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Held at the Palais des Nations, Geneva,
on Monday, 18 February 1985, at 3 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)

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The meeting was called to order at 3.35 p.m.

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.4/1985/12, 13, 37, 39, 40, 46 and 49; E/CN.4/1985/NGO/2, 6, 8, 12, 16 and 18; E/CN.4/1985/L.14 and L.15; A/40/116)

1. Mrs. KUROKOCHI (Japan) said it was deplorable that, year after year, the Commission had to discuss the question of the denial of the right to self-determination.
2. Japan had consistently advocated a peaceful solution to the Kampuchean problem, and it earnestly hoped that all foreign military forces would be withdrawn and that Vietnamese attacks would be halted, thus enabling a comprehensive political settlement to be reached. The situation in Afghanistan following the Soviet invasion remained bleak, notwithstanding all the decisions taken by the international community. Some 2.5 million Afghans had fled from their homeland and sought refuge in Pakistan, which should be commended for its great humanitarian effort. Japan, which insisted that the intervention in Afghanistan should be terminated at once and that the right to self-determination of the Afghan people should be respected, would continue to co-operate in all activities designed to provide relief to Afghan refugees in Pakistan and elsewhere.
3. The situation in the Middle East, and particularly in Palestine, had still not been settled, and the plight of the Palestinian people had recently become even worse. Japan hoped that the legitimate rights of the Palestinian people would be restored as soon as possible. It was essential for Israel and the PLO to recognize each other's position and for the PLO to participate in the process of peace negotiations. Japan could not condone Israel's policy of establishing settlements in the occupied Arab territories, or its annexation of Jerusalem and the Golan Heights. It appealed to Israel to protect the human rights of the Palestinian population of the occupied Arab territories, in accordance with the Fourth Geneva Convention.
4. South Africa was continuing its illegal occupation of Namibia, inflicting incessant suffering on the Namibian people. In the light of that situation, the international community, particularly through the United Nations, should persist in its efforts to implement Security Council resolution 435 (1978) with a view to resolving the Namibian question. At the same time, however, the formula devised must be acceptable to all the parties concerned. The international community should continue its assistance to the oppressed people of Namibia and, later on, should extend full co-operation to its nation-building efforts. Japan had been contributing to the United Nations Fund for Namibia since 1972 and to the United Nations Institute for Namibia since 1976. Once Namibia had acceded to independence, Japan would make every effort to co-operate with the Namibian people.
5. It was in the interests of all Governments to encourage the exercise of the right to self-determination. Japan hoped that, through practical and peaceful measures, peoples all over the world would be able fully to exercise their fundamental rights.
6. Mr. CURTIN (Australia) said that his country remained firmly committed to the principle of self-determination, as laid down in the Charter of the United Nations, the two International Covenants on Human Rights and various United Nations resolutions, and called upon the Commission actively to continue its efforts in that regard. His

country, for its part, had fulfilled its obligations under the Charter of the United Nations: during the past year, the inhabitants of the Cocos Islands had exercised their right to self-determination and had decided, by an overwhelming majority, to integrate with Australia. The outcome had been endorsed by the United Nations General Assembly. The Government of Australia had always supported the exercise of the fundamental right to self-determination and hoped to see further developments in New Caledonia with a speedy and peaceful transition to independence so that, in accordance with the wishes of the people of that Territory, a new member could be welcomed to the international community.

7. As a member of the United Nations Council for Namibia, Australia had endeavoured to contribute to the prompt implementation of Security Council resolution 435 (1978) with a view to ensuring Namibia's accession to independence. The apartheid régime, based on racism and discrimination, constituted a grave denial of human rights in South Africa, where the bantustan system deprived the overwhelming majority of the people of South Africa of their right to citizenship of their own country.

8. With regard to the Middle East situation, Australia acknowledged the right of the Palestinian people to self-determination, including the right to choose independence and the possibility of having its own independent State. At the same time, Israel's right to exist must be an element in the search for peace and self-determination in the Middle East.

9. The occupation of Afghanistan by the Soviet Union was a violation of the human rights of the Afghan people, and the presence of millions of refugees imposed a heavy burden on neighbouring countries and the international community. His delegation firmly supported all United Nations resolutions calling for the withdrawal of Soviet intervention troops.

10. The Australian Government had unequivocally condemned the invasion of Cambodia by Vietnamese forces and had contributed to the search for a settlement acceptable to all parties, guaranteeing the Cambodian people the full exercise of its fundamental rights. First and foremost, it was necessary to respect the basic right of the Cambodian people to self-determination and avoid imposing on Cambodia a formula which, however satisfactory it might appear to the interests of outside Powers, would not really meet that country's aspirations and might perpetuate instability in the region. Australia believed that all sides, including Viet Nam, wished to resolve the problem. That desire should be built upon in the quest for dialogue.

11. Since the adoption of the Charter of the United Nations, little attention had been paid to self-determination as a fundamental right beyond the context of decolonization. Without derogating from the importance of the decolonization process, the international community might also, in the future, fully affirm the right of all peoples to self-determination at all times.

12. The Commission had been apprised of the "general comments" of the Human Rights Committee on article 1 of the International Covenant on Civil and Political Rights. A number of conclusions could be drawn from references to self-determination as found in the Charter and the Covenants: the full enjoyment of the right provided for in article 1 of the two Covenants depended upon the exercise of a whole series of other rights; self-determination had to be regarded as a continuing, dynamic process of relevance to the peoples of all countries; lastly, the right to self-determination was relevant not only to circumstances in which one State imposed

itself on the people of another State or territory, but also to relationships between Governments and their own citizens. Other delegations had made observations along similar lines.

13. The Commission, which dealt both with matters concrete and with matters theoretical, must continue to work in a balanced and realistic manner, as it had for many years, and continue to give priority to its consideration of the question of the right to self-determination; there was also a right of human beings to expect that self-determination should never be extinguished.

14. Mr. HEWITT (United States of America) said it was highly deplorable that the political discussions at the Commission on Human Rights were often marred by gross disproportion in the importance accorded to the situations under consideration. For example, two meetings had been assigned to the question of Chile, because that country did not behave like a Western democracy, while no meeting at all had been expressly assigned to consideration of the massive violations of human rights in Afghanistan.

15. The Commission and the United Nations in general frequently adopted resolutions condemning the phenomenon of colonialism. That was the context in which the international community's attention must be drawn to the two monstrous colonial wars which had been ravaging Afghanistan and Kampuchea for more than five years.

16. Since historical facts could easily be distorted in the Commission's debates, it had sometimes been claimed that Soviet troops had entered Afghanistan at the invitation of the Afghan Government. However, the facts proved the opposite. In September 1979, Hafezullah Amin had assumed the presidency of Afghanistan's Revolutionary Council. In November, there had been widespread rumours that Amin had "Titoist" tendencies. The response had not been long in coming: in December 1979, Soviet troops had invaded Kabul airport and occupied the country, clearly without having been invited, and three days later had assassinated the President of the Afghan Revolutionary Council and imposed on the country a president chosen by the Soviet Union. The Afghan people, which had never before been subjected to the colonial yoke, had not allowed itself to be subjugated, but it had paid and continued to pay a heavy price in the war which had followed. More than 4 million Afghans had had to flee from their homeland and hundreds of thousands had been killed and maimed. In addition, Soviet troops, who came to Afghanistan in the belief that they would be fighting Americans, Chinese and Pakistanis, found themselves facing the natives of the Afghan mountains, and the Soviet Army had also sustained heavy losses. The incongruity of the Commission's discussions as to whether the Geneva Convention applied de jure in certain situations to which it was applied de facto was all the more striking considering the flouting of all the standards of civilized warfare in Afghanistan, in a war fought with unspeakable brutality.

17. Not only had the current Afghan Government been imposed by the Soviet Union, but it remained at the orders of Moscow, which wanted to incorporate Afghanistan into its empire. Perhaps the clearest reflection of the Soviet Union's imperialist and colonialist ambitions was the brainwashing of Afghan youth through control of the education system. New history textbooks were written by Soviet authors, praising not only the Soviet Government but the Tsarist Government as well. Pressure was exercised on young people to join the party organization, to spy on their colleagues and, in appropriate cases, to turn them over to the police. Seventy per cent of the teaching staff at Kabul University had left or had been arrested or killed during the past six years, and totally unqualified persons had taken their place, a good

number of them Russians. The student body had shrunk, and many Afghan university students now studied in the Soviet Union. In 1983 there had been 12,000 in the Soviet Union, twice the number enrolled at Kabul University. Thousands of high school and even elementary school students were being sent to the Soviet Union to participate in educational programmes there, in many cases against their parents' wishes.

18. The French expert Olivier Roy claimed that cultural policy for Afghanistan was formulated in Tashkent, and that Director Azimov of the Tashkent Academy of Sciences visited Kabul twice a month to supervise educational policy. The films shown in Kabul were mainly Russian, and schoolchildren were bussed to see them. Such was the face of colonialism in Afghanistan today.

19. Cambodia was another flagrant example. The Commission had supported the right of the Cambodian people to self-determination following the invasion of that country by Viet Nam. More than six years after that invasion and the installation of a puppet régime, 170,000 Vietnamese troops were still in the country, and credible observers reported that at least half a million Vietnamese civilians had moved into Cambodia as permanent settlers. Of course, the Pol Pot régime had committed atrocities which the United States condemned, but Viet Nam could not stand in the role of a saviour. Recent reports indicated that the occupation troops as well as the Vietnamese-backed régime were guilty of large-scale human rights violations, including torture, arbitrary detention and killings. In recent military attacks along the Thai-Cambodian border, the Vietnamese had shown utter disregard for the lives of civilian refugees.

20. It should be stressed that those two cases involved not only intervention by external forces but internal repression practised by régimes imposed by force. There was an essential link between self-determination and internal democracy. The Commission had to defend the right of peoples - not that of régimes - to self-determination.

21. Mr. MWANDEMBWA (United Republic of Tanzania) said that, in an era when colonialism had been condemned by the United Nations and colonial occupation had been declared illegal, there was no reason to make a special case of Namibia. Yet South Africa continued its illegal occupation of the Territory, and its illegal exploitation of Namibian resources. Moreover, the Governments and corporations of some States continued to do business in Namibia.

22. In that connection, he referred to a report on a visit to Namibia by representatives of the Southern African Catholic Bishops' Conference, the Lutheran Church and the South African Council of Churches which included the following passage: "The economy is in a bad state, unemployment is rife, the cost of living is soaring, education and health are deteriorating and the people are disillusioned with the Western Contact Group, as their interests appear to coincide with those of South Africa ... The rule of law has practically collapsed; detentions continue unabated. The process of militarization is being vigorously pursued. The South West African Territorial Force (SWATF) is being built up with local recruits ... This could create the possibility of civil war. The San (Bushmen) are totally militarized within the SWATF, which is a crime against a peace-loving people. Even the women are involved."

23. After years of struggle by the people of Namibia and decades of political argument in various international fora, there was now a legal consensus on Namibia involving the following three elements: South Africa's presence constituted illegal occupation; the armed struggle of the people of Namibia led by SWAPO was a legitimate exercise of the right to self-determination; the United Nations had a direct responsibility for the administration of the Territory until Security Council resolution 435 (1978) was fully implemented.

24. For 36 years the Palestinians, under the revolutionary leadership of PLO, had been struggling to free their motherland from Zionist domination. Their struggle was a unique one because they had been deprived of both their motherland and their freedom.

25. The Saharan people had won important diplomatic victories in 1984. The Saharan Arab Democratic Republic had finally participated in the OAU Summit Meeting at Addis Ababa in November 1984, in accordance with resolution AHG/RES 104 (XLX) unanimously adopted by the Heads of State or Government of OAU in June 1983. The question of Western Sahara had again been raised at the thirty-ninth session of the United Nations General Assembly, which had adopted resolution 39/40 on the matter by the telling vote of 90 to none, with 42 abstentions. His country called upon all Governments which had not yet recognized the Saharan Arab Democratic Republic to do so as soon as possible, and urged the parties to the conflict to enter into direct negotiations with a view to bringing about a cease-fire and conducting a fair referendum for self-determination, under the auspices of OAU and the United Nations.

26. With regard, lastly, to the situation in Cambodia, his delegation had followed with interest the recent démarche of the United Nations Secretary-General, who had approached all parties to the conflict; it hoped that a lasting solution would rapidly be found for the benefit of all.

27. Sir Anthony WILLIAMS (United Kingdom) said that the issues of self-determination and racism were among the most pressing of the modern age.

28. The right to self-determination, which was denied in a particularly obnoxious manner to the majority of South Africa's people for reasons of race, enjoyed pride of place in the International Covenants which, given the time when they had been drafted, reflected the aspirations and achievements of the newly independent countries. The traditional colonial era was now over; the United Kingdom, for its part, had decolonized former territories which now constituted 49 independent States gathered together in free association within the Commonwealth. The Commonwealth had a fine record of commitment to the promotion of human rights and of opposition to racism and discrimination in any form, as demonstrated, for instance, by the Singapore and Lusaka Declarations. A new human rights unit had been established in the International Affairs Division of the Commonwealth Secretariat, on the basis of a proposal originally made by the Gambia and elaborated by a working party chaired by Mr. Beaulne of Canada, a former member of the Commission.

29. Unfortunately, too many peoples today were still unable to exercise their right to self-determination. Self-determination required not only that a country should not be subjected to a colonial or foreign administration; its population must also have the possibility of choosing its government and social system and changing them if desired. Today it was apparent that many peoples were deprived of

their right to self-determination, not only by neo-colonial Powers as in Afghanistan and Cambodia but also by cliques within their own nation. Those cliques imposed inequality and oppression and practised violent abuses such as torture, summary execution and "enforced disappearance". In the recent past, the Idi Amin and Pol Pot régimes had been tragic examples of such cases.

30. In Afghanistan, the Soviet garrison had been increased to over 100,000 men, who were engaged in fighting in most areas, causing heavy casualties among the civilian population. The authorities continued to obstruct the work of humanitarian organizations, following the expulsion of an ICRC delegation two and a half years previously. There were more than 3 million refugees, who well knew that their country was the victim of foreign aggression, and within the country Afghans were resisting the aggressor. The international community supported the Afghan people, as shown by the annual resolution adopted by the General Assembly. At its latest session, the Assembly had adopted such a resolution by a majority of 119 votes to 20, with 14 abstentions.

31. The international community had shown a similar refusal to acquiesce in the subjugation of Cambodia. In the past, the Commission had unfortunately failed to take action in response to the appalling human rights violations committed by the Pol Pot régime. However, that was no reason now to acquiesce in the suffering of the Cambodian people. At the previous session of the Commission, he had stressed the growing frequency and intensity of Vietnamese attacks on camps of refugees; since then, those attacks had continued at an unprecedented level. He recalled that, the previous year, he had quoted the conclusions of document E/CN.4/Sub.2/L.4, prepared in 1982; in that document it was stated that the alleged reasons for the Vietnamese intervention had disappeared and that an immediate withdrawal could be demanded. Today, three years later, there were certainly overwhelming reasons to know and to decry the way in which Vietnamese armed might was being used to prevent and dominate the Cambodians' right to self-determination.

32. He pointed out that that conclusion applied with at least equal force to the Soviet Union's continuing attempts to prevent or dominate the right to self-determination of the Afghan people.

33. Mrs. MACHAVELA (Mozambique) said that her country had always been actively and firmly committed to the self-determination of peoples. It was indignant to note that, 24 years after the adoption of the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples, flagrant violations of the right to self-determination persisted in various parts of the world. The main reason for the climate of insecurity in southern Africa was the refusal of the South African régime to recognize that right. That refusal was the basis of the apartheid system and the occupation of Namibia, as well as the acts of aggression committed against neighbouring countries. Millions of black South Africans were concentrated in homelands to serve as passive instruments for the racist minority. The People's Republic of Mozambique reaffirmed its solidarity with the struggle being waged by the South African people, under the leadership of ANC, against the racist policy of the Pretoria régime.

34. South Africa was continuing its illegal occupation of Namibia. The "front-line" countries had participated in diplomatic initiatives towards independence which had been undertaken in accordance with Security Council resolution 435 (1978). Unfortunately, irrelevant arguments were used to prevent the self-determination of the Namibian people, and South Africa was strengthening its domination, plundering the resources of the Territory and torturing SWAPO combatants. The Commission must denounce the machinations of South Africa and the imperialist

countries, which were designed to delay Namibian independence. A settlement of the question of Western Sahara must be sought in the framework defined by resolution No. 104 adopted at the nineteenth session of OAU.

35. East Timor continued to be brutally occupied by Indonesian forces. The Timorese people under the leadership of Fretilin was fighting for its independence and the recognition of its national dignity. The Indonesian authorities were attempting to stifle its aspirations by committing numerous violations of human rights, including torture, detention without trial and deportation. At its thirty-seventh session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had recommended that the Commission, at its forty-first session, should consider with attention the evolution of the situation of human rights and fundamental freedoms in East Timor. The Secretary-General had made efforts to find a solution which were supported by Mozambique. The Heads of State of Angola, Cape Verde, Guinea-Bissau, Mozambique and Sao Tome and Principe had called upon the Government of Portugal, the lawful administering Power, to resume its historic role in order to contribute to a solution in East Timor.

36. In the Middle East, the Zionist régime was the main obstacle to peace and security. The only valid solution in that region was to recognize the right of the Palestinian people to self-determination and the establishment of its own State. Any attempt to disregard that right was contrary to the interests of all peoples of the region.

37. Mr. SHAHABI (Observer for the Islamic Republic of Iran) said that, by comparison with other rights recognized in the Bill of Human Rights, the right of peoples to self-determination was unique in the additional scope it afforded to those who benefited from it and its very special qualities. The violation of that right affected not only the fundamental rights of individuals but also the collective right of peoples to be masters of their own destiny. The adverse national and international effects of the violation of that right had unfortunately attained such proportions that a theoretical examination of the problem was not a sufficient basis for assessing developments in that field.

38. The situation in the occupied Palestinian territories, the Syrian Golan Heights and other Arab lands under Zionist occupation, as well as the situation in Namibia, Afghanistan and Western Sahara, were most alarming. Close attention should also be paid to the fate of those peoples and nations of the third world who, after acceding to self-determination following several years of resistance and struggle, remained exposed to the evil plots of arrogant Powers. In that category of violations of the right to self-determination, mention could be made of the situation in Nicaragua and in the Islamic Republic of Iran. The invaluable information seized by the liberation forces after the defeat of the imperialist forces in such countries served to unmask the evil plots and tactics of certain States, which totally denied the right of peoples to self-determination.

39. Although Afghanistan remained occupied and thousands of Afghan Muslims had already sacrificed their lives, the struggle went on. If the American aggressors had left Viet Nam through negotiations and without a prolonged struggle, the Soviet occupying forces would probably have been persuaded to evacuate Afghanistan. The adventure in Afghanistan was the result of a compromise between the super-Powers with regard to the division of the world: while one invaded Palestine and Lebanon, the other attacked Afghanistan. The invasion of that country by the Soviet Union served as a pretext for the Americans to consolidate their bases in other countries of the region. It was catastrophic for the Islamic world that the Soviet Union did not withdraw from Afghanistan under the pretext of imaginary American intervention in that country, and that the United States drove the Islamic Government into submission using the scarecrow of communism.

40. The Islamic Republic of Iran had always considered that the true representatives of the Afghan people should participate in negotiations so that the following four essential conditions could be met: the complete and unconditional withdrawal of foreign occupying troops, the non-intervention of other forces in the internal affairs of Afghanistan, the return of Afghan refugees to their land, and self-determination of the Afghan people. Events over the past year proved the validity of that view.

41. The Islamic Republic of Iran wholeheartedly supported the struggle of the Muslim people of Western Sahara for independence, in accordance with the relevant resolutions of OAU and the United Nations.

42. Having turned Diego Garcia into an imperialist military base, the United States had become a serious threat to peace in the Indian Ocean region. The Islamic Republic of Iran was strongly opposed to any intervention by foreign Powers in the Indian Ocean region, which the international community wanted to make into a zone of peace.

43. Mr. BURNSTICK (International Indian Treaty Council) said that his organization, which had been participating in the work of the Commission for the previous seven years, was becoming more dismayed each year at the duplicity of Canada and the United States. Although those countries claimed to be concerned with human rights around the world and committed to historical accuracy, they could not be taken seriously by the Indian peoples who were the immediate victims of neo-colonialism.

44. On the fortieth anniversary of the defeat of Hitlerism, it was important to remember that Hitler had expressed admiration of the efficiency with which the United States had massacred and subjugated Indian peoples. It was not surprising that the policies of a country which even now refused to ratify the International Covenants on Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and the International Convention on the Elimination of All Forms of Racial Discrimination should have served as a model for the Third Reich. It was even more troubling, however, that Canada and the United States should be seeking to rewrite history and to convince the international community that they had changed their attitude towards Indian peoples. Unfortunately, the Indian nations continued to be colonized and oppressed by those two hypocritical countries.

45. It should be enough that, through the fault of the United States and Canada, the Indian peoples found themselves at the bottom of the socio-economic ladder, that their lands had been stolen or destroyed through Government-sanctioned exploitation by multinational corporations, in contravention of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It should be enough that Indian women had been sterilized as a matter of policy and that children had been forcibly removed from their families to be raised in non-Indian communities, in violation of the Convention on the Prevention and Punishment of the Crime of Genocide. It should be enough that the traditional Governments had been replaced by colonial puppet régimes, in violation of the two International Covenants on Human Rights, that religious ceremonies and traditional languages had been prohibited in contradiction of the Declaration of the Principles of International Cultural Co-operation and that Indian peoples had been subjected to a policy of forced assimilation and cultural destruction. It should be enough that Indians had the lowest per capita income and the highest unemployment rate - over 90 per cent at times. It should be enough that they had the highest incidence of infant mortality, tuberculosis, cancer in women, diabetes, adolescent suicide and heart and liver diseases, and that over 60 per cent of Indian housing was sub-standard.

46. All that should be enough to prevent self-congratulation on the part of the United States and Canada. The ethnocide and political and economic colonialism experienced by Indian peoples continued, and the efforts of the Indian nations to retain their sovereign dignity and assert their right to self-determination, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples, were met by increasing oppression.

47. The indigenous peoples of Canada, represented by the Coalition of First Nations, continued to assert their right to self-determination and their right to choose freely and on terms of equality their own political, economic and social system and international status. However, Canada continued to claim that it had the right to define and determine the citizenship of the Indian communities. On 25 January 1985, the Canadian Minister of Indian Affairs had announced his Government's intention unilaterally to amend legislation regarding the definition and registration of indigenous peoples. That centralized control and imposition of alien forms of government on Indian nations, and the control of Indian lands and resources, were the key features of Canada's assimilation policy. Under the new legislation proposed, persons who were racially part Indian would be enrolled on the Indian lists in disregard of the need of indigenous peoples to protect their political, economic and social system. That legislation, based on race, was contrary to the Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination. Canada was seeking to impose on the indigenous peoples an internal administrative system designed to deprive them of their land, structure of government and identity. It could not, however, deny the indigenous peoples their fundamental right to self-determination.

48. In the United States, Public Law 95-531 should result in the forced relocation, by July 1986, of 10,000 members of the Diné and Hopi nations whose only crime was to have asserted their sovereign right to territorial integrity, cultural independence and economic subsistence. The repossession of the Black Hills by the Lakota Sioux people had been met with threats of retaliation. Although the United States Supreme Court had acknowledged that that vital spiritual site had been stolen in violation of the Fort Laramie Treaty of 1868, the United States refused to return the land to its rightful owners, who were subjected to legal and military reprisals. Members of the Indian nations of the north-west Pacific Coast who wished to exercise their fishing rights for their subsistence - a right guaranteed by international treaty with the United States - were subject to arrest and imprisonment. That policy, which was contrary to the International Covenants on Human Rights, had also prompted initiatives in the individual states designed to abrogate all 371 of the treaties signed between Indian nations and the United States.

49. The United States and Canada had a history of ignoring the leaders of Indian nations, to whom they preferred puppet régimes imposed by force. Indian collaborators were promised federal funding and other favours to enlist their support.

50. Regardless of the attempts made by Canada and the United States to break the will of Indian peoples, despite the monies allegedly allocated to Indian programmes that served only to bloat the bureaucracy, despite the repression exercised against the Indian nations both politically and economically, the struggle for Indian self-determination would go on. The Indian peoples refused any longer to be denied their inalienable right to determine their own destiny, and they intended to assume their rightful place among the community of nations. The Indian peoples would continue

to resist all colonial attempts to deny their existence and would not remain passive in the face of killings, detentions and pillage or destruction of their lands. It would be easier for the United States, Canada and other countries which oppressed indigenous nations to prevent the sun from rising or the wind from blowing than to try to stop the movement of indigenous nations in claiming their right to self-determination.

51. Mr. KHERAD (Observer for Afghanistan) said that the right of peoples to self-determination, which was embodied in the Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the two International Covenants on Human Rights, and was confirmed in numerous General Assembly resolutions and other international instruments, was one of the basic principles of contemporary international law. That right covered not only the right of peoples to liberation and independence but also their right to choose their political status and form of economic, social and cultural development.

52. A study of developments in international law showed that many old reactionary institutions had seen their day, that traditional democratic principles and institutions had been strengthened and that new norms and principles of the utmost importance had emerged. Those changes had been reflected by the modification not only of principles and norms as such, but also of the essence of international law. The right of peoples to self-determination, whose historical development and recognition under international law were the result of the fierce struggle of the forces of peace, had become an increasingly active factor in international life and a major landmark in the development of contemporary international law. Efforts to deny its existence were unfounded and contrary to the Charter of the United Nations.

53. The recognition, exercise and application of that right, which was closely linked to other principles such as the equal rights of peoples and sovereignty, and was regarded as the logical expression of the struggle against colonial, imperialist and racist oppression and exploitation and for national liberation, were essential to the enjoyment of human rights and fundamental freedoms, as well as the preservation of international peace and security.

54. In that perspective, the Declaration on the Granting of Independence to Colonial Countries and Peoples solemnly proclaimed the need to put an immediate end to colonialism in all its forms and manifestations, since the subjection of peoples to the colonial yoke and their exploitation were contrary to the Charter of the United Nations and contemporary international law. The Declaration also recognized that the process of liberation was irreversible, proclaimed the right of peoples to self-determination and commented on the relevant provisions of the Charter.

55. Since the adoption of that instrument, a powerful weapon in the cause of decolonization, fundamental changes had occurred. Thanks to the heroic struggle of enslaved peoples, colonial empires had crumbled and many peoples and territories had acquired their freedom and independence and embarked on independent development. Of course, the colonial Powers had not willingly granted independence; rather, it had been won by the colonial peoples themselves with the support of peace-loving countries and anti-imperialist and anti-colonialist forces. The colonial system was on its last legs, but it was not yet dead and buried. Despite the progress made and the victories achieved, its vestiges remained apparent in certain parts of the world where neo-colonialism still existed. The imperialist Powers, which had not given up their suppression of the national liberation struggle in the countries which they

subjugated, continued to stifle the legitimate desire of peoples for self-determination and independence. For that reason, there were still centres of colonialist tension. Wars of aggression, undeclared mercenary wars and proxy wars undertaken on behalf of colonialism in order to perpetuate racial discrimination, racism and apartheid and to defend colonial, economic, military and strategic interests imposed a heavy burden on struggling peoples. The situation in southern Africa, for instance, was a running sore for the continent. Able to act with impunity and enjoying the support of imperialism, particularly that of the United States, the most shameful régime in history was continuing to violate the right of the South African and Namibian peoples, as well as the sovereignty and territorial integrity of the "front-line" States, particularly Angola, which it wanted to occupy so as to make it into a sanctuary for mercenaries in its pay.

56. In the Middle East, the State of Israel, encouraged by its transatlantic protector, was denying the Palestinian people the exercise of its rights to self-determination and independence and, on behalf of a racist and expansionist ideology, was continuing its policy of aggression and its illegal occupation of Arab territories, in defiance of the will of the international community. Imperialist policy, particularly that of the United States, threatened the existence and independence of the countries of southern Africa and the Middle East, and also countries in Central America, Asia and elsewhere. In Central America, United States imperialism posed a continuing threat to the independence and security of Cuba, a country on which it was imposing an economic blockade while urging other Governments to do likewise. The United States Government was waging an undeclared war against revolutionary Nicaragua, which was prejudicial to the prospects of peace in the region, and was refusing the Puerto Rican and Salvadorian peoples the exercise of the right to self-determination. The United States' armed intervention in Grenada and the crushing of the progressive régime in that country were an example of a flagrant violation of the right of peoples to self-determination. There were also a good number of small territories in the Caribbean, the Pacific, the Atlantic and the Indian Ocean which were still under the colonialist yoke and had not yet been able to exercise that right, since the administering Powers maintained military bases and other facilities there.

57. The proclamation of the so-called Turkish Republic in the northern part of Cyprus still subject to military occupation, the non-recognition of the right of the Saharan people to self-determination and the failure to implement the resolution on that subject adopted by OAU in 1983 also gave cause for concern.

58. In South-East Asia, the acts of intervention and sinister designs of imperialism against the people and legitimate Government of the People's Republic of Kampuchea, which was still endeavouring to erase the traces of Pol Pot's horrible crimes and to reconstruct the country, were also a violation of the right to self-determination.

59. It could thus be seen that the warmongering forces and the enemies of the national liberation of peoples had not resigned themselves to the collapse of their empires. Strengthening their collusion, they were stubbornly and feverishly resorting to every device to curb and halt the progress of the national liberation movement and anything which seemed likely to interfere with their schemes. In that way, they hoped to perpetuate their domination and exploitation of the natural and human resources of the countries which they maintained under their yoke, going so far as to practise a neo-colonialist policy in order to seize the markets and raw materials of countries which were politically but not yet economically independent.

60. When confronted with States which had chosen an independent economic or political path or a different method of development, they resorted to subversion and destabilization, supporting reactionary and retrograde forces. They stopped at nothing: they stirred up conflicts and tensions, encouraging acts of aggression against independent States, enlisted puppets to overthrow the legitimate Governments of those States, conducted collective campaigns of political propaganda and pressure, etc.

61. The undeclared war being waged against the Democratic Republic of Afghanistan had therefore been devised by aggressive American imperialists, acting in connivance with their reactionary accomplices with hegemonistic aims.

62. The democratic Afghan revolution of April 1978, which was the natural and logical consequences of the socio-economic and political situation of Afghan society and the long struggle of the heroic and patriotic people of Afghanistan, had led to the overthrow of the unjust, age-old, mediaeval system of oppression, exploitation and despotism which had been supported by imperialism and reaction, and had transferred power to the representatives of the vast majority of the population. That revolution had set itself the objectives of eliminating economic backwardness, poverty, ignorance, illiteracy, inequality and social oppression, and of creating an independent national economy and raising the living standards of the masses. Thus, it had inevitably aroused the animosity of imperialist and reactionary forces, particularly the United States and its accomplices, who, counting on their allies and puppets in the region, had launched hostilities immediately after the triumph of the revolution and in defiance of all legal and moral norms; an undeclared war and blockade from Pakistan had been decreed against Afghanistan to prevent the Afghan people from following its freely chosen path.

63. It should therefore be noted that there was nothing spontaneous or accidental about the aggression against the Democratic Republic of Afghanistan. It had been planned and launched at a time when the wave of propaganda, plots, conspiracies and armed subversion had been on the increase: a dozen centres for the military training of counter-revolutionary gangs had come into operation in Pakistan territory along the full length of the border; in June 1978 a so-called seminar of the NATO High Command organized by the United States to discuss the revolution in Afghanistan had decided to provide unreserved support to the counter-revolutionaries, and the CIA had been made responsible for organizing, arming, equipping and training mercenaries and counter-revolutionary elements. In performing that task the CIA had fully co-ordinated its activities with those of the intelligence services in Pakistan and other countries, including China.

64. At that time, military training had been arranged for counter-revolutionaries and mercenaries, and special services had been established for that purpose; radio transmitters had been set up; and a monstrous propaganda and fund-raising campaign had been conducted. The United States and its accomplices in the region had provided financial assistance to the counter-revolutionary gangs, in other words to the former exploiting classes of feudal overlords who had amassed enormous wealth thanks to the blood and sweat shed by the Afghan people and who, having lost their privileges and their means of exploitation, had immediately found a sure haven in reactionary countries where they declared themselves to be religious leaders. At the same time, the organized recruitment of mercenaries had begun and armed terrorist elements had crossed the frontier into Afghanistan, terrorizing the civilian population and forcing it to flee far from the theatre of subversive operations.

65. The Democratic Republic of Afghanistan alone had not had the means to cope with that sordid war and those interventions as they increased. Thus, in accordance with the Treaty of Friendship, Good-Neighbourliness and Co-operation concluded in 1978 between Afghanistan and the Soviet Union and under Article 51 of the Charter of the United Nations, the Revolutionary Council had specifically requested the Soviet Union, a long-standing friend of Afghanistan, to send a contingent of Soviet troops to help the Afghan army to repel the external aggression and defend Afghanistan's independence, territorial integrity and sovereignty. The Soviet Union had responded to that appeal and extended a generous hand to the Afghan people at a time when the revolution had been seriously threatened by outside forces.

66. In the teeth of all the evidence, the Carter Government had always denied United States involvement in terrorist activities within Afghanistan, but the Reagan Government had decided to throw off the pretence of "non-interference" in Afghanistan's internal affairs and had openly assisted the counter-revolutionaries, stepping up the CIA programme and increasing assistance to the bandits and counter-revolutionary elements. The United States and its accomplices had already spent at least \$1 billion on that anti-Afghan conspiracy and, according to the American press, the figure could be far higher. Quite recently, the United States House of Representatives had approved a supplementary appropriation of several million dollars under a new programme of allegedly secret assistance to the terrorists and, according to some members, the CIA's subversive operation against Afghanistan was the second largest after the one against Nicaragua. In addition, the United States was giving the counter-revolutionary elements lavish supplies of the most sophisticated weapons, particularly ground-to-air missiles and shells which were also used against civil aircraft in Afghanistan.

67. The aggression directed against the Muslim people of Afghanistan, which disrupted their normal life and sowed desolation and destruction, was launched from the territory of Pakistan which, although not alone in doing so, harboured many camps for the training and supply of counter-revolutionary gangs. The losses to the Afghan economy amounted to almost 34 billion Afghanis, which represented three quarters of the total investment for development during the 20 years preceding the 1978 revolution.

68. Moreover, that aggression, which matched the definition contained in article 3 of General Assembly resolution 3514 (XXIX), concerning the definition of aggression, was accompanied by unprecedented psychological warfare.

69. He wished to inform all those who still cherished the illusion of reversing the course of history in Afghanistan that the heroic Afghan people, proud of the freedom it had won, had decided on its destiny once and for all and was determined to create an independent, democratic and just system. Economic and social changes had been introduced in Afghanistan in response to the people's aspirations to a better life, and the corrective measures and principled stance of the Revolutionary Afghan Government had produced the expected results.

70. The political bases of the Government had been extended and consolidated; the power of the State and the organs of people's power had been strengthened throughout the country; the Act on local government and State authority, which ensured the direct participation of the people in local and national affairs, was being successfully applied; the National Patriotic Front, which had mobilized more than 500,000 Afghan militants and which served as a spearhead in the struggle to build a new society in Afghanistan, had been strengthened - a demonstration of the unshakable will of the Afghan people to attain the major objectives of the revolution.

Side by side with the armed forces, the revolutionary defence groups, the self-defence groups, the soldiers of the revolution, the tribal regiments, the people's militia groups and the social order brigades successfully defended the achievements of the revolution. As a result, the counter-revolutionaries had suffered a series of grave setbacks during the previous year: most of their hide-outs had been destroyed and their weapons seized; a number of spies sent by certain members of NATO and other reactionary countries had been arrested by the Afghan security forces and had all confessed to their counter-revolutionary activities in Afghanistan. Banditry and terrorism would long since have disappeared had they not been financed and supported by outside elements. Afghans were increasingly aware of the true nature of the age-old enemies of their prosperity and freedom, and they came to swell the ranks of the active defenders of the revolution.

71. Economic and social development had also taken a great step forward. During the previous year, gross national product had increased by 6 per cent and State revenue had gone up by 4.5 per cent in relation to the previous year; thousands of peasant committees had been set up; various land reforms had been introduced, as well as reforms in water resources development; agricultural production had increased and the volume of industrial output exceeded that of previous years; the public health and education services were expanding, and the campaign against illiteracy was taking on a fresh impetus.

72. Despite their slanderous propaganda, which was only a manoeuvre designed to divert the attention of world opinion from their sinister schemes in Asia and other regions of the world, the imperialists and their henchmen would not succeed in concealing the truth about the Afghan revolution. The Afghan people was ready to make further sacrifices to defend its socio-political system, and would never allow itself to be diverted from the ethical approach it had chosen. It was fiercely determined to face up to external pressure and intimidation.

73. The Democratic Republic of Afghanistan, a peaceful and non-aligned country which was firmly determined to remain so, followed a foreign policy based on the principles of peace, peaceful coexistence, friendship and co-operation with other countries. His Government, which attached particular importance to the establishment of friendly relations with neighbouring countries, had repeatedly called upon the Governments of Pakistan and Iran to be reasonable and take account of the reality of the Afghan revolution, to modify their short-sighted policy towards Afghanistan and to settle problems through direct negotiation, as desired by Afghanistan. Those points had been repeated to the General Assembly at its most recent session by Shah Mohammed Dost, Minister for Foreign Affairs of Afghanistan.

74. His delegation, which condemned all hostile acts against the Democratic Republic of Afghanistan, and desired an end to all acts of aggression and interference in Afghanistan's internal affairs, was convinced that, despite all obstacles, the liquidation of the colonial system, the elimination of its vestiges and the triumph of peoples in their struggle for total liberation and independence were an irreversible process. To accelerate the process, however, all those who were committed to the right of peoples to self-determination must promptly and strongly oppose the policies of colonialism, neo-colonialism, imperialism, racism and apartheid.

75. Mr. ZAWALONKA (Observer for Poland) said that the right to self-determination seemed to have been recognized by the international community at large, to judge by official statements and proclamations, including those in the Commission itself.

However, there was sometimes a tendency to see in that right a content that was incompatible with its historical development and which perverted its true meaning. Even the Commission had occasionally been exposed to such a distorted interpretation.

76. Everyone was aware that the right to **self-determination** had been shaped in the just struggle of colonial peoples for independence and liberation from colonial domination, and that it was its world-wide implementation that had brought about the collapse of colonial empires. The General Assembly's adoption, under resolution 1514 (XV) of 1960, of the Declaration on the Granting of Independence to Colonial Countries and Peoples had helped to strengthen the role of the United Nations in the field of decolonization. Since that time, many peoples had had the opportunity to exercise their right to self-determination. Others, however, still had to struggle for that right, at the cost of heavy loss of life and unspeakable sufferings.

77. That applied to the Palestinian people, which continued to be the victim of brutal and unscrupulous oppression by imperialism. There was no need to reiterate that most Member States fully supported the legitimate struggle of the Palestinian people to exercise its inalienable right to self-determination, without external interference, and to establish a fully independent and sovereign State in Palestine.

78. The same was also true of the people of South Africa, which was the victim of the inhuman colonial system of apartheid, and of the Namibian people, which continued to suffer under the increasing repression of the South African régime.

79. There currently existed yet another form of denial of the right to self-determination, namely attempts at destabilizing Governments and States. Thus, Nicaragua was the target of acts of aggression from abroad designed to stifle its independent development because it did not suit vested interests, and to punish a people which had been able to liberate itself from the colonial and neo-colonial yoke. Other countries in the region, and the small Caribbean island State of Grenada, were in the same situation.

80. His delegation, which had always actively supported the struggle of peoples against all forms of aggression, objected to the fact that certain delegations had referred to the situation in Kampuchea and Afghanistan in the context of the debate on the question under consideration; by so doing, they distorted the meaning of the right to self-determination.

81. There was certainly no call to discuss the situation in the People's Republic of Kampuchea. The most flagrant and systematic violations of human rights had been committed by the genocidal Pol Pot régime. The Kampuchean people was now engaged in an effort to speed the normalization of life in the country and realize its human rights and fundamental freedoms.

82. In Afghanistan, the national democratic revolution of April 1978 had marked a historic turning-point, offering the Afghan people an opportunity to shape its future according to its own wishes. However, armed aggression and other forms of interference had reached such a point that, in conformity with the 1978 Afghan-Soviet Treaty of Friendship and Article 51 of the Charter of the United Nations, the Afghan Government had turned to the USSR for assistance in repelling the aggression from abroad. Afghanistan needed to live in peace, and the Commission could help to bring about that much-desired outcome, but not by acrimony.

83. His delegation considered that the process of decolonization had reached its final and decisive phase. All States Members of the United Nations, and governmental and non-governmental organizations, should continue strongly to condemn the violation of the right to self-determination and to assist those who were still under colonial and foreign subjugation.

The meeting rose at 6.5 p.m.