COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva, on Tuesday, 9 February 1988, at 10 a.m.

Chairman: Mr. SENE (Senegal)

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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 10.15 a.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.4/1988/13, 14, 41 and 52; E/CN.4/1988/NGO/10, 17, 19 and 20; A/42/616-S/19174 and A/43/66-S/19381)

1. Mr. ARTACHO (Spain) said that there could be no settlement of the Palestine question until all the rights of the Palestinian people were recognized, including the right to self-determination.

2. The 200,000 Vietnamese troops currently occupying Kampuchea made it impossible for the Kampuchean people to exercise its right to self-determination. In addition, Viet Nam had settled almost half a million of its nationals within the borders of Kampuchea, had forced large numbers of Kampucheans to flee repression in their country and had indiscriminately exploited Kampuchea's natural resources. The Kampuchean people had the right to demand the restoration of their nation's independence, sovereignty and territorial integrity and the exercise of its right to self-determination, so that they could choose freely and openly their form of government. That would only be possible when the foreign troops had been withdrawn. In the meantime, the occupying Power was bound to observe fully the relevant international human-rights instruments.

3. The situation in Afghanistan was very similar to that in Kampuchea. Both problems were a major source of international tension, and both gave rise to great movements of refugees; both countries were being exploited for their natural resources and, most importantly, both were being occupied militarily by a foreign power that did not respect human-rights standards or the obligations emanating from the international human-rights instruments to which they were parties.

4. In the case of Afghanistan, it was to be hoped that the recent declarations by the Soviet authorities regarding a withdrawal of their troops would soon become a reality, thereby creating the pre-condition for the return to their homeland of the almost 5 million Afghan refugees, the free election of a Government of national reconciliation, economic reconstruction and the recovery of Afghanistan's status of a neutral and non-aligned country.

5. The methods used in South Africa to perpetuate the apartheid régime had unfortunately been extended to Namibia, which was occupied by the Pretoria Government in clear violation of numerous United Nations resolutions. South Africa excused its denial of the legitimate right of the Namibian people to self-determination and the exploitation of Namibia's natural resources by referring to non-existent rights over that territory and so-called reasons of national security.

6. Namibia was thus under the dual yoke of apartheid and colonialism. His delegation reiterated its call for the recognition of the right to self-determination of the Namibian people and the immediate implementation by the South African authorities of the United Nations plan for the holding of free elections. As long as the relevant Security Council resolutions were not observed, there would be no peace and security in southern Africa.
7. The position of his Government on Western Sahara had not changed substantially since 1976, when it had ceased to be the administering Power for that territory. The decolonization process would only be completed when the opinion of the Sahrawi people had been freely expressed in a referendum, held with appropriate international guarantees, as had been set forth in the relevant resolutions adopted by the United Nations and the Organization of African Unity. Negotiations among all the parties concerned was the only way to create the conditions needed for holding such a referendum and, ultimately, for achieving a settlement that would guarantee respect for the rights of the Sahrawi people and put an end to hostilities.

8. Mr. de SILVA (Sri Lanka) said that, whereas peoples and nations were recognized as having an inalienable right to political self-determination, sufficient attention had not been paid to the concomitant right of economic self-determination – the right of peoples and nations to dispose of their natural wealth and resources – although it was vital to developing countries. Furthermore, the right to economic, social and cultural rights and the right to determine freely the use of national wealth were essentially collective rights of a nation or people.

9. The right to self-determination was meant only for those peoples whose independence or freedom to determine their political status or right to pursue their economic, social or cultural development had been denied by a colonizing or occupying Power. That was also borne out by other provisions which were specifically designed to protect minorities from oppression by the majority and the individual from unfair treatment by his own State. Self-determination thus applied not to groups within a nation or people, but only to the alien domination of a people or nation as a whole.

10. Another problem was whether the right to self-determination of a given people had to be exercised once and for all, or whether it was a continuous right that could be exercised again and again.

11. The most easily resolved case was that of a formerly independent people currently under foreign domination. Clearly, the international community should not only recognize that people's right to freedom and independence, but should do everything possible to enable it to attain its rights. Where a subjugated people comprised two or more former distinct entities, its right to a separate existence could be implemented as an independent State or as more than one independent State.

12. However, in a case where migrants from another country formed part of the population of a sovereign State and their numbers had multiplied to reach a sizeable proportion of that population, they had no right to secede and form a separate State, regardless of their links with a common mother country or any questions of racial homogeneity or religious community, because no such right existed under international law.

13. Thus, it could be said that the denial of the right to self-determination affected two groups, namely, nations occupied or dominated by a foreign Power and an entire people dominated by a minority within a particular nation, as in the case of South Africa. In either case, rulers, who were not the chosen representatives of the people, prevented the people from exercising its political, social, economic or cultural rights, but that applied to the people as a whole and not to a small group or minority within a given State.
14. Mr. STEEL (United Kingdom) said that human rights were indivisible, and it would be a shameful thing if the Commission's indignation were selective and if it allowed itself to remain indifferent to any manifest violation of human rights, no matter where it had occurred. It was nevertheless a fact that some violations were more flagrant and outrageous than others, and it was to those that the Commission should pay particular attention.

15. Whereas many of the cases that concerned the Commission involved violations of the right of self-determination by some foreign Power or invader, it must be borne in mind that the right in question was also often denied by a people's own Government. The right of a people to be and to remain at all times in charge of its own destiny, as guaranteed by the two International Covenants on Human Rights, meant the right of a people freely to choose its own Government and its own social system and to have a Government that was accountable in the fullest sense of the term.

16. The right to self-determination was thus not something achieved and exhausted once and for all in a single election, but a democratic system whereby the Government was chosen at intervals by a process of free and fair elections on a basis of popular suffrage. Even in the absence of any foreign occupation or interference, a people which did not enjoy such a democratic system of choosing its own Government could not be said to enjoy the right to self-determination.

17. The most vivid example of a people denied the right to take charge of its own destiny was the situation of the non-whites in South Africa. The apartheid system, which denied them any role in deciding how they should be governed, was the very negation of the right to self-determination as well as being a morally repulsive system which violated a multitude of their human rights. His Government thus condemned apartheid as a flagrant violation of the right to self-determination.

18. The continued unlawful occupation of Namibia by South Africa denied the Namibian people their right to self-determination, and his Government was actively engaged in efforts to ensure that Namibians would have the opportunity to determine their own future after all foreign troops had been withdrawn, through free and fair elections under United Nations supervision and control.

19. His Government strongly supported the right of the Palestinian people to self-determination, in the context of a negotiated settlement which would guarantee the right of Israel and all States within the region to a secure existence within recognized borders.

20. The foreign invasion and occupation of Afghanistan continued, and with it a system of unspeakably brutal repression and denial of all basic human rights. Mention had been made of plans for an early withdrawal of the Soviet occupying troops and for the replacement of the current régime in Kabul by a Government genuinely responsive to the people of the country. The Commission should not, however, moderate in any way its intense concern for the plight of Afghanistan unless and until the Soviet withdrawal actually took place and it was clear that the existing régime, with all its apparatus of repression, had indeed been replaced by a Government which could truly be regarded as representing the wishes of the Afghan people.
21. The international community had also overwhelmingly and frequently condemned the illegal and oppressive Vietnamese occupation of Kampuchea. That condemnation was to be construed not as condonement of the terrible abuses which the Khmer Rouge had inflicted on the Kampuchean people, but as a rejection of the régime imposed and maintained by the force of Vietnamese arms. Kampuchean independence must be restored, by the complete withdrawal of the Vietnamese forces, and free and fair elections, under United Nations auspices, must be held to enable the Kampuchean people genuinely to determine how it should be governed.

22. His Government, though unreservedly condemning the recruitment, use or financing of mercenaries, had objected to the appointment of a Special Rapporteur on the subject because, in its view, the question of mercenaries was primarily a matter concerning relations between States and not a human-rights issue. The appropriate forum for consideration of the subject was the Ad hoc Committee on the Drafting of an International Covenant against the Recruitment, Use, Financing and Training of Mercenaries, which was currently meeting in New York.

23. Mr. YOUSSIF (Iraq) said that exercise of the right to self-determination was a prerequisite for the enjoyment of human rights in general. It was a right that could not be discussed without regard to the relevant principles of international law, including the Charter, the International Covenants on Human Rights and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, which underlined the link between all human rights and the commitment to international co-operation based on non-use of force and respect for all States' territorial integrity, including the right to choose their own political systems.

24. In the occupied Arab territories, the peoples had for forty years been denied their right to self-determination despite numerous United Nations declarations, upholding, inter alia, the Palestinians's right to create their own State under the guidance of their sole legitimate representative, the Palestine Liberation Organization. His Government reiterated its unswerving solidarity with the Palestinian people in their just struggle for self-determination, and called on the international community to take all possible collective measures in that cause.

25. The plight of the southern African peoples was a similar one. In defiance of international condemnation, the white minority was still imposing its rule on majority peoples in their own territories. His Government thus reiterated its support for the national liberation movements in South Africa and Namibia. One disquieting feature of the situation was the Pretoria régime's use of mercenaries, in which connection his delegation appreciated the Special Rapporteur's report (E/CN.4/1988/14).

26. A further threat to the right to self-determination was the use or threat of force in international affairs, which violated the principles clearly set forth in relevant international instruments, including General Assembly resolution 2625 (XXV). The President of his country had stressed, in a statement made on 8 February 1980, Iraq's commitment to a policy of good-neighbourliness, non-use of force and non-interference in the internal affairs of other States.
27. Mr. LEPRETTE (France) said that the right of peoples to self-determination, which was directly linked to the protection of human rights and had been enshrined in international instruments, had been considered by the Commission as a matter of high priority since 1975 but, sadly, there were still situations in which that right and other basic principles of international law were being flouted.

28. In Afghanistan, Soviet intervention had, since 1979, deprived the people of its legitimate right to self-determination and resulted in some 1 million victims and several millions of refugees. His Government had always been in favour of a political solution based on the complete withdrawal of foreign troops; respect for Afghanistan's sovereignty, independence and non-aligned status; and an opportunity for Afghans to determine their future freely - principles reaffirmed by an overwhelming majority during the General Assembly's previous session. It hoped that the good intentions expressed by the Soviet Union would shortly be put into effect.

29. In Kampuchea, Viet Nam's continued occupation had created a new form of colonialism. Arbitrary detention, torture and forced labour had claimed tens of thousands of victims and caused large numbers of refugees. The foreign occupation persisted despite condemnation by the vast majority of Governments. Human rights in that country could be exercised only when the foreign troops had been withdrawn and independence and sovereignty had been restored.

30. The Sahrawi people, too, should be enabled to choose their own destiny, by means of a referendum under international control. It was to be hoped that, in East Timor also, where the situation gave grounds for concern, the people would soon be able to exercise its fundamental rights.

31. In the case of Palestine, his Government advocated immediate steps towards a negotiated settlement, based on the right of all the region's States, including Israel, to a secure existence and the Palestinian people's right to self-determination, with all that it implied. The recent deterioration in the situation in the occupied Arab territories made it more urgent than ever to give effect to those principles and to bring about an overall, just and lasting settlement.

32. As for southern Africa, the so-called "homelands" system was an inadmissible flouting of the right to self-determination, a right which was still being denied to the Namibian people also. It was essential to implement Security Council resolution 435 (1978) unconditionally and without further delay.

33. Mr. DEHLAVI (Pakistan) said that vestiges of the colonial era still remained as an affront to mankind, a further affront being foreign military intervention and occupation, which denied the principles of self-determination whose application had enabled the United Nations to make such an impressive contribution to the early stages of the elimination of colonialism.

34. Denial of the right to self-determination was the central issue of the Middle East problem and the international community should do its utmost to enable the Palestinians to exercise their fundamental rights, including the right to establish an independent State under the leadership of their sole legitimate representative, the Palestine Liberation Organization.
35. His Government condemned the apartheid policy of oppression against the South African majority population and supported the adoption of comprehensive mandatory sanctions under Chapter VII of the Charter. It fully supported the Namibian people's struggle - under the leadership of SWAPO - for the freedom and independence essential to the alleviation of political tensions and respect for basic human rights.

36. The tragedy of Kampuchea, where denial of the right to self-determination had caused hundreds of thousands of refugees, could be alleviated only on the basis of the relevant General Assembly resolutions, which upheld the right of all peoples to choose their political and socio-economic systems free from outside pressure.

37. His country's position on the unresolved question of Jammu and Kashmir, which concerned the right to self-determination, was well known.

38. In Afghanistan, foreign military intervention had caused a mass exodus of refugees to Iran and Pakistan. The latter alone was host to over 3 million refugees, a heavy economic and social burden. It continued to furnish basic sustenance to the refugees and was grateful to the States and international agencies which had provided assistance. Pakistan's own security was threatened by the situation; but despite the damage and loss of lives resulting from bombardment, sabotage and subversion from across the border, his Government had acted with great restraint with a view to finding a just political solution, which was perfectly feasible given the requisite will.

39. The basic prerequisites were the immediate and total withdrawal of foreign troops from Afghanistan, preservation of Afghanistan's sovereignty, territorial integrity, political independence and non-aligned character; respect for the Afghan people's right freely to determine its own form of government and political, economic and social system; and the safe and voluntary return of the Afghan refugees. Throughout the Geneva talks, Pakistan had worked towards that end. It appreciated the tireless efforts of the Secretary-General and his personal representative, to whom it would continue to extend its fullest co-operation.

40. Since reaffirmation of the international community's support would help towards achieving a comprehensive, just and durable settlement, his delegation hoped that the Commission would remain seized of the situation and would collectively uphold the Afghan people's right to self-determination; it intended to introduce an appropriate draft resolution on the subject.

41. Mr. LOMEIKO (Union of Soviet Socialist Republics) said that his delegation's second statement was prompted by the attempts of certain delegations to distort the meaning of the right to self-determination. It was not the Commission's task to redefine that right - which was enshrined in international law and in the relevant instruments - but to strive for its exercise. Any attempts at diversion from that aim were inadmissible.

42. The United States delegation seemingly sought to bring about direct confrontation in the Commission, by drawing on stereotypes from the past; it should recall Senator Fulbright's warning, against policies based on force. Such policies were still being exercised; examples were the piratical bombing of Libya and the naval bombardment of Lebanon.
It was a pity that the "free elections" to be held in the states after which United States warships were named, and the Administration resulting therefrom, would provide other nations with no safeguard against overt or covert interference in their internal affairs. The tragic results of such interference had been visited on many families in Cuba, Nicaragua, Viet Nam and elsewhere, and disqualified the Washington Administration from acting as a mentor on the right of peoples to self-determination.

In the international community, there could be neither accusers nor accused; there should be dialogue, not confrontation. Those who sought to lecture others on the basis of one-sided versions had, however, to be given a reminder. It would be tedious to list the numerous instances of United States armed intervention in Latin America, such as that country's interference with the people's right to self-determination in Grenada and Cuba and its acts against Nicaragua, including the training, arming, supplying and financing of the Contras, which had been censured by the International Court of Justice.

The annexation of Micronesia, in defiance of the Charter, the Security Council and General Assembly resolution 1514 (XV), further exemplified the United States' violation of the right of peoples to self-determination. And perhaps the United States representative could explain why his country had failed to respect that right in full with regard to Panama.

It might also be wondered why the United States representative saw fit to give unsolicited advice to a sovereign State - the German Democratic Republic - about its frontiers; no one made recommendations to the United States about its borders with Mexico. Likewise, the United States representative's remarks about the right to self-determination of the Baltic Soviet Republics ignored the historical fact that they were, politically and territorially, an integral part of the Soviet Union. Doubtless the reference to those regions was aimed at influencing immigrant voters during the "free elections"; but it would be better to have more thought for people on the Indian reservations or in the black and Puerto Rican ghettos.

The Commission would not be diverted or deluded by statements based on such double standards, and the time and energy expended could be better used in seeking real ways to ensure respect for human rights, one example being the joint effort towards agreement on the elimination of medium-range and short-range missiles.

With regard to Afghanistan, Mikhail Gorbachev had said, on 8 February 1988, that the Soviet Union and the Republic of Afghanistan had agreed to begin the withdrawal of Soviet troops on 15 May 1988, or earlier if agreement could be reached before 15 March 1988. It was envisaged that the withdrawal would take about 10 months. His delegation had available the text of Mr. Gorbachev's statement and requested the Under-Secretary-General for Human Rights to arrange for its circulation as an official document of the Commission. He was ready to answer any further questions on the subject at a press conference to be held immediately after the current meeting.

Mr. CERDA (Argentina) said that the two International Covenants on Human Rights gave a prominent place to the right to self-determination because the international community considered it to be the basic prerequisite for the
effective exercise of all fundamental rights and freedoms. That right had become a part of the jus cogens, and its binding force was therefore unquestionable. Some peoples were still, however, being denied their right to self-determination.

50. Like the Palestinian people in the occupied Arab territories, to whom his delegation had referred in an earlier statement, the Namibian people continued to be denied their inalienable right to self-determination and independence. His Government reiterated its support for their just struggle and recognized the South West Africa People's Organization (SWAPO) as their legitimate representative.

51. With regard to Western Sahara, his Government supported a negotiated political solution to create the necessary conditions for a peaceful and fair referendum for self-determination of the people under the auspices of the Organization of African Unity and the United Nations.

52. His Government supported the withdrawal of foreign troops from Kampuchea to enable it to regain its independence, sovereignty and territorial integrity. He expressed the hope that the recently initiated talks would be conducive to that end. In that regard, his delegation had taken note of the announcement that, by the year 1990, there would be no foreign troops on Kampuchean territory.

53. On the question of Afghanistan, his delegation agreed with the Special Rapporteur on the situation of human rights in Afghanistan that only the withdrawal of foreign troops would create the necessary conditions for the exercise of the right to self-determination and a resultant improvement in the general human-rights situation. He noted with satisfaction that the Afghan Government had begun to co-operate with the Special Rapporteur.

54. In Central America, the Agreement signed at Guatemala City by the five Central American Presidents was the sovereign expression of the political will of the countries of the region to solve their conflicts through dialogue, outside the East-West confrontation and with due respect for the legitimate interests of all States.

55. On 29 November 1987, the Presidents of Argentina, Brazil, Colombia, Mexico, Panama, Peru, Uruguay and Venezuela had signed a document stating that peace in the region was closely linked to respect for the principles of the self-determination of peoples, non-intervention in the internal affairs of States, peaceful settlement of disputes, prohibition of the threat or use of force, legal equality of States and international co-operation for development.

56. In reaffirming the inalienable right to self-determination, the international community should be aware of certain attempts to pervert and distort the true scope of that right. The restitution to a State of the territorial integrity usurped by colonization meant the restitution to the people of that State of the rights which the principle of self-determination conferred upon it. His delegation would not hesitate to speak out against an attempt by any State to distort the meaning of the right in order to perpetuate its colonial domination.
57. With regard to the report on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (E/CN.4/1988/14), his delegation felt that it provided considerable support for the view that the Commission should continue its consideration of the question. It thus favoured renewal of the Special Rapporteur's mandate.

58. Mr. INGLES (Philippines) said that his delegation's views on the right of peoples to self-determination could be summed up by urging the parties concerned to implement the innumerable General Assembly and Commission resolutions on the subject, particularly General Assembly resolution 1514 (XV), since one of the shining achievements of the United Nations had been the continued implementation of that fundamental right.

59. There appeared, however, to be an attempt to reverse that historical trend. His delegation could not agree with the proposition that self-determination was still in a stage of evolution. Its evolution had ceased once it had become a peremptory norm of international law. Any attempt to circumvent that right would no longer be evolution but retrogression.

60. The illegal occupation of Kampuchea violated the Charter and constituted a continuing aggression in defiance of the wishes of the international community. His delegation reiterated the call for Viet Nam to engage in serious discussions concerning a just and enduring solution to the Kampuchean problem based on the withdrawal of all foreign forces from Kampuchea; the restoration and preservation of its independence, sovereignty and territorial integrity; its people's right to determine their own destiny and the commitment by all States to non-interference in the internal affairs of Kampuchea.

61. The representative of Viet Nam had said the previous day that Viet Nam was willing to participate in the International Conference on Kampuchea. That raised the question of whether it agreed to the International Conference's formula concerning the basic elements of a political solution to the Kampuchean problem, including the complete and unconditional withdrawal of Vietnamese troops. To break the nine-year impasse deeds were needed rather than words.

62. His Government joined the vast majority of the international community in calling for a political settlement of the situation in Afghanistan on the basis of full respect for the independence, sovereignty, territorial integrity and non-aligned status of Afghanistan, and strict observance of the principle of non-intervention and non-interference. The representative of the Soviet Union had said, the previous day, that his Government would withdraw its troops from Afghanistan within a few months, but the Commission had heard that statement before, at its previous session.

63. As for Western Sahara, the elements for the resolution of the question were embodied in General Assembly resolutions 1514 (XV) and 42/78, as well as Commission resolution 1987/3.

64. The question of Namibia epitomized neo-colonialism, which was all the more deplorable because of the intransigence and arrogance of the occupying Power in defying the will of the United Nations. Independence for the people
of Namibia should not depend on irrelevant considerations. The Commission should once again urge the early implementation of the relevant General Assembly and Security Council resolutions.

65. Mr. MONTEMAYOR (Mexico) said that it was important to stress the close relationship between the right of peoples to self-determination and the effective enjoyment of other human rights. In that context, commitment to supporting the United Nations, which had achieved its greatest successes in the area of self-determination, must be renewed. Much remained to be done, however, for only with the decided backing of the international community could colonialism, in its old and new forms, be eradicated.

66. No major advances in decolonization had been made in 1987. With regard to Namibia, the United Nations had been unable to ensure full implementation of Security Council resolution 435 (1978). His delegation rejected the conditions being imposed on the implementation of that resolution as being extraneous.

67. With regard to the question of Palestine, his delegation reiterated its view that the legitimate rights and aspirations of the Palestinian people must be recognized and ensured, especially their right to self-determination. It supported Security Council resolutions 242 (1967) and 338 (1973), which represented the basis for a peaceful, just and lasting solution, and it also supported the convening of a peace conference.

68. With regard to the question of the Falkland Islands (Malvinas), his delegation reiterated its firm support for the sovereign right of Argentina. Regrettably, no significant progress had been made in implementing the relevant General Assembly resolutions. It reaffirmed the urgent need for direct negotiations between the parties concerned and its opposition to all unilateral measures intended to prolong the current state of affairs.

69. In the case of Western Sahara, his Government was sponsoring a draft resolution which would recognize the urgent need for direct negotiations between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Polisario Front) and for the creation of the necessary conditions for a peaceful and fair referendum without any administrative or military constraints.

70. Miss BOJKOVA (Bulgaria) said that the right of peoples to self-determination was one of the fundamental principles of contemporary international law and was of vital importance for the enjoyment of all other universally recognized human rights and fundamental freedoms, and her Government opposed any attempts to redefine that right.

71. Her delegation was concerned about the continuing denial of the right to self-determination in some parts of the world. The revolt of the Palestinians in the occupied Arab territories was fully legitimate, in that it was aimed at the implementation of United Nations resolutions, particularly those relating to the right to self-determination. The only possible way to end the tragedy of the Palestinian people was to convene an international conference on the Middle East with the participation on an equal footing of all the parties concerned, including the Palestine Liberation Organization and the Permanent Members of the Security Council.
72. In the case of Namibia, the international community was confronted with the Pretoria régime's complete disregard of innumerable United Nations resolutions demanding the unconditional realization of the right to self-determination for the people of Namibia. Her delegation declared once again its firm support for the just and heroic struggle of the Namibian people under the leadership of SWAPO and called for the immediate implementation of the relevant United Nations resolutions, especially of Security Council resolution 435 (1978).

73. The necessity of ensuring the full realization of the right to self-determination of a number of so-called small Territories also remained a topical one. The use of those Territories as military bases, as nuclear test sites and as a springboard for demonstrations of force was not an acceptable substitute for the full implementation of General Assembly resolution 1514 (XV).

74. The dangerous situation in Central America should be solved by political means, without foreign interference. Her delegation welcomed the Agreement reached between the five Central American States and commended the numerous courageous steps undertaken by the Government of Nicaragua towards the implementation of the peace plan.

75. The right to self-determination was also a right to free choice. It included, therefore, a moral obligation on all other States to respect that choice and to refrain from any activities that might jeopardize it. It was unacceptable to dictate from the outside whether the choice was a good one or not, or even to refuse to recognize that choice.

76. A typical example was the case of Afghanistan. The Afghan people had already exercised their right to self-determination. What was needed was respect for their choice and support for the efforts of the Government of Afghanistan towards national reconciliation and a political solution of the problems in the region. In that regard, her Government could not accept United States encroachment, in the form of financial and military assistance to anti-Government groups in Nicaragua and Afghanistan, on the people's right to free choice.

77. Her delegation, which rejected all attempts to interfere in the internal affairs of sovereign States in order to suppress the social and economic reforms so vital to the exercise of a people's right to self-determination, considered the use of mercenaries to be particularly disturbing. It welcomed therefore the appointment of the Special Rapporteur on the question of mercenaries. His report (E/CN.4/1988/14) responded to the concern of the overwhelming majority of Member States at the use of mercenaries.

78. Mr. YIANGOU (Cyprus) said that the principle of equal rights and self-determination of peoples had its origins in the anti-colonialist struggle waged by dependent and oppressed peoples to gain their freedom and establish independent sovereign States. The right to self-determination had then been established in various international instruments as a legal concept with implications of fundamental importance from both the internal and the external points of view.
79. At a national level, its realization was an essential pre-condition for the guarantee and promotion of human rights, since it established the basic framework for political, economic, social and cultural development. Democracy and the right of peoples to self-determination went hand in hand. His delegation endorsed the comments of the Human Rights Committee on that point, and hoped that the States parties would bear them in mind when reporting on their implementation of the International Covenant on Civil and Political Rights.

80. From a foreign-policy point of view, every people had the right to determine its external political status; for instance, to decide whether to join a certain alliance or economic grouping or to remain neutral. There again, his delegation endorsed the opinion of the Human Rights Committee that States must refrain from interference in the internal affairs of other States, as constituting an infringement of their right to self-determination.

81. The exercise of the right to self-determination was a dynamic process, since the people could determine its political status or choose its path to economic, social and cultural development at any given moment. Indeed, it was essential that the course and destiny of a people should be constantly subject to review. The practical application of the right to self-determination could, thus, have important repercussions for the enjoyment of human rights and the maintenance of international peace and security.

82. The right to self-determination was, like many other rights, open to misinterpretation or distortion to serve secessionist or expansionist aims. For that reason, the international community had imposed limits on the exercise of that right, dictated by the need to guarantee the internal stability of sovereign States and maintain international peace and security. The main international instruments dealing with the right to self-determination stated that no attempt to destroy the territorial integrity or political unity of a sovereign State could be justified in the name of self-determination. The debates of the Sixth Committee of the General Assembly clearly implied the non-recognition of any right to secession.

83. Nevertheless, there had been cases where religious or linguistic minorities or tribal groups living within the internationally recognized frontiers of a sovereign State had asserted the right to self-determination, in an attempt to secede from that State. If such claims were to be accepted, few existing States would escape unscathed, and the consequences for international peace and security were obvious. It was regrettable that such claims were still made and that certain States exploited the grievances of minority groups for expansionist purposes of their own.

84. His delegation had spoken in abstract terms and refrained from relating the agenda item under discussion to specific political problems. It hoped that its comments would prove useful in the search for just, viable and lasting solutions to the problems of the right to self-determination of peoples.

85. Mr. VARGAS (Nicaragua) said that the United Nations had been founded in response to the blatant violation of human rights, particularly the right to self-determination, by the Axis Powers during the Second World War. Every
State had the right to determine its own political, economic and social system, and other States should respect that choice and refrain from any action that might affect it. The entire international community must support the struggle to eliminate colonialism, neo-colonialism, foreign occupation, racism and apartheid. Unfortunately, however, some States invented pretexts to exert pressure on other nations and even sought to overthrow legitimate Governments by the use of mercenaries.

86. His Government shared the concern of the international community at the intolerable and illegal situation of the people of Namibia, and called upon those responsible to cease their policy of "constructive engagement" and impose universal sanctions on South Africa. It likewise supported the struggle of the Palestinian people, and called for the convening of an international peace conference on the Middle East which would involve the States concerned and the five permanent Members of the Security Council.

87. The right to self-determination was still violated in other parts of the world, including Western Sahara, Cyprus, the front-line States of southern Africa and south-east Asia.

88. In his own region, the status of Puerto Rico, which was used by the United States of America as a springboard for aggression against neighbouring States, was an affront to the dignity of Latin America. For centuries, the Central American subregion had suffered military intervention, exploitation and injustice at the hands of the major Power to its north. In the twentieth century, the United States of America had invaded Nicaragua on three occasions, and had maintained the bloodstained dynasty of the Somozas for more than 40 years. In the same way, it had invaded Guatemala in the 1950s, Cuba in 1961, the Dominican Republic in 1967 and Grenada in 1983.

89. Since 1981, the Nicaraguan people had been subjected to an illegal and cruel war which had left thousands of persons dead, injured, widowed or orphaned, as well as causing immeasurable material damage. On 4 February 1988, mercenaries in the pay of the United States of America had attacked a civilian bus near the town of Quilalí and killed 18 people, including four children. The war of aggression against Nicaragua had been condemned by the International Court of Justice in a ruling dated 27 June 1986, by the General Assembly and by the Security Council.

90. In its ruling, the International Court of Justice had said that the United States of America had violated basic principles of international law and that concern for human rights could not justify the United States' actions against the Nicaraguan people. The United States Administration had nevertheless continued to provide funds and sophisticated military aid to the mercenaries.

91. For its part, his Government had continued to work towards a peaceful dialogue through the Contadora group and its support group and in bilateral talks which had, however, been broken off by the United States of America. It fully supported the peace plan signed by the five Central American Presidents in August 1987 and had ratified it in January 1988. The peace plan was a major contribution to the right to self-determination in the region. The Central American Governments called upon all States which had provided assistance to rebel forces to cut off such aid in the interests of a stable and lasting peace in Central America.
92. The refusal of a majority of the members of the United States Congress to provide further funds for the war against Nicaragua was a step towards a peaceful solution to the conflict. His Government was due to meet the Contra rebels on 10 February 1988 to discuss a cease-fire, in accordance with the Central American peace plan. It hoped that the United States Administration would make it possible for the countries of Central America to abide by the peace agreement. However, there were no signs of the acts of aggression against Nicaragua coming to an end. President Reagan was looking for ways to continue the war against Nicaragua and circumvent the decision by Congress.

93. The Nicaraguan people had endured seven years of war, sacrifice and pain in the name of democracy. The war would come to an end only when President Reagan agreed to take part in a dialogue on security issues which would lead to verifiable agreements.

94. He congratulated the Commission's Special Rapporteur on his preliminary report on the use of mercenaries (E/CN.4/1988/14), which he had drawn up in the very short time since his appointment. It was regrettable, however, that only the Spanish version of the text had been available when the matter had been discussed.

95. The United States delegation had claimed that his Government sought to undermine the legitimate Government of El Salvador. The Commission was already familiar with the kind of evidence which the United States of America was wont to submit in such cases, such as that of a Nicaraguan boy who had been abducted in El Salvador and cross-examined before a press conference and that of Mr. Hasenfuss, a United States mercenary who had been shot down during a raid on Nicaragua. Suffice to say that the International Court of Justice had rejected the alleged activities of Nicaragua in El Salvador as a pretext for the war against his country.

96. Mr. FRAMBACH (German Democratic Republic), speaking in exercise of the right of reply, said that the representative of the United States of America had attacked a number of countries, including his own, in an attempt to poison the businesslike and constructive atmosphere that had hitherto prevailed in the Commission's work. It appeared that the attack was designed to please the mass media and serve the purposes of electioneering rather than those of the Commission.

97. His country's concept of democracy was, indeed, fundamentally different from that of the leading imperialist Power, and his Government rejected any attempt to lecture it on the way in which a people should organize its elections, protect its frontiers or practise democracy. The United States of America had repeatedly demonstrated its strange notion of the right to self-determination in connection with the Palestinians and the peoples of southern Africa or Central America, and it would undoubtedly do so again. It would not, however, succeed in preventing the adoption of decisions on the right to self-determination by resorting to such extremist statements as that of the previous day.

The meeting rose at 1.20 p.m.