What the Israelis had been doing was well reflected by Israelis themselves, as quoted in the Israeli press. A member of the Knesset, for instance, had said that the Arab people in Israel were persecuted in all manner of ways (reported 30 March 1982), and the counsellor to the Israeli official in charge of Arab questions had observed that the position of Arabs in Israel as a minority group was the worst in the world (quoted January 1977). A former Prime Minister had stated in 1976 that Arabs would have to understand that they were living in a Jewish State and there was no need for them to speak of their rights. Another former Prime Minister, Begin, had stated in a publication entitled Israel and the Palestinian question that Israelis should never be merciful when it came to eliminating their enemies. They must be implacable until they had dismantled the so-called Arab culture and built their own culture upon its ruins. A woman briefing soldiers (reported on 26 February 1982) had stated that there was no place for two nations in Israel. Israelis must enact legislation preventing Arabs from bequeathing their land to their children; universities should be closed to Arabs and everything should be done to expel them. There had been many other such examples in the Israeli press.

52. The observer for Israel had claimed that Israel was working towards peace. Since 1948, when Ben Gurion had stated that Israel could not be satisfied with its existing borders, it had unleashed five wars against the Arabs and in 1982 the then Minister of Defence had claimed that Israel's strategic interests should extend not only throughout the Middle East but also as far afield as

Turkey, Iran, Pakistan, the Gulf and even North Africa. The observer for Israel had also mentioned the Camp David accords, but he was surely aware that the United Nations, in resolutions which he had not mentioned, had failed to recognize those accords. There were many resolutions of the General Assembly, the Security Council and the Commission calling for peace which specifically did not recognize the annexation of land by force. The observer for the PLO, as the representative of the Palestinian people, had stated his view that the Camp David accords were totally unacceptable because they referred to autonomy and not to self-determination, and that would allow Israel to control everything, including the supply of water without which no village anywhere could exist. Israel had talked of historical borders, Torah borders and now water borders. The observer for the PLO had made it clear that his organization would continue the struggle until the Palestinians achieved freedom in their own land.

53. As everyone knew, self-determination for the Palestinians lay at the very heart of the Middle East problem. A peace plan based on the denial of the existence of the Palestinian people, as the Israeli Government wished, was doomed to failure. Attempts to complicate the issue could deceive no one. The solution to the problem lay in the United Nations resolutions, which represented the will of the international community. On the subject of war and peace, he would quote the words of an Israeli poet from a work entitled Anguish in Zion. The poet said that the historic revolution of the Jewish people, however beautiful it might be, was based on injustice imposed on another nation, so that Israeli youth would die for an unjust cause. That was a difficult basis for existence.

54. He himself supported all efforts to promote peace: he hoped that the resolutions adopted by the international community would be implemented, that Israel would withdraw from the occupied territories and that the Palestinian people could exercise their right to self-determination.

55. Mr. JOMARD (Observer for Iraq), speaking in exercise of the right of reply, said that the observer for Israel would have the Commission believe that the living conditions of the Palestinians were very good and that they did not need the right of self-determination. It usually happened that, when the Israeli regime was being condemned, its spokesmen tried to divert attention to other matters. On the present occasion, the observer for Israel had levelled totally unfounded accusations against Iraq and attempted to appear as the defender of Iran. That blatant manoeuvre did not alter the facts. The war between Iran and Iraq would be discussed at the appropriate time. However, the present forum was not the place to deal at length with all the points mentioned by the observer for Israel, which were a tissue of falsehoods asserted and truths left unsaid. The Commission must be given time to formulate its condemnation of the Zionist entity and other racist regimes.

The meeting rose at 9 p.m.