

**Repertory of Practice of United Nations Organs**  
**Supplement No. 8**

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*Repertory of Practice of United Nations Organs*)

**ARTICLE 1(2)**

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## **ARTICLE 1(2)**

### **TEXT OF ARTICLE 1(2)**

The Purposes of the United Nations are:

...

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

### **INTRODUCTORY NOTE**

1. The general structure of this study follows that of *Supplement No. 7*. As in previous Supplements, the present study covers only the deliberations of the General Assembly and the Security Council, in dealing with the general question of the implementation of Article 1(2) and the bearing of the Article on specific political questions during the period under review. Other questions relating to self-determination are treated, where appropriate, under Articles 55 and 73.

2. The practice of the General Assembly concerning the interpretation and application of the concept of the right to self-determination, which was formulated by the General Assembly in its resolution 1514(XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, is dealt with under Article 73 of the Charter.

3. The general survey reviews the decisions of the General Assembly and the Security Council containing explicit and implicit references to Article 1(2).

4. The analytical summary of practice outlines the decisions and deliberations of the General Assembly and the Security Council during the period under review, where

constitutional discussions are relevant to the interpretation and application of Article 1(2). These constitutional discussions are dealt with under the heading, retained from previous Supplements, entitled “B. The question of the appropriate means of implementing the principle of equal rights and self-determination of peoples”.

5. No material was found for treatment under the other headings of the analytical summary of practice included in previous Supplements.

6. Like the previous study in *Supplement No. 7*, the present study does not include an annex containing relevant paragraphs of pertinent resolutions. Instead, paragraphs of those resolutions of the General Assembly and the Security Council adopted during the period under review, which are directly relevant to and may be considered as having a bearing on Article 1(2), are reproduced in the main text of the study.

## **I. GENERAL SURVEY**

### **(i) In the General Assembly**

7. During the period under review, none of the resolutions of the General Assembly contained an explicit reference to Article 1(2) of the Charter.

8. The adoption by the General Assembly of resolutions on three agenda items, namely the question of the Comorian island of Mayotte, the situation in Cambodia and the situation in the Middle East, was preceded by some constitutional discussion on the principle of self-determination. These items are discussed in more details in the analytical summary of practice (see paragraphs 12-27 below).

9. No constitutional discussion on Article 1 (2) took place in the adoption by the General Assembly of the following resolutions, which implicitly referred to Article 1 (2):

*(a) Resolutions adopted without reference to a main Committee:* co-operation between the United Nations and the League of Arab States;<sup>1</sup> co-operation between the United Nations and the Organization of the Islamic Conference;<sup>2</sup> the situation in Central America: threats to international peace and security and peace initiatives;<sup>3</sup> co-operation between the United Nations and the Organization of African Unity;<sup>4</sup> enhancing international peace, security and international co-operation in all its aspects in accordance with the Charter of the United Nations;<sup>5</sup> Question of Palestine;<sup>6</sup> International Peace Conference on the Middle East;<sup>7</sup> implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;<sup>8</sup> dissemination of information on decolonization;<sup>9</sup> question of Namibia;<sup>10</sup> implementation of the Declaration on the Right of Peoples to Peace;<sup>11</sup> Thirtieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples;<sup>12</sup> International Decade for the Eradication of Colonialism;<sup>13</sup> and the situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development;<sup>14</sup>

*(b) Resolutions adopted on the reports of the First Committee:* strengthening of security and cooperation in the Mediterranean region;<sup>15</sup> and review of the implementation of the Declaration on the Strengthening of International Security;<sup>16</sup>

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<sup>1</sup> G A resolutions 44/7 (preamb. and para. 5); 45/82 (preamb. and para. 5); 46/24 (preamb. and para. 6); 47/12 (preamb. and para. 6); 48/21 (para. 6); and 49/14 (para. 6).

<sup>2</sup> G A resolutions 44/8 (preamb. and para. 4); 45/9 (preamb. and para. 4); 46/13 (preamb. and para. 4); 47/18 (preamb. and para. 4); 48/24 (preamb. and para. 4); and 49/15 (preamb. and para. 4).

<sup>3</sup> GA resolution 44/10 (preamb.); 45/15 (preamb.); and 46/109 [A] (preamb.).

<sup>4</sup> G A resolution 44/17 (preamb.).

<sup>5</sup> G A resolution 44/21 (para. 2).

<sup>6</sup> G A resolutions 44/41 [C] (preamb.); 44/42 (para. 2); 45/67 [C] (preamb.); 46/74 [C] (preamb.); 47/64 [D] (para. 4); 48/158 [D: Peaceful settlement of the question of Palestine] (para. 5 (a)); and 49/62 [D: Peaceful settlement of the question of Palestine] (preamb. and para. 4 (a)).

<sup>7</sup> G A resolutions 45/68 (para. 2) and 46/75 (para. 2).

<sup>8</sup> G A resolutions 44/101; 45/34; 46/71; 47/23; 48/52; and 49/89.

<sup>9</sup> G A resolutions 44/102; 45/35; 46/72; 47/24; 48/53; and 49/90.

<sup>10</sup> G A resolution 44/243 [A: Dissolution of the United Nations Council for Namibia] (para. 1).

<sup>11</sup> G A resolution 45/14 (para. 3).

<sup>12</sup> G A resolution 45/33.

<sup>13</sup> G A resolution 46/181 (paras. 1, 2 and 3).

<sup>14</sup> G A resolutions 47/118 (preamb.); 48/161 (preamb.); and 49/137 (preamb.).

<sup>15</sup> G A resolutions 44/125 (para. 1 (b) and (c)); 45/79 (para. 2); 46/42 (para. 2); 47/58 (para. 2); 48/81 (para. 2); and 49/81 (para. 2).

(c) *Resolutions adopted on the reports of the Second Committee*: living conditions of the Palestinian people in the occupied Palestinian territory;<sup>17</sup>

(d) *Resolutions adopted on the reports of the Special Political Committee*: report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories;<sup>18</sup> and report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;<sup>19</sup>

(e) *Resolutions adopted on the reports of the Third Committee*: status of the International Convention on the Suppression and Punishment of the Crime of Apartheid;<sup>20</sup> importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights;<sup>21</sup> universal realization of the right of peoples to self-determination;<sup>22</sup> use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination;<sup>23</sup> enhancing the effectiveness of the principle of periodic and genuine elections;<sup>24</sup> respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes;<sup>25</sup> situation of human rights in Afghanistan;<sup>26</sup> strengthening of United Nations action in the human rights field through the promotion of international cooperation and

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<sup>16</sup> G A resolutions 44/126 (preamb. and paras. 4 and 14); 45/80 (preamb. and para. 12); 47/60 [A] (preamb. and para. 11); and 48/83 (preamb. and para. 11).

<sup>17</sup> G A resolution 46/162 (para. 6).

<sup>18</sup> G A resolution 44/48 [D] (para. 1).

<sup>19</sup> G A resolutions 45/74 [D] (para. 1); 46/47 [D] (para. 1); and 47/70 [D] (para. 1).

<sup>20</sup> G A resolution 44/69 (preamb.).

<sup>21</sup> G A resolutions 44/79; 45/130; 46/87; 47/82; 48/94; and 49/151.

<sup>22</sup> G A resolutions 44/80; 45/131; 46/88; 47/83; 48/93; and 49/148.

<sup>23</sup> G A resolutions 44/81; 45/132; 46/89; 47/84; 48/92; and 49/150.

<sup>24</sup> G A resolutions 44/146 (preamb.); 45/150 (preamb.); and 46/137 (preamb.).

<sup>25</sup> G A resolutions 44/147 (preamb. and paras. 1 and 8); 45/151 (preamb. and paras. 1 and 8); 46/130 (preamb. and paras. 1 and 9); 47/130 (preamb. and paras. 1 and 9); 48/124 (preamb. and paras. 1 and 9); and 49/180 (preamb. and paras. 1 and 8).

<sup>26</sup> G A resolutions 44/161 (para. 3); 45/174 (para. 4); 46/136 (para. 5); 47/141 (para. 3); 48/152 (para. 3); and 49/207 (para. 3).

the importance of non-selectivity, impartiality and objectivity;<sup>27</sup> respect of the principles enshrined in the Charter of the United Nations and international law in the fight against drug abuse and illicit trafficking;<sup>28</sup> and the right of the Palestinian people to self-determination;<sup>29</sup>

(f) *Resolutions adopted on the reports of the Fourth Committee:* activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Namibia and in all other Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa;<sup>30</sup> activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination and efforts to eliminate colonialism, *apartheid* and racial discrimination in southern Africa;<sup>31</sup> activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination;<sup>32</sup> implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations;<sup>33</sup> question of Western Sahara;<sup>34</sup> question of New Caledonia<sup>35</sup>; question of Tokelau;<sup>36</sup> question of the Cayman Islands;<sup>37</sup> question of Bermuda<sup>38</sup>; question of the

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<sup>27</sup> G A resolutions 45/163 (preamb. and para. 1); 46/129 (preamb. and para. 1); 47/131 (preamb. and para. 1); 48/125 (preamb. and para. 1); and 49/181 (preamb. and para. 1).

<sup>28</sup> G A resolutions 45/147 (preamb.); 46/101 (preamb.); and 47/98 (preamb.).

<sup>29</sup> G A resolution 49/149.

<sup>30</sup> G A resolution 44/84 (preamb. and para. 1).

<sup>31</sup> G A resolutions 45/17, (preamb. and paras. 1 and 13); 46/64 (preamb. and paras. 2, 4 and 16); and 47/15 (preamb. and paras. 2, 4 and 16).

<sup>32</sup> G A resolutions 48/46 (paras. 1, 2, 3 and 12) and 49/40 (paras. 1, 2, 3 and 12).

<sup>33</sup> G A resolutions 44/85 (paras. 3 and 5); 45/18 (paras. 3 and 5); 46/65 (paras. 4 and 7); 47/16 (paras. 5 and 8); 48/47 (para. 4); and 49/41 (para. 4).

<sup>34</sup> G A resolutions 44/88 (preamb. and para. 2); 45/21 (preamb. and paras. 2 and 6); 46/67 (preamb. and para. 6); 47/25 (preamb. and para. 3); 48/49 (preamb. and para. 3); and 49/44 (preamb. and para. 3).

<sup>35</sup> G A resolutions 44/89 (preamb. and para. 3); 45/22 (preamb. and para. 3); 46/69 (preamb. and para. 3); 47/26 (preamb. and para. 3); 48/50 (preamb. and para. 3); and 49/45 (preamb. and para. 2).

<sup>36</sup> G A resolutions 44/90 (para. 2); 45/29 (paras. 2, 4, 5 and 7); and 49/47 (preamb. and para. 1 and 5).

<sup>37</sup> G A resolutions 44/91 (paras. 2, 3, 4, 5 and 8); and 45/26 (paras. 2, 3, 4, 5 and 8.)

<sup>38</sup> G A resolutions 44/92 (paras. 2, 3, 4, 5, 6 and 8); and 45/24 (paras. 2, 3, 4, 5, 6 and 8.)

Turks and Caicos Islands;<sup>39</sup> question of Anguilla;<sup>40</sup> question of the British Virgin Islands<sup>41</sup>; question of Montserrat;<sup>42</sup> question of American Samoa;<sup>43</sup> question of Guam;<sup>44</sup> question of the United States Virgin Islands;<sup>45</sup> and questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands;<sup>46</sup>

(g) *Resolutions adopted on the reports of the Sixth Committee:* measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes;<sup>47</sup> International Convention against the Recruitment, Use, Financing and Training of Mercenaries;<sup>48</sup> and measures to eliminate international terrorism.<sup>49</sup>

## (ii) In the Security Council

10. During the period under review, none of the resolutions adopted by the Security Council contained an explicit reference to Article 1 (2) of the Charter.

11. The Security Council, however, adopted resolutions on the following cases, which referred to the principle of self-determination without giving rise to a constitutional discussion: Namibia;<sup>50</sup> Central America;<sup>51</sup> Termination of trusteeship for the Federal

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<sup>39</sup> G A resolutions 44/93 (paras. 2, 3, 4, 5 and 7); and 45/28 (paras. 2, 3, 4, 5 and 7).

<sup>40</sup> G A resolutions 44/94 (paras. 2, 3, 4, 5, and 8); and 45/23 (paras. 2, 3, 4, 5 and 8).

<sup>41</sup> G A resolutions 44/95 (paras. 2, 3, 4, 5 and 7); and 45/25 (paras. 2, 3, 4, 5 and 7).

<sup>42</sup> G A resolutions 44/96 (paras. 2, 3, 4, 5 and 7); and 45/27 (paras. 2, 3, 4, 5 and 7).

<sup>43</sup> G A resolutions 44/97 (paras. 2, 3, 4 and 6); and 45/30 (paras. 2, 3, 4, 5 and 7).

<sup>44</sup> G A resolutions 44/98 (preamb. and paras. 2, 4, 5 and 9); and 45/32 (preamb. and paras. 2, 4, 5, 6 and 10).

<sup>45</sup> G A resolutions 44/99 (paras. 2, 3, 4, 5 and 7); and 45/31 (preamb. and paras. 2, 3, 4, 5 and 7).

<sup>46</sup> G A resolutions 46/68; 47/27; 48/51; and 49/46.

<sup>47</sup> G A resolution 44/29 (preamb. and para. 17).

<sup>48</sup> G A resolution 44/34, Annex (preamb. and article 5, para. 2, of the Convention).

<sup>49</sup> G A resolution 46/51 (preamb. and para. 15).

<sup>50</sup> S C resolution 643 (1989) (para. 4).

<sup>51</sup> S C resolution 637 (1989) (preamb.).

States of Micronesia, the Marshall Islands, and the Northern Mariana Islands;<sup>52</sup> the situation in Cambodia;<sup>53</sup> the situation concerning Western Sahara;<sup>54</sup> and Termination of Trusteeship for Palau.<sup>55</sup>

## II. ANALYTICAL SUMMARY OF PRACTICE

**\*\* A. The question of the effect of the reference in Article 1 (2) to respect for the principle of equal rights and self-determination of peoples**

**B. The question of the appropriate means of implementing the principle of equal rights and self-determination of peoples**

### 1. QUESTION OF THE COMORIAN ISLAND OF MAYOTTE

#### *(i) Precis of Proceedings*

12. The question of the Comorian island of Mayotte was the subject of further deliberations<sup>56</sup> by the General Assembly during the period under review. The General Assembly adopted six resolutions on this item.<sup>57</sup> Relevant paragraphs of these resolutions, which were identical, read as follow:

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<sup>52</sup> S C resolution 683 (1990) (preamb.).

<sup>53</sup> S C resolutions 668 (1990) (preamb.); 717 (1991) (preamb.); 745 (1992) (preamb.); 792 (1992) (preamb.); and 810 (1993) (preamb.).

<sup>54</sup> S C resolution 658 (1990) (preamb.); 690 (1991) (preamb. and para. 2); 725 (1991) (paras. 1 and 2); 809 (1993) (para. 3); and 907 (1994) (para. 2).

<sup>55</sup> S C resolution 956 (1994) (preamb.).

<sup>56</sup> For previous deliberations on this item, see *Repertory, Supplement No. 7*, vol. I, under Article 1(2), paragraphs 14-17.

<sup>57</sup> G A resolutions 44/9, adopted by 128 votes to 1, with 24 abstentions (A/44/PV.34, p. 43); 45/11, adopted by 118 votes to 1, with 30 abstentions (A/45/PV.36, p. 27); 46/9, adopted by 115 votes to 1, with 34 abstentions (A/46/PV.32, p. 24); 47/9, adopted by 126 votes to 1, with 40 abstentions (A/47/PV.48, pp. 13-15); 48/56, adopted by 91 votes to 2, with 36 abstentions (A/48/PV.76, p. 5); and 49/18, adopted by 87 votes to 2, with 38 abstentions (A/49/PV. 69, p. 14).

“[The General Assembly]

1. Reaffirms the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte;
2. Invites the Government of France to honour the commitments entered into prior to the referendum on the self-determination of the Comoro Archipelago of 22 December 1974 concerning respect for the unity and territorial integrity of the Comoros;
3. Calls for the translation into practice of the wish expressed by the President of the French Republic to seek actively a just solution to the question of Mayotte;
4. Urges the Government of France to accelerate the process of negotiations with the Government of the Comoros with a view to ensuring the effective and prompt return of the island of Mayotte to the Comoros”.

*(ii) Precis of relevant constitutional discussion*

13. At each session of the General Assembly during the period under view, Comoros introduced the draft resolution on “The question of the Comorian island of Mayotte”.<sup>58</sup>

14. Concerning the status of the island of Mayotte, Comoros repeated its position according to which the Islamic Federal Republic of the Comoros had sovereignty over the island of Mayotte, since the self-determination referendum held on 22 December 1974 remained the only valid consultation applicable to the entire archipelago. In this referendum, ninety-five percent of the Comorians had voted in favor of the independence for their entire country.<sup>59</sup> Comoros also emphasized that the France-Comorian Agreements of June 1973, which provided for the self-determination referendum for

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<sup>58</sup>A/44/PV.34, p. 16; A/45/PV.36, p. 2; A/46/PV.32, pp. 8-10; A/47/PV.48, p. 2; A/48/PV.76, p. 1; and A/49/PV.69, p. 10.

<sup>59</sup> A/44/PV.34, p. 21; A/45/PV.36, p. 7; A/46/PV.32, p. 18; A/47/PV.48, p. 3; A/48/PV.76, pp. 1-2; and A/49/PV.69, pp. 11-12.

Comoros, should be carried out on a comprehensive basis and not on an island-by-island basis, thus respecting the territorial unity of the archipelago.<sup>60</sup>

15. Comoros reiterated its objection to the two separate referenda held by France in Mayotte on 8 February and 11 April 1976, and to the position of the French Government according to which the population of Mayotte had opposed independence.<sup>61</sup> Comoros continued to argue that the actions of the French Government had not only violated its domestic law, but also public international law as they infringed upon the rule of the indivisibility of overseas territories and colonial entities.<sup>62</sup>

16. At each session of the General Assembly in the period under review, France raised its objection to the inclusion of the question of the Comorian island of Mayotte as an agenda item being considered by the General Assembly and then voted against the draft resolution introduced by Comoros,<sup>63</sup> on the ground that the island of Mayotte was a territory under French sovereignty.<sup>64</sup> However, France expressed its readiness to seek a satisfactory solution to the problem of Mayotte in keeping with its Constitution and with the aspirations of the peoples concerned.<sup>65</sup> France also stated that “[s]uch a solution must also respect the will of the populations concerned” and that “the population of Mayotte ha[d] freely and democratically decided in favour of keeping the territory of Mayotte in the French Republic.”<sup>66</sup>

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<sup>60</sup> A/44/PV.34, p. 18; A/45/PV.36, p. 6; A/46/PV.32, pp. 11-15; A/47/PV.48, pp. 2-3; and A/48/PV.76, p. 2.

<sup>61</sup> A/44/PV.34, pp. 21-22; A/45/PV.36, pp. 7-10; A/47/PV.48, p. 4; and A/48/PV.76, p. 2.

<sup>62</sup> A/45/PV.36, p. 7; A/46/PV.32, pp. 11-15; A/47/PV.48, pp. 4-5; A/48/PV.76, p. 2; and A/49/PV.69, p. 11.

<sup>63</sup> A/44/PV.34, p. 41; A/45/PV.36, p. 26; A/46/PV.32, p. 23; A/47/PV.48, pp. 11-12; A/48/PV.76, p. 5; and A/49/PV.69, p. 13.

<sup>64</sup> A/47/PV.48, pp. 11-12; A/48/PV.76, p. 5; and A/49/PV.69, p. 13.

<sup>65</sup> A/44/PV.34, p. 41; A/45/PV.36, p. 26; A/46/PV.32, p. 23; A/47/PV.48, p. 12; A/48/PV.76, p. 5; and A/49/PV.69, p. 13.

<sup>66</sup> A/48/PV.76, p. 5. See also: A/49/PV.69, p. 13.

## 2. SITUATION IN CAMBODIA<sup>67</sup>

### (i) *Precis of Proceedings*

17. During the period under review, the General Assembly continued its consideration<sup>68</sup> of the agenda item entitled “The situation of Kampuchea<sup>69</sup> (or “Cambodia”<sup>70</sup>)” in its forty-fourth to forty-sixth sessions, and adopted three resolutions on this item.<sup>71</sup>

18. The resolution adopted by the General Assembly at its forty-fourth session took note of the “Economic and Social Council decision 1989/156 of 24 May 1989 on the right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation”.<sup>72</sup>

19. The same resolution contains the following paragraphs, which are relevant to the self-determination of the Kampuchean people:

“[The General Assembly ...]

2. Reiterates its conviction that the withdrawal of all foreign forces from Kampuchea under supervision and control of the United Nations, the creation of an interim administering authority, the promotion of national reconciliation among all Kampucheans under the leadership of Samdech Norodom Sihanouk, the non-return to the universally condemned policies and practices of a recent past, the restoration and preservation of the independence, sovereignty, territorial

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<sup>67</sup> In the previous study on article 1 (2) contained in *Supplement No. 7*, the discussions relating to this agenda item were dealt with under the heading entitled “C. The question of the scope of application of the principle of equal rights and self-determination of peoples”. In contrast, the discussions which took place on this agenda item during the period reviewed in the present study relate more to the means of implementing the principle of equal rights and self-determination of peoples.

<sup>68</sup> For previous deliberations on this item, see *Repertory*, Supplement No. 7, vol. I, under Article 1(2), paragraphs 18-22.

<sup>69</sup> The agenda item in the forty-fourth session and the resolution adopted at that session were entitled “The situation in Kampuchea”.

<sup>70</sup> The agenda item in the forty-fifth and forty-sixth sessions and the resolutions adopted at those sessions were entitled “The situation in Cambodia”.

<sup>71</sup> G A resolutions 44/22, adopted by 124 votes to 17, with 12 abstentions (A/44/PV.58, p. 90); 45/3 adopted without a vote (A/45/PV.30, p. 7); and 46/18, adopted without a vote (A/46/PV.50, pp. 7-10).

<sup>72</sup> G A resolution 44/22 (preamb.).

integrity and neutral and non-aligned status of Kampuchea, the reaffirmation of the right of the Kampuchean people to determine their own destiny and the commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea, with effective guarantees, are the principal components of any just, lasting and comprehensive political settlement of the Kampuchean problem;”<sup>73</sup>

“3. Emphasizes that the Kampuchean people should be allowed to exercise their inalienable right to self-determination through internationally supervised free, fair and democratic elections”.<sup>74</sup>

20. The resolution adopted by the General Assembly on this item at its forty-fifth session contains the following paragraph:

“[The General Assembly ...]

9. Stresses that an enhanced role for the United Nations in Cambodia, charged with a clear and practical mandate, would help achieve the goal of the exercise of the right to self-determination for the Cambodian people through free and fair elections organized and conducted by the United Nations in a neutral political environment with full respect for the national sovereignty of Cambodia”.<sup>75</sup>

21. Finally, the resolution adopted by the General Assembly on this item at its forty-sixth session contains the following paragraphs:

“[The General Assembly...]

3. Welcomes the fact that commitment to self-determination for the Cambodian people through free and fair elections organized and conducted by the United

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<sup>73</sup> G A resolution 44/22 (para. 2).

<sup>74</sup> G A resolution 44/22 (para. 3).

<sup>75</sup> G A resolution 45/3 (para. 9).

Nations and full respect for human rights have been incorporated in the provisions of the settlement;”<sup>76</sup>

“4. Calls upon all parties concerned to ensure respect for and full observance of the human rights and fundamental freedoms of the Cambodian people and to assist them to exercise their right to self-determination through free and fair elections, as provided for in the Paris Agreements”.<sup>77</sup>

*(ii) Precis of relevant constitutional discussion*

22. This agenda item was fully debated by the General Assembly in its forty-fourth session.<sup>78</sup>

23. Several delegations expressed support for the draft resolution on this agenda item, which became resolution 44/22, and emphasized that the Kampuchean people should be able to exercise their right to self-determination through free, fair and democratic elections with the participation of all Kampuchean parties.<sup>79</sup> Delegations also stressed that the withdrawal of foreign forces, which should be verified by the United Nations, was a precondition for the exercise by the people of Kampuchea of their right to self-determination in a free and democratic manner.<sup>80</sup> However, the delegate of the Socialist Republic of Vietnam observed that their troops had been totally withdrawn by 26 September 1989.<sup>81</sup>

24. The representative of Lao People’s Democratic Republic opposed designating a specific person to lead the “administering authority” of a country since this “would constitute serious interference in the internal affairs of the country”.<sup>82</sup>

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<sup>76</sup> G A resolution 46/18 (para. 3).

<sup>77</sup> G A resolution 46/18 (para. 4).

<sup>78</sup> See A/44/PV.56-58.

<sup>79</sup> See A/44/PV.56, pp. 20-23, 69-70 and 76; A/44/PV.57, pp. 27 and 122-123; and A/44/PV.58, pp. 27, 36 and 63.

<sup>80</sup> A/44/PV.56, pp. 73-75; and A/44/PV.57, pp. 26-27, 31, and 63-65.

<sup>81</sup> A/44/PV.56, p. 41.

<sup>82</sup> A/44/PV.58, p. 57.

### 3. SITUATION IN THE MIDDLE EAST

#### *(i) Precis of Proceedings*

25. During the period under review, the General Assembly continued its consideration of the agenda item entitled “the situation in the Middle East” in its forty-fourth to forty-ninth sessions, and adopted eight resolutions<sup>83</sup> on this item. The resolutions adopted at the forty-fourth, forty-fifth and forty-sixth sessions contained, *inter alia*, the following paragraph:

“[The General Assembly]

3. Declares once more that peace in the Middle East is indivisible and must be based on a comprehensive, just and lasting solution of the Middle East problem, under the auspices of the United Nations and on the basis of its relevant resolutions, which ensures the complete and unconditional withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and the other occupied Arab territories, and which enables the Palestinian people, under the leadership of the Palestine Liberation Organization, to exercise its inalienable rights, including the right to return and the right to self-determination, national independence and the establishment of its independent sovereign State in Palestine, in accordance with the resolutions of the United Nations relating to the question of Palestine...”.<sup>84</sup>

#### *(ii) Precis of relevant constitutional discussion*

26. The representative of Israel raised concerns on the self-determination sought for the Palestinians on the ground that it was “a clearly predetermined kind of self-determination”, since Palestinians “are not allowed to have free elections and they are to accept the PLO [Palestine Liberation Organization] as their sole, legitimate

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<sup>83</sup> G A resolutions 44/40; 45/83; 46/82; 47/63; 48/58; 48/59; 49/87; and 49/88.

<sup>84</sup> G A resolutions 44/40 [A], adopted by 109 votes to 18, with 31 abstentions (A/44/73, p. 12), para. 3; 45/83 [A], adopted by 99 votes to 19, with 32 abstentions (A/45/PV.67), para. 3; and 46/82 [A], adopted by 93 votes to 27, with 37 abstentions (A/46/PV.73, pp. 57-58), para. 3.

representative.” The representative of Israel expressed the view that “no one, not even this Assembly, can impose on the Palestinians this or that leadership by repeating endlessly that the LPO – a federation of terrorist organizations – is their legitimate and sole representative.”<sup>85</sup>

27. Notwithstanding this objection by Israel, specific recognition of the role of the PLO for the exercise by the Palestinian people of their right to self-determination was included in the resolutions adopted at the forty-fourth, forty-fifth and forty-sixth sessions of the General Assembly on this agenda item.<sup>86</sup>

**\*\* C. The question of the scope of application of the principle of equal rights and self-determination of peoples**

**\*\* D. The question of the relationship between the principle of equal rights and self-determination of peoples and the maintenance of international peace and security**

**\*\* E. The question of the relationship between the principle of equal rights and self-determination of peoples and “permanent sovereignty” of peoples “over their natural wealth and resources”**

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<sup>85</sup> A/44/PV.66, pp. 31-32.

<sup>86</sup> G A resolutions 40/44 (para. 3); 45/83 (para. 3); and 46/82 (para. 3). See *Precis of Proceedings*.