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SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 19 February 1985, at 3 p.m.

Chairman: Mr. KHMEL (Ukrainian Soviet Socialist Republic)

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The meeting was called to order at 3.30 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, 49; E/CN.4/1985/NGO/2, 6, 8, 12, 16, 18;  
E/CN.4/1984/L.14, L.15; A/40/116)

1. Mr. RAVENNA (Argentina) noted that 1985 marked the twenty-fifth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which had brought dramatic changes to the political map of the world. Like other Latin American countries, Argentina had always supported the right of peoples to self-determination in all international organizations and, in particular, in United Nations bodies.
2. The right to self-determination was one of the foundations for peaceful coexistence among peoples. It was based on and also complemented another fundamental principle of international law, that of territorial integrity. Argentina had consistently defended those principles and the doctrine to which they had given rise.
3. In practice, the principle of self-determination was very frequently invoked in an attempt to conceal the will to perpetuate a colonial situation. Argentina was aware of that from its own experience, since it had been deprived for over 150 years of part of its territory which was in the hands of a colonial Power.
4. His delegation wishes to reaffirm that, in order to enjoy the right of self-determination, a people should meet the following condition, namely, of being an indigenous community bound from the very beginning to the territory it inhabited. That condition conferred on a particular community the character of a people and, consequently, the right to self-determination. When that condition was not fulfilled, as was the case in the situation which concerned Argentina, the principle of territorial integrity must be applied.
5. The situations under agenda item 9 continued to be disquieting and called for very special attention by the Commission. Above all, there was the situation in Namibia, a country which South Africa, flouting the numerous resolutions of the United Nations, the Security Council and other United Nations bodies, was continuing to occupy illegally and to pillage, denying its people the exercise of their fundamental right to self-determination. There was also the situation prevailing in Afghanistan, with the continuing presence of foreign troops. There was also the situation in the Middle East, and his delegation, which had stated its position on the issue during the discussions on agenda item 4, would merely repeat that it supported the right of the Palestinian people to self-determination and reiterated its appeal to Israel to withdraw from all Arab territories occupied since 1967.
6. His country would unfailingly defend the cause of peoples under colonial or neo-colonial domination or foreign occupation, and would do so with the force and firmness that the defence of just causes warranted.
7. Mr. AKINCI (Observer for Turkey) said that the right of peoples to self-determination should be respected scrupulously and applied without fail to peoples under colonial and alien domination, since it affected not only the protection and promotion of human rights but also peace in the world.

8. His delegation had already had an opportunity, in connection with the consideration of agenda item 4, to refer to the suffering endured by the Palestinian people because it was denied the exercise of its right to self-determination. It wished to stress that no just and durable settlement in the Middle East was conceivable unless the inalienable rights of the Palestinians were recognized, including their right to self-determination.

9. Throughout its history, Turkey had steadfastly opposed oppression, colonialism and all forms of racial discrimination, and it continued to do so. It was therefore extremely concerned at the intolerable and dangerous situation prevailing in southern Africa. The racist régime of Pretoria persisted in its illegal occupation of Namibia and its repression, and no progress had been made in implementing the United Nations plan for the independence of Namibia. As a founder member of the United Nations Council for Namibia, Turkey associated itself with the people of Namibia in their just and legitimate struggle for independence, under the leadership of the South West Africa People's Organization.

10. The situation in Afghanistan was another subject of concern for Turkey, which had traditional links of friendship with the brave people of Afghanistan. That people, which had the inalienable right to live freely, must be able to exercise their right to self-determination. Turkey was highly appreciative of the efforts made by the Secretary-General of the United Nations to achieve a negotiated political settlement in Afghanistan. Such a settlement should make provision for the restoration of the right of the people of Afghanistan to self-determination and the Government of its choice, without foreign interference, as well as the withdrawal of foreign troops from the country and the return of Afghan refugees in freedom and complete security.

11. The efforts undertaken to find a political settlement to the Kampuchean problem and to end the suffering of the Kampuchean people must be pursued as a matter of urgency, particularly since the recent incidents that had occurred at the Thai-Kampuchean border gave rise to increasing concern about the fate of thousands of innocent civilians constantly exposed to danger and instability. Such a settlement would entail the exercise of the right of the people of Kampuchea to self-determination and to select its Government without foreign interference, as well as the withdrawal of all foreign troops from Kampuchea, in the interests of peace and respect for human rights.

12. The realization of the right of peoples under colonial or alien domination to self-determination, in conformity with the Charter of the United Nations and the provisions of the relevant international instruments was a prerequisite for the respect and strengthening of human rights throughout the world. His delegation was confident that the Commission would continue its efforts to ensure that the international community found appropriate solutions to each situation.

13. Mr. ANDREW (Four Directions Council) noted that it was fashionable to suggest that colonialism was a matter of history. Sometimes the slant was different. The more conservative European press had shown a tendency in the last two years to imply that colonialism was not such a bad thing; at other times, anti-colonialism was equated with everything that threatened political and economic freedoms and a smug satisfaction was even taken in the difficulties of newly independent nations of Africa, Asia and the Pacific. It was, however, obvious that the phenomenon of the subjection of peoples to alien and colonial domination, far from being a thing of the past, was as serious and widespread as ever. It was equally obvious, despite the suggestions of those who would rewrite history to expiate the sins of Europe, that the dehumanizing phenomenon of colonialism remained, whatever its guise, the main source of conflict and instability everywhere.

14. Twenty-five years after the adoption, by the United Nations General Assembly, of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the denial of the right of peoples to self-determination and even the attempted eradication of certain peoples continued to be common.
15. It was a mistake to concentrate on the predatory nature of colonialism to the exclusion of all its other features. The urge to dominate, doctrines of cultural and racial superiority, cultural ethno-centralism and religious fanaticism were among the reasons for the domination and exploitation of peoples and the denial of their right to self-determination.
16. As a member of a small sub-Artic people of Ntesinan, the Innu, sometimes referred to as Montagnais or Montagnais-Naskapi, he could personally attest to the human degradation, ill-health, poverty and progressive disintegration of Innu society, in 30 years of European colonialism. According to a recently released report, suicide among the Innut, which was a phenomenon unknown to them until the coming of the foreigner, had reached a level of 337 per 100,000 in the age group 15 to 24 years, a rate almost 17 times higher than that of the same age group in the population of the colonizing country. The death rate due to accidents, poisoning and violence, a better indicator than the former, was 355 per 100,000 for the period 1971-1980, a rate five times higher than the rate, due mostly to road accidents, recorded among the colonizers. As there were virtually no roads in Ntesinan, the figure quoted emphasized the dimension of the crime being committed against the Innu people. The number of deaths from drowning and by fire were, respectively, 44 and 18 times greater among the Innut than the rate among the colonizers. Most of those deaths were not strictly speaking accidental, but were a consequence of self-destructive behaviour, usually exacerbated by alcohol, appearing in a people enslaved by colonization and deprived of its prosperity and dignity, and now dispossessed, facing humiliation and idleness.
17. Before the 1950s, few Europeans had visited Ntesinan, a region isolated from the rest of the world, and none had lived there. There was then an influx of foreigners who put up buildings and established a colonial administration at Sept Iles and Goose Bay. They encouraged American mining interests and colonizers, mainly hydro-electric engineers, to settle in the country. At the same time, with the assistance of missionaries and police, the foreigners began to conduct a veritable policy of bantustanization, moving the Innut from the wide areas of land that had been theirs to confine them in sordid villages which were built and administered by the colonizers and had no economic base whatever. A comprehensive array of restrictions on hunting and fishing, imposed with harshness, deftly destroyed the Innu economy, denying it of its means of subsistence and rendering it totally dependent. With the Innut encapsulated in ghettos, Ntesinan was opened up by the colonizers to mining companies and hydro-electric corporations. In 1971, the heartland of the territory was flooded to feed the turbines of the Churchill Falls hydro-electric power complex. The objections of the Innut were ignored. However, in the early 1970s, the first generation of Innut with a working knowledge of English or French had grown to adulthood and begun to articulate forcefully and persistently the objections of the Innut to the colonization of their territory and the denial of their right to self-determination. Far from paying any attention to it, the colonizing regime had proceeded to strengthen its bureaucracy and encourage the settlement of Europeans and, in the last seven years, to promote the militarization of the territory. Thus, large expanses had been converted into areas for military manoeuvres. Ntesinan was being hawked to the member countries of NATO and other Western countries as an uninhabited territory and already Phantoms, Tornados, Alpha Jets and other jet-propelled military aircraft were flying over it.

at low altitude, at speeds of over 950 km an hour, terrorizing the Innu, creating hearing problems and other health problems, as well as disrupting the feeding patterns of wildlife and caribou migrations.

18. On what basis was such a blatant infringement of the rights of the Innu people justified? Initially, it has been argued that Ntesinan was terra nullius, but since the International Court of Justice in its advisory opinion on Western Sahara had stated that such an argument was nothing more than racism, the tune had changed. Thus, Mr. Hugh Faulkner, Minister of Indian Affairs, had stated in a letter of 18 July 1978 that the Innu must negotiate a settlement that would compensate for loss of traditional use of land. The Innu refused to accept such a fait accompli. They did not want to lose their land. They wanted freedom from alien domination and to exercise their right to self-determination.

19. He quoted an extract from an article published in the Mid-January 1985 edition of Africa-Asie, which reported on the way the colonizing régime apprehended the Innu problem and which was very aptly entitled "White law - the right of Indians to equality with all Canadians has recently been challenged by the courts".

20. "The first inhabitants of Canada have now for some years been undertaking a legal battle to regain their hunting and fishing rights and even their ownership over certain of their territories. The response of the courts has been: 'In 1763, the Europeans did not consider the natives as their equals. Consequently it is inconceivable that the King (George III of England) would have conceded them a vast and unrestricted territory'. This masterpiece of bad faith and hypocrisy was pronounced by a judge of the Supreme Court of Ontario. That might seem incredible, but it is in this way, at the dawn of the twenty-first century, that Canada renders justice".

21. "Ignoring the rights of peoples, it refers to the rights of conquerors, it being well appreciated that this right operates essentially to confirm and extend its hegemony. In this particular case it ensures that the juridical story of Canada begins only with the arrival of the settlers. It is well known that before the coming of Europeans, these territories belonged to the native nations. But this historical truth is annulled by the 'good sense' of a judge who considers it inconceivable that the King of England could have conceded to the native inhabitants of Canada territories which actually belonged to them. Thus is white law written in terms of the stronger."

22. The Innu people were suffering precisely the same phenomenon of European colonization as other peoples in Africa and elsewhere had suffered. Why was its plight being ignored? Why was it denied the exercise of rights inherent to peoples? The right to self-determination was in theory a universal right. In international law the condemnation of colonialism and of foreign domination knew no frontiers. Yet it appeared that, in practice, certain States might violate those standards with impunity and that certain racial groups might look in vain to the international community to censure those who questioned their humanity.

23. There was no good or just reason for that discrepancy in the application of international human rights standards.

24. Mr. HEREDIA PEREZ (Observer for Cuba) commented that the adoption by the General Assembly of the Declaration on the Granting of Independence to Colonial Countries and Peoples had opened up a new era and that its implementation was an ineluctable task devolving upon the international community. Yet, that task was being held up by those whose policy was based on militarism and force, those who were unable to accept the contemporary tendency to reaffirm the principles of freedom of peoples and the rights of all nations, large and small.

25. Many peoples were still compelled to struggle for the untrammelled exercise of their right to self-determination. The heroic people of Palestine, who claimed their right to self-determination and their homeland since time immemorial, were in that situation. The same was also true of the Namibian people, who would accede to independence whatever the obstacles that were placed in their way.

26. His delegation wished to state yet again its concern at the situation prevailing in North-East Africa which endangered peace, stability and security in the region. It reaffirmed that the settlement of the problem of Western Sahara entailed implementing the inalienable right of the Sahrawi people to decide their future, in conformity with the decisions and resolutions adopted by the Organization of African Unity and the United Nations and also in conformity with the recommendations of the Movement of Non-aligned Countries.

27. It was worth while repeating that the imperialist monopolies were continuing to pursue a policy designed to curb the social and economic development of existing colonial territories, to perpetuate their domination of them and to convert them into back-up bases for the struggle conducted against national liberation movements or for the acts of aggression committed against independent States. Such acts not only impeded decolonization but were also incompatible with the maintenance of international peace and security.

28. In Central America and the Caribbean, attempts were being made to frustrate the aspirations of the peoples. The peoples of numerous colonial territories in those regions were still denied the right to self-determination, a right to which they were entitled, regardless of the size of the territory, the number of its inhabitants and its geographical location. The case of Puerto Rico was typical of colonialism in the twentieth century. Attempts were being made to subvert national values, the laws and jurisdiction of the courts of the metropolitan country were imposed and the population was subjected to every kind of discrimination. Grenada had been occupied by invasion forces and was deprived, by the unjust and unacceptable use of force and armed aggression, of the economic, political and social fruits of the revolution. Nicaragua was enduring daily acts of aggression which held up any negotiations based on strict mutual respect and national sovereignty. His delegation wished to reiterate its support for the just proposals of the legitimate Government of Nicaragua and its appreciation of the peace proposals negotiated by the Contadora Group.

29. His delegation supported the struggle conducted by ethnic minorities in North America, such as Indians, blacks, Latin Americans, "Chicanos" unable to enjoy their right to self-determination.

30. The case of Cuba was well known. Despite the blockade enforced against it over 20 years ago, the unjust occupation of Guantánamo naval base against the will of the Cuban people and the stepping up of the slanderous propaganda against the Cuban revolution, the patriotic fervour of its heroic and fighting people, determined to preserve their sovereign liberty, was daily growing stronger.

31. His delegation was confident that justice and the right of peoples, which the United Nations was seeking to promote, would ultimately triumph over all the obstacles raised by the oppressors.

32. Mr. SKALLI (Observer for Morocco) said that he would like to shed further light on what was known as "the problem of Western Sahara" in order to place the problem in its proper context and to lay, calmly, the foundations for a genuinely democratic solution.

33. His delegation proposed to quote, by way of example, some of the testimonies of observers and journalists from a variety of countries who had recently visited Western Sahara and had reported their findings and described the climate in the territory. Such evidence should not be lost on those who were concerned about the living conditions of the populations and who strove for a just solution of the problem borne out of the decolonization of the territory, and would also enable the Commission to form a clear idea of the real situation.

34. The special reporter of the Senegalese fortnightly review Le Politicien had written in October 1984 "In Laâyoune and the surrounding district, no one would believe that Morocco is at war, since peace and security are guaranteed day and night. The curfew is not applied and there are no acts of sabotage. On the contrary, the inhabitants live their hard-working and peaceful lives. The development tasks are huge. Businesses are being set up. Housing is going up everywhere and administrative, sporting, educational and health infrastructure are being built everywhere. Industrial units offering employment to young people and to cadres are also being introduced".

35. Achim Remde, a West German journalist, had written a series of articles in various dailies. In an article that appeared on 10 March 1984 in the General Anzeiger, he had written "The Moroccan flag flies everywhere and there is no indication that sovereign rights are in dispute. The governors of Laâyoune, Smara, Boujdour and Dakhla are opening schools, hospitals and administrative buildings. In the Saharan provinces there is more building and investment than in any other region in Morocco ...".

36. A French journalist, Mr. Bréhéret, had published in the daily Le Figaro on 19 January 1985 an article in which he stated "I had already visited the Sahara two years ago and the change I found was striking ... The Sahara is truly the building site of Morocco, which assigns the amount of FF 6 billion to it in its 1981-1985 five-year plan, excluding the amounts already invested. A tarmac road links Tan-Tan to Smara. Smara, a small town with 23,000 inhabitants now has a main drainage system, drinking water (thanks to a 38 km canalization) and electricity. Housing is being built, the children attend school and a stadium, cultural centre, mosque, etc., are under construction ...".

37. The editorialist of the Spanish newspaper ABC (edition of 21 January 1985) had stated that any impartial and well informed observer was aware that the Polisario had not managed to take permanent possession of a single square metre of the territory of the Sahara and the hoax of pretending that Haouza was the "capital" had been foiled when Moroccan troops had captured the well.

38. A few days previously, Mr. Kann, the Minister for Foreign Affairs of Sierra Leone had visited the territory of Western Sahara and had declared that he was impressed by the economic take-off of the territory. He had said that it was an unprecedented development project; everywhere the people had seemed calm and happy and the Sahara was a vast and booming province. The Minister had added that he was leaving with the conviction that there was no alternative but to make new proposals in respect of his country's attitude to the Sahara.

39. It was therefore clear that the territory and its population were living in peace and were experiencing an extremely rapid development, materially as well as morally, in a climate of freedom and exemplary democracy.

40. Morocco was deeply rooted in Africa, by its geography, its history, its affinities and its common destiny. It was determined, as in the past, to defend the interests and credibility of Africa. Thus, King Hassan II had stated in his message to the twentieth session of the Conference of Heads of State and Government of the Organization of African Unity: "Morocco is African and will remain so and all Moroccans will continue to serve Africa .... we shall always be among the first to maintain the dignity of the African citizen and respect for our continent."

41. Because of its unfailing attachment to Africa, Morocco continued to take the view that the OAU decisions adopted at Nairobi in 1981 and 1982 on the cease-fire and the referendum were attainments that should be preserved, attainments which were the outcome of efforts to which Morocco had generously contributed by proposing as early as 1981 the organization of a referendum in the territory. Those efforts had taken the form of the preparation of a two-phase plan for a settlement, one phase dealing with the cease-fire and the other with the referendum. In the part relating to the referendum, the OAU plan envisaged that the inhabitants of the Sahara would have a choice between "(a) independence or (b) integration with Morocco."

42. His delegation wished to emphasize that the illegal presence of the so-called Saharan Arab Democratic Republic at the last summit conference of the Organization of African Unity in no way implied its recognition by all member States of the OAU, and further a number of delegations had been at some pains to state that fact publicly during the conference. To imply that the heads of State and Government of Africa as a whole had recognized any right to that so-called republic was clearly an untruth. It must be admitted that presence did not mean recognition.

43. In view of the detailed nature of the settlement drawn up by the OAU, the issue of negotiations with the so-called "Polisario" seemed irrelevant, and even incompatible with the provisions of the settlement.

44. The Commission's task was to strive for self-determination. It was concerned with ensuring that the process of self-determination took place clearly and freely, and Morocco fully endorsed that objective. The goals sought by the Commission and his Government were in perfect harmony, in so far as the Commission was concerned with preserving the freely, directly and authentically expressed will of the natives of the territory from any interference. The joint responsibility of the Commission and of Morocco was that and nothing more. Any other consideration would be extraneous to the attributions of the Commission and the objectives assigned to it in that field.

45. One could not put the cart before the horses and designate, in advance and on one's own responsibility, representatives for the inhabitants of the territory since, clearly the freely expressed will of those populations must be the basis for appointing those who would be empowered to act and speak on their behalf. To appoint representatives of the population even before the referendum had taken place would distort in advance the very meaning of the consultation. High-handedness would stand in the way of democracy. It would be the very negation of the principle of self-determination.



46. Attempts were being made to appoint persons, most of whom were unable to prove that they were of Sahrawi origin, as representatives of the people of the Sahara. By what right did the small group calling itself "Polisario" which had never distinguished itself in the colonial era, which had come into being in dubious circumstances, which lived outside the territory and 95 per cent of which was made up of foreign elements set itself up as the spokesman of the populations living in the Sahara? The genuine representatives of the political parties and the tribes of the entire territory and the Sahrawi resistance at the time of the foreign presence were in Morocco. There were, for instance, Khatri Ould Said Al Joumani, former President of the Jemma (Saharan Assembly), Ahmed Rachid, Leader of the Movement of the Inhabitants of the former Spanish Sahara (AOSARIO), Mohamed Cheik Bladillah, Representative of the Saharan Liberation Front (FLS), Sid Ahmed Bouhoy, Political Officer of the Resistance Movement of the Blue Men (MOREHOB), Mr. Khalil, Representative of the Saharan National Union Party (PUNS), Maoul Ainine and Mr. Hamdate, representatives of the Association of Former Members of the Liberation Army of the Saharan Provinces.

47. They were the true sons of the Sahara, who could claim to represent the population of the territory and who were not seeking to impose their own wishes. If the Commission had designated any intermediary to negotiate on behalf of the population, it would have taken an exclusively political decision which would have been incompatible with the principle of self-determination in its strictest legal and human sense. There was no question of requiring Morocco to negotiate with the so-called Polisario; that would be contrary not only to the Madrid Agreements but also to the opinion of the International Court of Justice. It might indeed be recalled that the General Assembly of the United Nations had requested the Court for its opinion on the question. After recognizing the ties existing between the tribes of the Western Sahara and the Kingdom of Morocco, the International Court of Justice had taken the view that the populations of the territory should freely decide their destiny. However, the Court had not designated a representative to that end, and it had not set conditions that preceded the organization of a consultation of the populations concerned. The Commission should therefore adopt the same point of view and avoid any consideration extraneous to its mandate and its mission.

48. Mrs. CASCO (Nicaragua) said that there was a broad consensus on the right of peoples to self-determination, proclaimed mainly in the Charter of the United Nations, in General Assembly resolution 1514 (XV) and in the International Covenants on Human Rights. Mankind was currently in a phase of history in which it was very difficult to maintain peace, sovereignty and the right to self-determination. In the name of that right, Nicaragua condemned the régime established in South Africa which terrorized the real owners of the territory. In the name of that right, it associated itself with Mozambique, Angola, Zaire, the Seychelles, Lesotho, Botswana and Swaziland, as well as with the ANC and SWAPO. Nicaragua urged Israel to withdraw from the occupied territories and to desist from changing their demographic composition and legal status, and it defended the Palestinian people's right to existence, recognizing the PLO as the sole representative of the Palestinians. Nicaragua supported the people and Government of the Saharan Arab Democratic Republic. It supported the people of East Timor, whose territory was unjustly occupied and who were being subjected to genocide in the true sense of the word. Nicaragua was opposed to the dismembering of the State of Cyprus and to the so-called Republic of Northern Cyprus, and defended the unity, sovereignty and right to self-determination of a non-aligned friendly country. Nicaragua condemned the policy of aggression conducted against Viet Nam, Laos and Cambodia. Similarly, it denounced the monstrous crime committed in the name of freedom against

the people of Grenada. In October 1984, the non-aligned countries had noted with concern that despite General Assembly resolution 38/7, foreign troops continued to be stationed in Grenada. They had reaffirmed their solidarity with the people of that country and had urged that their right to self-determination should be respected.

49. Nicaragua was being victimized by the United States of America, the country which was the worst violator of the right of peoples to self-determination. Since 1854, Nicaragua had been exposed to United States policy which interfered militarily, politically and economically in the internal affairs of other countries, which deposed Governments, established military bases and encouraged crime and terrorism, all in the name of democracy. The people of Nicaragua were experiencing a real tragedy because of the aggression unleashed by the United States in order, as the President of the United States had himself admitted, to destabilize the Government. That war of aggression, whose purpose was to stifle the aspirations of the Nicaraguan people and to prevent them from exercising their right to self-determination had already made 7,935 victims by 30 June 1984. Of those, 2,767 persons had been murdered, including 132 children under 12 years old, 48 women, 705 peasants, 153 technicians and members of liberal professions. Of those victims, 3,213 had been under 21 years old. Further, 3,720 persons had been kidnapped or were missing. Nicaragua had suffered over \$US 1 billion of material damage as a result of the demolition of production centres, schools, fuel depots and various facilities, in conformity with the instructions of the CIA handbook entitled "Psychological operations in guerrilla warfare".

50. The State terrorism applied by the United States against Nicaragua was incompatible with the principles whereby no State should have recourse to force or to the threat of force in its relations with other States, that no State should violate the sovereignty, territorial integrity or political independence of another State, that no State should intervene in the domestic matters of other States and that no State should obstruct the freedom of the sea and peaceful maritime trade. That undeclared war had heightened the tensions not only between Nicaragua and the United States, but also between Nicaragua and other neighbouring Central American countries, in some of which the United States had set up bases for the mercenary forces who were steeping Nicaragua in blood.

51. Large-scale manoeuvres were currently being conducted jointly by United States and Honduran armed forces, with the participation of more than 4,500 United States soldiers, United States M-60 A-3 tanks and M-113 armoured vehicles. There was therefore an enormous foreign military presence in the region which increased the likelihood of conflict. The manoeuvres in question enabled logistic and military support to be furnished to the CIA mercenaries, who made daily attacks on the civilian population and production centres of Nicaragua, in violation of the Charter of the United Nations, General Assembly resolution 2625 (XXV), the Charter of the Organization of American States and OEA General Assembly resolution 642 (XIII). The manoeuvres were also contrary to the Contadora Group's peace initiatives, to the extent that they were incompatible with the principles agreed by the States of Central America and their declaration of 7 September 1984 prohibiting international military manoeuvres in the region. Finally, the exercises were being held at a time when the United States Government was systematically blocking existing machinery for dialogue in order to unleash a major intervention in Central America, in violation of the principles of self-determination, respect for the sovereignty of States and non-interference in the domestic affairs of other countries, which were the very basis of the Contadora Group's peace initiative.

52. By unilaterally suspending the Manzanillo (Mexico) talks, the United States Government was preventing the normalization of relations between the two countries, the restoration of peace and security in Central America and the achievement of an effective regional agreement. The United States thus completely disregarded the appeal in the Declaration by the Ministers of the Contadora Group dated 8 and 9 January, calling on the two Governments to intensify the Manzanillo dialogue in order to normalize their relations and to promote detente in the region. Proof of the flagrant disregard of the Contadora Group's appeal was provided in a document of the United States National Security Council, dated 30 October 1984, in which it was stated that after intensive consultations between the United States, on the one hand, and El Salvador, Honduras and Costa Rica, on the other hand, the three Central American countries had submitted a counter-proposal that was in conformity with the interests of the United States.

53. Nicaragua had already asserted that United States interventionism had not only prevented the document relating to peace and co-operation in Central America from being signed, but had also probably dealt a death blow to the Contadora negotiating process. The United States Government had also made use of the Costa Rican media in order to induce the Government of Costa Rica to set, as a condition for its future participation in the Contadora process, acceptance by Nicaragua of high-handed demands concerning a non-existent violation of the right of asylum.

54. It was curious that the country which had systematically infringed the principles governing the right of asylum invoked such totally unfounded arguments in order to discontinue participation in the Contadora peace process.

55. The latter manoeuvre, which had made it necessary to suspend the meeting convened by the Contadora Group for 14 and 15 February, at which the Nicaraguan delegation had been present, showed that the United States Government had intended to obstruct a process which required that all the countries concerned should be able to take their decisions in the light of their national interest, without interference from a third country.

56. Disregarding the international legal order and, consequently, peace and security, the United States Government had decided not to acknowledge the competence of the International Court of Justice in the case brought by Nicaragua. Such a decision could only weaken the legal institutions which guaranteed that small countries would not be victims of acts committed by powerful countries that contravened international law. That critical situation was being further aggravated by the United States authorities in seeking the approval of the Congress for further budgetary appropriations in order to continue the war of aggression waged for more than four and a half years against Nicaragua in defiance of the rights recognized to that country by the International Court of Justice itself in its opinion of 10 May 1984. The United Nations must remain vigilant and should not allow the right to self-determination to be thus violated with impunity.

57. The efforts of the Contadora Group and the progress achieved towards a detente in the region were in jeopardy. Any normalization of relations between Nicaragua and the United States implied that the Government of the latter country would cease hostilities in Nicaragua, would withdraw its military and air forces from the region and close the naval and military bases it had set up. To avert a breakdown of the Contadora peace process, the United States Government must resume the talks with Nicaragua at Manzanillo as soon as possible and accept the protective measures prescribed by the International Court of Justice. There would

thus be a basis for normalizing the relations between the two countries. Only if that condition was met could the Central American countries commit themselves to the Contadora peace process and conclude an agreement that would guarantee the peace and stability to which they aspired.

58. Mr. DICHEV (Bulgaria) said that his country attached great importance to the right of peoples to self-determination, embodied in the Charter of the United Nations, the International Covenants on Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The importance of that fundamental human right and that established principle of international law had been demonstrated by the heroic struggle waged by the colonial peoples and by the priority assigned to it by the United Nations. As a member of the Special Committee on Decolonization since its inception, as well as of the United Nations Council for Namibia, Bulgaria had long been actively involved in the decolonization process. Due to the efforts of the majority of Member States and especially to the struggle waged by peoples, the colonial system had largely collapsed after the Second World War, when the colonial peoples had exercised their inalienable right to self-determination and independence in the context of the efforts of all progressive and democratic forces for international peace and security. The persistent negation of the right to self-determination was one of the worst crimes under international law and the Charter of the United Nations.

59. If that was so, why was it that there were so many places where the right of peoples to self-determination and independence continued to be breached, with the attendant human suffering and serious threats to international peace and security? The debate under agenda items 4, 6, 7, 16 and 17 showed that there was only one possible answer. When the right to self-determination stood in the way of the interests of imperialism, as was always the case by definition, it was subordinated to those interests or even totally ignored.

60. Even though it came as no surprise that imperialism was ruthless when it came to preserving its interests, the State terrorism it practised against independent and sovereign States was nevertheless alarming. But neither the use of mercenaries depicted as freedom fighters (while national liberation movements were described as terrorists), nor the other manoeuvres of imperialism could deprive the right of peoples to self-determination of its meaning and significance. Neither had they prevented the General Assembly from condemning State terrorism in resolution 39/159.

61. Bulgaria, which had supported that resolution, was seriously concerned that the persistence of flagrant violations of the right to peoples to self-determination, and particularly the denial of that right to the Palestinian people which had led to wars affecting several States and turned an extensive region into a hotbed of tension. It was well known that Israel would not have been able to pursue its policy of terror and persecution of the Arab people of Palestine without generous assistance from certain imperialist quarters, and particularly the United States of America. That assistance had enabled Israel to become an expansionist military power. Bulgaria had already, during the discussion under agenda item 4, affirmed its support for the legitimate struggle of the Palestinian people under the leadership of the PLO, as well as for the idea of organizing an international conference on the problem of the Middle East, at which all the parties concerned, including the PLO, would participate on an equal footing.

62. The fact that the people of South Africa and the people of Namibia were deprived of their right to self-determination also constituted a threat to international peace and security, and was associated with harsh repression internally and a policy of aggression abroad. There again, it was obvious that the perpetrator of those crimes was receiving generous assistance mainly from the United States of America. The institutionalization of racism and apartheid in South Africa and in Namibia, and the continuing efforts to destabilize neighbouring African States were merely the logical consequence of the conflict between the interests of imperialism and those of the peoples in that part of the world who wished to determine freely their own future. Their struggle for independence against the racist régime was by definition a struggle for human rights and dignity.

63. When the General Assembly had adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples, the President of Bulgaria had expressed the solidarity and support of the Bulgarian people for the struggle of oppressed people for freedom and independence, and he had stated that the final abolition of the colonial system would be an historic success not only for enslaved peoples, but for the whole of mankind, since it would promote universal progress and would usher in a new era in modern history. The Bulgarian people wholeheartedly supported the struggle of the Namibian people led by its sole legitimate representative, SWAPO, and that of the oppressed people of South Africa, under the leadership of the ANC.

64. The critical situation in Central America was also a matter of serious concern. One was bound to refer to the infringement of the right to self-determination on the people of Grenada by an imperialist Power, and the escalation of the undeclared war against Nicaragua by the same Power. Innocent people were once more victims of the "crusade" against peace, self-determination and progress. However, pressure, intimidation and subversion had neither prevented the Nicaraguan people from taking part in free and democratic elections nor the international community from identifying those who were clearly bent on overthrowing the legitimate Government of Nicaragua simply because it was not to their liking. It was a matter of urgency to end such a dangerous situation and to stop the undeclared war against Nicaragua, which was an infringement of international law and the Charter of the United Nations.

65. One might also ask what had happened to the right of self-determination of the peoples inhabiting the "small territories" of the Caribbean, the Pacific Ocean, the Atlantic Ocean and the Indian Ocean, who continued to be under colonial domination. The Declaration on the Granting of Independence to Colonial Countries and Peoples made no distinction among colonial territories, whether they were distant or close to the colonial Powers. The decolonization of those territories and the granting of the right of self-determination to their populations was a task of high priority for the international community. The presence of foreign military bases in certain of those territories showed that imperialism disregarded the right to self-determination when the preservation of its own interest were involved.

66. His delegation therefore categorically rejected any attempt to encroach on the right to self-determination of peoples who had already chosen a mode of socio-economic development not to the liking of imperialism. Some States continued to abstain or vote against resolutions concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. They had made reservations on article 1 common to both International Covenants on Human Rights and

had abstained or opposed the adoption by the General Assembly of resolution 39/159 condemning State terrorism. Those countries continued to accuse others of resorting to that kind of tactic while inventing infringements of the right to self-determination to cover up their own machinations. An example of their efforts was the negation of the right to self-determination of the Kampuchean and Afghan peoples. Bulgaria believed that those two peoples should be allowed to continue to follow the mode of socio-economic development they had freely chosen, and that they should do so without external interference. It was therefore imperative to cease assistance to the counter-revolutionary troops, whose subversive activities were obstructing the activities of the legitimate Governments of the two countries. Thus, the right of peoples to self-determination and the legitimacy of their struggle for social progress would be recognized.

67. Mrs. SLAMOVA (Observer for Czechoslovakia) recalled that the right of peoples to self-determination was embodied in international law and international instruments. More particularly, it was affirmed in the Declaration on the Granting of Independence to Colonial Countries and Peoples, which had formed the subject-matter of General Assembly resolution 1514 (XV). The socialist countries had played an important role in the adoption of that text. Since then, dozens of new independent States had come into being.

68. Regrettably, the right to self-determination continued to be denied to certain peoples, a quarter of a century after the adoption of the Declaration. The Namibian people was in that situation. The Palestinians were also compelled to continue to wait for the exercise of that right. Mention should also be made of the inhabitants of various Pacific, Indian Ocean, Atlantic Ocean and Caribbean territories whom the colonial Powers wish to continue to deprive of their rights for as long as possible.

69. Certain territories were thus deprived of their right to self-determination in order to plunder their natural resources while exploiting their population. Czechoslovakia had condemned the exploitation practised by the imperialist Powers who were still seeking to shift the effects of their economic crises by exerting pressure on the territories under their domination.

70. Of those Powers, special reference should be made to the United States of America. The aggression perpetrated by that country against Grenada was well known. The United States of America was also waging an undeclared war in Nicaragua. In El Salvador, it supported an oppressive régime which committed large-scale violations of the rights of the population. The United States of America and other imperialist Powers applied State terrorism which had been condemned in General Assembly resolution 39/159. Imperialist circles habitually used mercenaries to attack young countries and threaten their independence. The countries against which they directed their attacks also included Angola, Afghanistan and Kampuchea. In the course of the Commission's deliberations, there had been attempts to divert attention away from the foreign interventions in Afghanistan and in Kampuchea, by criticizing the Governments of those countries and interfering in their internal affairs. Such a tactic was outside the mandate of the Commission on Human Rights, and the Commission should firmly oppose it.

71. Stressing that the policy of the imperialist Powers aimed at preventing States from exercising their right to self-determination also resulted in human rights violations, she concluded by expressing the hope that the Commission would be able to adopt constructive decisions in order to ensure respect for the right to self-determination and to help people to free themselves, particularly from racism and apartheid.

72. Mr. ZORIGTBAATAR (Observer for Mongolia) said that there was no need to justify the right of peoples to self-determination, since it was embodied in the Charter of the United Nations and in various United Nations resolutions, and more particularly resolution 1514 (XV). The principle of self-determination was universally acknowledged in international law, and the international community had condemned colonial practices.

73. Regrettably, peoples continued to live under occupation, particularly the Namibian people. An odious régime denied them the right to self-determination, with the support of Powers which, on the pretext of constructive engagement in effect defended the interests of their transnational corporations and challenged the application of the sanctions adopted by the United Nations. His country wholeheartedly supported the United Nations and Organization of African Unity resolutions condemning the position of the Pretoria régime, and it supported the Namibian people, led by SWAPO, in its fight for freedom.

74. Mongolia considered that in order to achieve a solution in the Middle East, where the right of the Palestinian people to self-determination was also flouted, Israel would, first of all, have to withdraw its troops from the Arab territories under its occupation. The PLO, the sole representative of the Palestinian people, must be able to participate in the negotiations to restore peace in that region, on an equal footing.

75. In Central America, the United States of America was infringing the right of peoples to self-determination by waging an undeclared war in Nicaragua and supporting a repressive régime in El Salvador. They were also implementing an aggressive policy designed to destabilize Cuba. Imperialist circles had recourse to acts of terrorism to prevent peoples from exercising the right to self-determination and to hinder their development. In particular, they were unwilling to accept the existence of a free and progressive Afghanistan. They had been waging an undeclared war in Afghanistan for six years; while talking about freedom and independence; they were instigating attacks from Pakistan and supporting terrorist gangs to undermine the Revolutionary Government. Mongolia gave its unconditional support to Afghanistan in its resistance to foreign intervention, with the support of the USSR, to which it was linked by an agreement of friendship and neighbourliness.

76. In conclusion, the attempts being made to use the remnants of the Pol Pot bands to destabilize Kampuchea should be condemned.

77. Mr. SYTCHEV (Observer for the Byelorussian Soviet Socialist Republic) said that the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), had been of great importance, since it had enabled many peoples to exercise their right to self-determination, a prerequisite for the enjoyment of human rights. Since 1960, when the Declaration had been adopted, dozens of countries had become independent as the colonial empires had crumbled; independence had sometimes been won thanks to the energetic efforts of liberation movements.

78. Much progress had therefore been made in the exercise of the right of peoples to self-determination, but even today colonial and racist forces continued to occupy some territories. Racist South Africa maintained itself in Namibia by terrorism, but could not stifle the Namibian people's desire for independence. South Africa's allies were supporting it so as to use it as their policeman against progressive countries in the region. General Assembly resolution 39/17 condemned the continued occupation of Namibia and human rights violations in that territory. In order to bring that situation to an end, States Members of the United Nations must resolutely implement the resolutions adopted by the United Nations and enforce a strong boycott of the Pretoria racists.

79. The Palestinians were being denied their right to self-determination due to the aggressive policy of Israel, supported by its allies. The quest for a political solution to that question required the involvement of all parties, including the PLO. Israel must withdraw its troops from all the Arab territories occupied by it.

80. The Declaration on the Granting of Independence to Colonial Countries and Peoples should also be applied to the Pacific, Indian Ocean, Atlantic and Caribbean territories still under colonial domination. The imperialist Powers frequently used those territories as bases for aggression against independent States in order to undermine the self-determination of those States. United State policy vis-à-vis the territories under its control in Micronesia, and also Diego Garcia, should also be denounced. The United States should allow all the territories in which it maintained a colonial presence, including Puerto Rico, to exercise their right to self-determination. Washington also opposed the will of the peoples by backing unpopular puppet régimes in El Salvador and Guatemala, and it practised a policy of aggression against Nicaragua. United States imperialism had also denied the people of Granada the right to self-determination. Finally, the use by imperialist circles of mercenaries to attack independent States, as, in particular, in Angola, the Seychelles and Nicaragua, must be denounced.

81. His delegation would like the right of all colonial territories to self-determination to be strongly reaffirmed, and would support any proposition along those lines.

82. Mr. BARAKAT (Jordan) said that his country had always made clear its attachment to the principles of the Charter of the United Nations and, in particular, the principle of self-determination, ever since it had become a member of the United Nations in 1945. The principle of self-determination, contained in Article 1 of the Charter, formed a solid basis on which to build stability and prosperity for States and for establishing peaceful and cordial international relations.

83. Regrettably, South Africa was blatantly violating the principles of the Charter in Namibia. Jordan, together with other Islamic countries, had formulated proposals with a view to creating conditions conducive to genuine self-determination for Afghanistan. Jordan believed that the exercise of the principle of self-determination should be viewed in the same manner in Kampuchea. In the Middle East, the exercise of the right to self-determination was indispensable for the Palestinians, in order to restore peace. Jordan had already taken many initiatives along those lines; thus far, they had not produced decisive results, but it nevertheless pursued its policy with a view to an equitable settlement. In particular, it called for an international conference on peace in the Middle East to be convened, under United Nations auspices.

84. Jordan had always stressed the special relations that linked it to the Palestinian people, and requested that the PLO should participate on an equal footing in any negotiations held on the Middle East. Quoting the words of King Hussein, he emphasized that the special links between Jordan and the Palestinian people could be ascribed to historical, demographic and geographical objective factors. Because of those factors, his Government showed a very special concern for the Palestinians; which was reflected in its foreign, defence and development policy.



85. Mr. ROBERT (International League for the Rights and Liberation of Peoples) drew the attention of members of the Commission to the tragic situation prevailing in East Timor, a territory which Indonesia had occupied for 10 years in blatant violation of international law and human rights. The Indonesian authorities did their utmost to preserve the silence about the situation in the island, but despite the embargo on information, the blackout had gradually been lifted, revealing the horror of genocide. The charges made by humanitarian organizations had, needless to say, been described as baseless accusations by the representative of Indonesia in the Fourth Committee of the United Nations General Assembly.

86. At its fortieth session, the Commission on Human Rights had taken cognizance of eight documents issued by the Indonesian military authorities, containing instructions for Indonesian soldiers stationed in East Timor. The documents, mainly confidential, made for a better understanding of the results of the inquiries conducted by Catholic associations or the despairing letters received from inhabitants of Timor. In effect, the situation had not changed, the majority of the population was still gathered in strategic villages, thus totally destroying the traditional economy, and the Indonesian army supervised the population of the villages very strictly. The Indonesian Government claimed that it had withdrawn its military forces from Timor but reliable sources of information indicated that some 20,000 Indonesian soldiers were stationed in the island, five times more numerous than the Portuguese forces in 1974. The population was subjected to daily surveillance, raids were organized by day and night and one of the aforementioned documents, explaining how to interrogate prisoners, provided evidence that torture was encouraged in East Timor.

87. The situation had deteriorated since August 1983 and the Indonesian army was stepping up its repression against the civilian population. Many testimonies concerning arrests, acts of torture and murders showed that the cruelty and barbarity of the Indonesian soldiers knew no bounds. The Indonesian representative would doubtless describe such evidence as slander and would recall that the "Indonesia of Bandung" had no need of lessons on decolonization and self-determination. Yet, according to recent information, Indonesia had introduced very strict birth control in Timor and, at the same time, organized transfers of the population from Java and Bali to Timor, practices which were designed to crush a people and which had been condemned by the General Assembly. As early as 1976, in resolution 31/53, the General Assembly of the United Nations had rejected the claim that East Timor had been integrated into Indonesia, inasmuch as the people of the territory had not been able to exercise freely their right to self-determination and independence. Further, if the situation was "normal" in Timor and if there was no further resistance, why was the ICRC prevented from carrying out its normal activities and why was there so much suspicion towards the population, accused of supporting FRETELIN?

88. The Commission had always expressed the concern it felt for the cause of the people of Timor and had always stressed the inalienable right of the people of East Timor to self-determination. His organization fervently hoped that the Commission would show still more concern about the situation in Timor and the genocide being carried out in that territory.

89. Mr. SYTENKO (Union of Soviet Socialist Republics) reminded the Commission that his delegation had consistently affirmed the importance of the right of peoples to self-determination, which was the basis of a whole set of rights and freedoms. The USSR had been actively involved in the elaboration of the two International Covenants

on Human Rights, as well as of the Declaration on the Granting of Independence of Colonial Countries and Peoples. The question of the elimination of colonialism in all its forms had long been included on the Commission's agenda. Yet, there remained a dangerous hotbed of colonialism and racism in South Africa and in Namibia. The South African régime maintained itself by violence and thanks to the assistance it continued to receive from the United States of America, certain Western countries and transnational corporations. The USSR had always supported decisions aimed at ensuring that the Security Council adopted the sanctions envisaged in Chapter VII of the Charter of the United Nations in order to put an end to the illegal occupation of Namibia and the criminal apartheid régime. It gave its full support to the "front-line" States struggling, under the aegis of SWAPO and the ANC, against colonialism, racism and apartheid.

90. In the Middle East, the Israeli aggressors, availing themselves of United States military assistance, continued to infringe the legitimate right of the Palestinian people to self-determination and independence. Similarly, in South America and the Caribbean, the United States utilized direct military intervention in an attempt to determine the political, economic and social system of sovereign States, as demonstrated by the invasion of Grenada, a peaceful and non-aligned State. In Central America, the United States was conducting an undeclared war against Nicaragua, seeking to impose a social order rejected by the people, who aspired to peace and an end to foreign interference and terrorism. That policy of aggression had already been condemned in respect of Cuba, but was being pursued in El Salvador, whose population was subjected to crimes of violence perpetrated with the cynical intention of encouraging arbitrary conduct and challenging all States. That kind of policy was a flagrant violation of the principles of international law embodied in the Charter of the United Nations and the Final Act of the Helsinki Conference.

91. Hotbeds of colonialism also persisted in other regions of the world where foreign Powers, flouting the aspirations of the oppressed peoples, concealed their intentions by no longer speaking of "colonies", but of freely associated territories or territories under protectorate. In Micronesia, for instance, the United States had deliberately impeded scientific and technical progress and the development of certain strategic territories, in order to set up military and naval bases, airfields and arsenals. In some instances, the population had been evicted to enable nuclear tests to be conducted on their territory, an act that constituted a direct violation of the principles of the Charter and the decisions of the Security Council. A considerable number of Atlantic Ocean, Indian Ocean and Pacific territories had been converted into United States strategic military bases, as in the case of Diego Garcia, whose local population had been deported. In those circumstances, the Commission was duty bound to press the United States of America to withdraw from those territories, restoring their national sovereignty to them.

92. The delegations of the United States of America and certain other countries had sought to falsify the facts and to draw the Commission into a discussion which was outside its sphere of competence. They had engaged in an untruthful and slanderous controversy concerning the situation in Kampuchea and in Afghanistan, in order to mislead world public opinion. Nevertheless, the interests of the people of Afghanistan and Kampuchea demanded that deliveries of United States weapons to those countries should be discontinued and that those peoples should at last be free to choose their destiny, in independence, freedom, social progress and peace. The USSR would continue to assist oppressed peoples in their struggle against foreign interference and imperialism.

93. As a result of the policy of terror, aggression and undeclared war, millions of people had sought refuge in camps where they were still subjected to attacks by the imperialist and racist régimes, on the cynical pretext of protecting human rights. The policy of recruiting mercenaries also constituted a serious threat to the independence and economies of many young States. The General Assembly had repeatedly condemned the policy of aggression, interference and State terrorism.

94. The Commission must not remain unmoved by the murderous practices of the imperialist and racist forces. It was duty bound to condemn the flagrant and systematic violations of human rights constituted by colonialism and the denial of the right to self-determination, and must do its utmost to bring those shameful practices to an end.

The meeting rose at 6.25 p.m.