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Chairman: Mr. BENITES (Ecuador)

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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL AND ALIEN DOMINATION (Commission resolution 3 (XXXI)) (E/CN.4/1180; A/10156 and Add.1; A/RES/3382 (XXX)) (continued)

1. Mr. GARMENT (United States of America) said he considered it necessary to restate what the principle of national self-determination had meant when first declared by Woodrow Wilson 60 years previously. While it was true, as had been pointed out, that the language employed in the United Nations was the product of 30 years of compromise, his delegation nevertheless rejected the notion that those compromises should be allowed to distort by insinuation the fundamental meaning of the concepts under discussion in the Commission on Human Rights. His delegation might not be able to prevent once-evident truths from deteriorating into falsehoods, but at least it would have protested.
2. During the debate, the North Atlantic Treaty Organization had been accused of preventing the exercise of the right of self-determination in Angola. His delegation categorically rejected that slanderous allegation, which was so lacking in any factual foundation that its repetition in the Commission gave rise to the suspicion that its intention was more than the mere expression of malicious slander. It was certainly a shop-worn tactic at the United Nations to accuse other governments of interfering in the internal affairs of a State in order to cover up one's own activities. There were indeed certain outside Powers which were attempting to prevent the Angolan people from the free exercise of the right of self-determination, but those Powers were not members of NATO. No member of the Commission was unaware that thousands of foreign troops were today fighting in Angola to impose their view of who should represent the Angolan people. No member of the Commission was unaware that the countries to which those troops belonged were not members of NATO. His delegation rejected those allegations: they were untrue and served only the interest of those who sought to impose their own designs on the Angolan people. By supporting such accusations, the Commission would foster the political chaos that had always been the worst enemy of self-determination. To oppose such chaos in Angola was not to oppose self-determination, but rather to support it, since what chaos bred was empire.
3. National self-determination could be achieved through a variety of political instrumentalities, but the one way in which it could not be achieved was through the imposition of a leadership upon a people by outside forces. The right to self-determination was a democratic idea, based on law, on procedure and, above all, on the consent of those concerned. It was the right of people to decide freely to which government they would pledge their allegiance, what form that government should take and who should lead it. It appeared in every region of the world. It was a permanent right that did not vanish simply because it was exercised. Unfortunately, in many cases self-determination, once exercised, led to arguments that rationalized its extinction. Yet the concept was clear: a nation had the right to renew or revise its political charter as an intrinsic part of the right of self-determination. Consequently, it was clear that decisions imposed by outside forces or a minority faction within a country were incompatible with the exercise of a right which, in his Government's view, could never be exercised in the absence of consent, an element clearly lacking in Angola because of the massive intervention of Cuban troops and Soviet arms.

4. In replying to the comments made at the previous meeting by the representative of Cuba on a question wholly extraneous to the agenda, namely Puerto Rico, he would briefly summarize the historical facts, which were simple. In 1953, at its eighth session, the United Nations General Assembly had acknowledged Puerto Rico's self-governing status and had reaffirmed that decision in 1971, at its twenty-sixth session, when it had rejected a request to include an item on Puerto Rico in its agenda. United States policy with regard to Puerto Rico was based on its complete acceptance of the island's right of self-determination. The people of Puerto Rico had exercised that right when, in 1952, they had approved commonwealth status and adopted their own constitution. They had reaffirmed that choice in a referendum which had been held in 1967 and in which 60 per cent of the electorate had participated; 50 per cent of the voters had voted for commonwealth status, 39 per cent for statehood and less than one per cent for independence. They had made known their will in periodic general and free elections. In those circumstances, no misrepresentation to the contrary could disguise the approval of their self-governing status by the people of Puerto Rico.

5. Mr. CHAVEZ-GODOY (Peru) said that the struggle for independence waged since the beginning of the nineteenth century by the countries of South America was based on the principle of the right of peoples to self-determination. That principle had subsequently been proclaimed in numerous international instruments and it was one of the guiding principles of the Peruvian nation.

6. Since it was conscious of the inalienable nature of that right, Peru upheld all those who were still fighting to achieve it and, in that spirit, had always supported the decisions taken by the various organs of the United Nations with a view to ensuring the full exercise of that right, on which all others were based. It was hardly possible to speak of other human rights so long as the right to self-determination was flouted and some countries continued to be under colonial and foreign domination. The Revolutionary Government of Peru had noted with great satisfaction that General Assembly resolution 1514 (XV) had begun the process of decolonization and that the United Nations had subsequently welcomed in its midst new States which had been born as a result of the common effort towards national liberation and of the constant concern of the majority of the members of the international community. His delegation was convinced that during the next few years the countries of Africa, Asia and Latin America which were still under the colonial and neo-colonial yoke would exercise their right to self-determination and would be in a position to choose their future for themselves.

7. Self-determination was not understood solely in terms of political independence of a more or less formal type. It also included the right of peoples to permanent sovereignty over their natural resources, a right stated in article 1 (2) of the International Covenant on Economic, Social and Cultural Rights. So long as the peoples of the developing countries were subject to political and economic pressure, it was not possible to say that the right to self-determination was being fully exercised. Threats of economic reprisals against countries which, like Peru, in the exercise of their sovereign rights, adopted an independent attitude in international bodies and exploited their natural wealth and resources themselves, represented a new, more subtle and much more dangerous way of preventing the exercise of the right of self-determination.

8. Having signed the Lima declaration adopted by the non-aligned countries and having reaffirmed at Manila its decision to oppose all forms of colonialism, neo-colonialism, racialism and apartheid, his country vigorously rejected any attempt to maintain condemned forms of political or economic domination or to perpetuate the policy of hegemony pursued by certain Powers, in spite of the commitments they had undertaken. It was only when all those forms of aggression and all those ways of exercising pressure had disappeared from the surface of the earth and only when the fundamental principle of self-determination was no longer interfered with, that mankind would be able to enjoy the other human rights.

9. Mr. JUVIGNY (France), speaking in exercise of the right of reply, said that, as had often been pointed out and as some representatives had just stated, the concept of self-determination was both complex and ambiguous, particularly at the level of actual implementation.

10. With regard to the comments made by the Yugoslav representative at the previous meeting concerning the island of Mayotte he (Mr. Juvigny) recognized that the history of Yugoslavia, which had been long bound up with the "Balkan question", explained that country's interest in problems which arose far away from the geographical standpoint. The Yugoslav representative had drawn attention to a number of French statements concerning that question. However, whatever the importance of those statements or the level at which they had been made, it must be stressed that the French Parliament alone was sovereign in the matter and that all questions which concerned the status of French territories were its exclusive responsibility. Once a law relating to one of those territories had been adopted, no appeal was possible, save to the Constitutional Council. It had therefore been entirely in accordance with normal procedure that Parliament had granted independence to three islands, and conducted a referendum at Mayotte on Sunday, 8 February. The result of that free and democratic vote had been that more than four-fifths of the inhabitants of Mayotte wished to remain French, a choice made without any advice from France. Mayotte would now have to decide, in a few months' time, whether it preferred to be a territory or an overseas department. France was prepared to resume talks with the other three, independent islands.

11. As had been seen recently in the West Indies, Asia and Oceania, the implementation of the principle of self-determination in the case of an archipelago was a very complex matter. There was therefore no reason, in the absence of absolute rules, for taking a Manichean view concerning the right or the wrong way of applying that principle or for showing such great interest in the case of the island of Mayotte, which had just taken its own decision about its future. Moreover, the French Government was not antagonistic towards the other three islands, which had already exercised their right to self-determination in accordance with different procedures.

12. Mr. ALFONSO MARTINEZ (Cuba), speaking in exercise of the right of reply, said that it was not possible to describe as "slandorous", as the United States representative had done, what the Cuban representative had said concerning Angola and Puerto Rico; it had merely been a statement of clear ideas and actual facts.

13. The Cuban delegation had referred to the question of Puerto Rico as a regrettable case, because of the colonial presence of the United States of America in that territory. It now felt obliged to explain why that statement was in no way slanderous. As a lawyer, the United States representative would find it easy enough to refute those facts by recourse to legal arguments, but who could deny the presence in the island of United States military bases, some of them equipped with nuclear weapons, and of thousands of United States military personnel? As to the island's true status, certain aspects of it needed to be borne in mind; the United States delegation would be able to confirm that what he was saying was true. Puerto Rico's external relations were conducted by the United States of America. The island had no postal system of its own; United States legislation was applied there, and the courts, both civil and criminal were answerable in the last instance to the United States Supreme Court. Under federal legislation, the United States Government had considerable powers over Puerto Rico and it was therefore untrue to say that it did not exercise actual sovereignty over the island. There were admittedly some matters which came under the island's own jurisdiction, but that was not sufficient ground for saying that the Cuban delegation had lied. The Commission had been told that Puerto Rico had accepted its status in 1952 and that a referendum had been held there in 1967. Even if it was possible for a people to express itself freely despite a military presence, and voluntarily to renounce all its powers, a few questions could nevertheless be asked concerning the procedure that had led to such a renunciation. Notwithstanding the decision taken in 1952, the case of Puerto Rico had been submitted in New York to the Committee of 24 established by the General Assembly to examine the situation of territories where the right of self-determination was not fully exercised.

14. With regard to Angola, the United States representative had claimed that the Cuban delegation had lied, at the previous meeting, when it had mentioned the participation of NATO in the struggle against self-determination in southern Africa. As the United States of America was a member of NATO and had apparently not renounced its obligations towards that organization, it could be said that a NATO military Power had done everything possible to prevent the exercise of the right of self-determination in Angola.

15. The Cuban Government had always been in favour of all the African liberation movements, particularly the MPLA. It had not only supported the many resolutions relating to national liberation movements adopted by the United Nations General Assembly, by the non-aligned countries and by OAU: it had also respected those decisions. According to information published in the New York Times of 25 September, in September 1975, - two months before the official independence of Angola and before there had been any Cuban presence in that country - Mr. William Colby, the head of the CIA, had informed six sub-committees of the United States Congress about CIA activities in Angola. Cuba was providing assistance to the Angolan Government recognized by many States. The alleged Cuban intervention which, according to the United States representative, might lead to "chaos", would continue so long as it proved necessary.

16. Reverting to the question of the assistance provided by the United States to frustrate Angola's independence, he said that no one was unaware of the ties between the United States and South Africa. The British weekly magazine The Economist, whose editors were not leftist, had noted in its issue of 31 January 1976 that the question was whether South Africa had acted alone or whether it had been misled and abandoned by the United States. The South African Prime Minister, Mr. Vorster, had emphasized that his country's intervention was part of the efforts undertaken by the West to protect the interests of the free world. It was not intended that South Africa should fight alone against the intervention by the Soviet Union and Cuba in Angola; it must have received secret assurances of aid from the United States, which had not prevented it from being in difficulties when the United States Congress had refused such assistance. There was nothing surprising about the understanding between the United States and South Africa; it was only a logical consequence of the links between the two countries at all levels. Those facts were more than sufficient to refute the accusation of slander made against the Cuban delegation in connexion with its comments on the intervention in Angola of at least one member State of NATO, well before Angola's independence.

17. Mr. ZORIN (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that without wishing to engage in a polemic with the United States representative, he was concerned to establish the facts, so that the conclusions called for by the matter before the Commission could be objectively drawn. The representative of the United States of America had cited unproven facts and had passed over facts that were obvious. It was obvious that Angola, whose people had acceded to independence at the end of a long struggle and had created their State and endowed it with a government through perfectly legitimate means, was facing open aggression from South Africa, which was receiving help for that purpose from certain Member States of the United Nations. The representative of the United States could hardly deny that South Africa had sent detachments of its regular armed forces to fight against the Angolan people and Government and had given assistance to dissident groups, at a time when the Angolan Government had been recognized as the legitimate Government by some 50 States, including 25 African States. It was therefore a clear case of manifest violation of the right to self-determination, which it was the Commission's duty to promote. Moreover, the majority of the members of the Commission had expressed their disapproval of that interference in the internal affairs of a State, and it was legitimate to ask why the United States representative refrained from condemning the action taken by South Africa.

18. The United States representative had sought to refute what he called "slanderous" accusations against the member countries of NATO. Several representatives had denounced the intervention in Angola by member countries of NATO. He had refrained from doing so, because that again was common knowledge and there had been no need to refer to it. Since the United States representative had seen fit to reject those "slanders", he (Mr. Zorin) would remind him that, on 10 November 1975, at its thirtieth session, the General Assembly had adopted by a large majority resolution 3382 (XXX) operative paragraph 4 of which "condemned the policies of those members of the North Atlantic Treaty Organization ... whose military, economic, sporting or political relations with the racist régimes of southern Africa ... encourage these régimes to persist in their suppression of the aspirations of peoples for self-determination ...". The accusation against the member countries of NATO was therefore made by the great majority of the States Members of the United Nations, and it was grounded on incontestable facts which no doubt explained why a great Power, a Member State of the United Nations, refrained from accusing South Africa of open aggression in Angola.

19. The United States representative had denounced intervention by "Cuban troops and Soviet arms" in Angola. The representative of Cuba had provided an explanation for the presence of Cuban forces. As to the presence of Soviet arms, that stemmed from the policy long followed by the Soviet Union; it had systematically aided and would continue to aid all national liberation movements, and it would therefore continue to aid the legitimate Angolan Government when it was obliged to fight to ensure the right of the Angolan people to self-determination. Moreover, in operative paragraph 8 of the same resolution (3382 (XXX)), the General Assembly had "noted with appreciation the material and other forms of assistance that peoples under colonial and alien régimes continue to receive from Governments ... and calls for a maximization of this assistance". Of course there was what might be called a difference of position between those who sought to destroy Angola and those who wished to help it. The question was not who was right and who was wrong. The Soviet Union did not hide the fact that it was helping the Angolan people and Government, and no one had any right to condemn it on that account, any more than the other African States which also were helping the Angolan Government. It was regrettable that the representative of the United States of America should have thought fit to refer in such terms to Soviet arms, which during the Second World War and since had done so much for all who were fighting for their national independence.

20. The United States representative was also in error in suggesting that the way the Commission was working would foster chaos in Angola. That sort of criticism showed a contempt for the opinions of members of the Commission which he (Mr. Zorin) was not prepared to accept. It was South Africa that was in the first instance responsible for chaos in Angola, and it was for the Angolan Government and people to re-establish order, especially as that Government enjoyed constantly increasing support from other peoples and other States.

21. In general, the United States representative's remarks had been couched in somewhat emotional terms. Members of the Commission should show greater restraint and give more weight to the decisions of the General Assembly itself.

22. Mr. BOZOVIC (Yugoslavia) said he would like to make it clear to the representative of France that he had done no more than quote statements made by the President of the French Republic.

23. Mr. GARMENT (United States of America), speaking in exercise of the right of reply, reminded the USSR representative that the General Assembly had dealt with the question of foreign intervention in Angola in a context altogether different from the wider background against which it had adopted resolution 3382 (XXX), in which member countries of NATO were referred to, but not in connexion with Angola. When the Assembly had had the question of Angola before it, a draft resolution had been submitted demanding the withdrawal of South African troops from Angola. Certain delegations had submitted an amendment in which the withdrawal of all the foreign forces in Angola was also requested. The sponsors of the draft resolution then withdrew their proposal, knowing very well that, as amended, it could not be adopted.

24. The United States of America was opposed to intervention in Angola by any foreign troops. It was an acknowledged fact that 10,000-12,000 Cuban soldiers were fighting in Angola against certain Angolan liberation movements and were therefore killing Angolans. They were not NATO troops. The desire of the people of Angola to determine their own future could only be aided by the withdrawal of all foreign troops, wherever they came from. The true test of the exercise of the right to self-determination was consent. Consent could not be wrested through internal fighting fomented by foreign powers supplying troops or arms.

25. In the case of Puerto Rico, too, the whole issue was the freely-given consent of the people. The United States had never claimed that Puerto Rico had complete sovereignty. The Puerto Ricans had freely accepted a relationship with the United States until such time as they reached the stage of development in which they could decide their own future. That relationship had never been imposed on the Puerto Rican people. There were no foreign troops in Puerto Rico preventing the exercise of the right of self-determination. The arguments of the representative of Cuba were unworthy of serious attention.

26. Mr. BEAULNE (Canada) said he regretted that members of the Commission should seek to lay the responsibility they imputed to certain member States of NATO upon all the member States of that organization. He could not see how the representative of Cuba could maintain that all the member countries of NATO were involved in the Angolan affair. The adoption of a resolution by a majority of States Members in the General Assembly could not alter the facts.

27. Mr. ALFONSO MARTINEZ (Cuba) said he would like to make it clear to the representative of Canada that he had on no occasion spoken of intervention by other than one member State of NATO, in the event, the United States of America, which wished to prevent Angola from exercising its right to self-determination.

28. He was astonished that the representative of the United States should deny the presence of troops on Puerto Rican territory: the presence of United States army and navy bases, equipped with nuclear weapons, was a matter of public knowledge. It was also well known that the presence of troops in a territory represented the highest possible degree of coercion and that, in such circumstances, it was impossible to claim that elections took place freely.

29. If the aid provided by Cuba in Angola to the MPLA, from which the country's only legitimate Government had sprung, had really played a part in the country's achievement of independence, and if Cuba had inflicted a reverse on the imperialists in so doing, Cuba was proud of it.

30. Mr. GARMENT (United States of America) said that he had never denied the presence of military bases in Puerto Rico: their presence was provided for in the agreement between Puerto Rico and the United States Government, following the referendum of 1967, in which Puerto Rico had freely decided on its status.

31. Mr. von KYAW (Federal Republic of Germany) said that he felt bound to denounce the hypocrisy evident in the arguments about the situation in Angola. Foreign intervention in Angola was a fact that could not be denied. Statements by members of the Commission could not cover up the fact that numerous forces were conspiring to prevent the exercise of the right of self-determination in Angola. Those who were referring in particular to action by members of NATO were those who were most eager to cover up their own intervention. His country firmly supported the provisions of resolution 3382 (XXX), in which the General Assembly had condemned interference by any foreign power whatsoever in the internal affairs of Angola.

32. The CHAIRMAN announced that the discussion on agenda item 9 was closed.

The meeting rose at 4.45 p.m.