

*Expressing grave concern* that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

*Recalling* the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its thirty-sixth,<sup>25</sup> thirty-seventh,<sup>26</sup> thirty-eighth,<sup>27</sup> thirty-ninth,<sup>28</sup> fortieth,<sup>29</sup> forty-first<sup>30</sup> and forty-second<sup>31</sup> sessions,

*Reiterating* its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982, 38/16 of 22 November 1983, 39/18 of 23 November 1984 and 40/24 of 29 November 1985,

*Taking note* of the report of the Secretary-General,<sup>32</sup>

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* the States responsible for those acts to cease immediately their military intervention and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, particularly the brutal and inhuman methods reportedly employed for the execution of these acts against the peoples concerned;

4. *Deplores* the plight of the millions of refugees and displaced persons who have been uprooted by the aforementioned acts and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on this issue to the General Assembly at its forty-second session under the item entitled "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".

97th plenary meeting  
4 December 1986

#### 41/101. 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

*The General Assembly,*

*Reaffirming* its faith in the importance of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in its resolution 1514 (XV) of 14 December 1960,

*Reaffirming* the importance of the universal realization of the right of peoples to self-determination, national sovereignty and territorial integrity and of the speedy granting of independence to colonial countries and peoples as imperatives for the full enjoyment of all human rights,

*Reaffirming* the obligation of all Member States to comply with the principles of the Charter of the United Nations and the resolutions of the United Nations regarding the exercise of the right to self-determination by peoples under colonial and foreign domination,

*Recalling* its resolution 1514 (XV) and all relevant resolutions concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* its resolutions on the question of Namibia, in particular resolutions 2145 (XXI) of 27 October 1966 and S-14/1 of 20 September 1986, as well as all the relevant Security Council resolutions, in particular resolutions 385 (1976) of 30 January 1976 and 435 (1978) of 29 September 1978,

*Recalling* the Declaration adopted by the World Conference on Sanctions against Racist South Africa<sup>33</sup> and the Declaration of the International Conference for the Immediate Independence of Namibia and the Programme of Action on Namibia,<sup>34</sup>

*Bearing in mind* the outcome of the International Conference on the Alliance between South Africa and Israel, held at Vienna from 11 to 13 July 1983,<sup>35</sup>

*Welcoming* the holding at Tunis from 7 to 9 August 1984 of the Conference of Arab Solidarity with the Struggle for Liberation in Southern Africa,<sup>36</sup>

*Recalling* resolutions CM/Res.1052 (XLIV)/Rev.1 on South Africa and CM/Res.1055 (XLIV)/Rev.1 on Namibia adopted by the Council of Ministers of the Organization of African Unity at its forty-fourth ordinary session, held at Addis Ababa from 21 to 26 July 1986,<sup>16</sup>

*Reaffirming* that the system of *apartheid* imposed on the South African people constitutes a violation of the fundamental rights of that people, a crime against humanity and a constant threat to international peace and security,

*Gravely concerned* at the continuation of the illegal occupation of Namibia by South Africa and the continued violations of the human rights of the people in the Territory and of the other peoples still under colonial domination and alien subjugation,

*Reaffirming* its resolution 39/2 of 28 September 1984 and recalling Security Council resolution 554 (1984) of 17 August 1984, in which the Council rejected the so-

<sup>25</sup> See *Official Records of the Economic and Social Council, 1980, Supplement No. 3* (E/1980/13 and Corr.1), chap. XXVI, sect. A.

<sup>26</sup> *Ibid.*, 1981, *Supplement No. 5* (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

<sup>27</sup> *Ibid.*, 1982, *Supplement No. 2* (E/1982/12 and Corr.1), chap. XXVI, sect. A.

<sup>28</sup> *Ibid.*, 1983, *Supplement No. 3* (E/1983/13 and Corr.1), chap. XXVII, sect. A.

<sup>29</sup> *Ibid.*, 1984, *Supplement No. 4* (E/1984/14 and Corr.1), chap. II, sect. A.

<sup>30</sup> *Ibid.*, 1985, *Supplement No. 2* (E/1985/22), chap. II, sect. A.

<sup>31</sup> *Ibid.*, 1986, *Supplement No. 2* (E/1986/22), chap. II, sect. A.

<sup>32</sup> A/41/433 and Add.1-3.

<sup>33</sup> *Report of the World Conference on Sanctions against Racist South Africa, Paris, 16-20 June 1986* (United Nations publication, Sales No. E.86.I.23), chap. IX.

<sup>34</sup> See *Report of the International Conference for the Immediate Independence of Namibia, Vienna, 7-11 July 1986* (United Nations publication, Sales No. E.86.I.16 and addendum), part three.

<sup>35</sup> See A/38/311-S/15883, annex.

<sup>36</sup> See A/39/450-S/16726.

called "new constitution" as null and void, Council resolution 569 (1985) of 26 July 1985, and the statement made by the President of the Security Council on 13 June 1986 on the nation-wide state of emergency in South Africa,<sup>37</sup>

*Deeply concerned* at the continued terrorist acts of aggression committed by the Pretoria régime against independent African States in the region, in particular the unprovoked attacks against Zimbabwe, Zambia and Botswana,

*Deeply indignant* at the continued occupation of part of the territory of Angola by the troops of the racist régime of South Africa and the persistent, hostile and unprovoked acts of aggression and sustained armed invasions carried out by that régime in violation of the sovereignty, airspace and territorial integrity of Angola, in particular the armed invasion of Angola on 28 September 1985 and the premeditated attack on the port of Namibe on 5 June 1986,

*Recalling* Security Council resolutions 527 (1982) of 15 December 1982 and 535 (1983) of 29 June 1983 on Lesotho, and Council resolutions 568 (1985) of 21 June 1985 and 572 (1985) of 30 September 1985 on Botswana,

*Reaffirming* the national unity and territorial integrity of the Comoros,

*Recalling* the Political Declaration adopted by the First Conference of Heads of State and Government of the Organization of African Unity and the League of Arab States, held at Cairo from 7 to 9 March 1977,<sup>38</sup>

*Recalling also* its relevant resolutions on the question of Palestine, in particular resolution 40/96 of 12 December 1985,

*Recalling further* the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights, adopted by the International Conference on the Question of Palestine,<sup>39</sup>

*Considering* that the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine and the repeated acts of aggression by Israel against the people of the region constitute a serious threat to international peace and security,

*Deeply shocked and alarmed* at the deplorable consequences of the Israeli invasion of Lebanon and recalling all the relevant resolutions of the Security Council, in particular resolutions 508 (1982) of 5 June 1982, 509 (1982) of 6 June 1982, 520 (1982) of 17 September 1982 and 521 (1982) of 19 September 1982,

1. *Calls upon* all States to implement fully and faithfully all the resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination;

2. *Reaffirms* the legitimacy of the struggle of peoples for their independence, territorial integrity, national unity and liberation from colonial domination, *apartheid* and foreign occupation by all available means, including armed struggle;

3. *Reaffirms* the inalienable right of the Namibian people, the Palestinian people and all peoples under foreign and colonial domination to self-determination, national

independence, territorial integrity, national unity and sovereignty without foreign interference;

4. *Strongly condemns* those Governments that do not recognize the right to self-determination and independence of all peoples still under colonial domination and alien subjugation, notably the peoples of Africa and the Palestinian people;

5. *Calls* for the full and immediate implementation of the declarations and programmes of action on Namibia and on Palestine adopted by the international conferences on those questions;

6. *Reaffirms* its vigorous condemnation of the continued illegal occupation of Namibia by South Africa;

7. *Condemns once again* the racist régime of South Africa for its installation of a so-called "interim administration" at Windhoek and declares that action to be illegal, null and void;

8. *Further condemns* the policy of "bantustanization" and reiterates its support for the oppressed people of South Africa in its just and legitimate struggle against the racist minority régime of Pretoria;

9. *Reaffirms* its rejection of the so-called "new constitution" as null and void and reiterates that peace in South Africa can only be guaranteed by the establishment of majority rule through the full and free exercise of adult suffrage by all the people in a united and undivided South Africa;

10. *Strongly condemns* the wanton killing of peaceful and defenceless demonstrators and workers on strike, as well as the arbitrary arrests of the leaders and activists of the United Democratic Front, National Forum, trade unions and other mass organizations, and demands their immediate and unconditional release, in particular that of Nelson Mandela and Zephania Mothopeng;

11. *Strongly condemns* South Africa for the imposition of the state of emergency under its repugnant Internal Security Act and calls for the immediate lifting of the state of emergency, as well as the repeal of the Internal Security Act;

12. *Condemns* South Africa for its increasing oppression of the Namibian people, for the massive militarization of Namibia and for its armed attacks launched against the States in the region in order to destabilize them politically and to sabotage and destroy their economies;

13. *Strongly condemns* the establishment and use of armed terrorist groups by South Africa with a view to pitting them against the national liberation movements and destabilizing the legitimate Governments of southern Africa;

14. *Strongly condemns* the repeated acts of aggression and the continued occupation of parts of southern Angola and demands the immediate and unconditional withdrawal of the South African troops from Angolan territory;

15. *Strongly condemns* the persistent, hostile and unprovoked acts of aggression and sustained armed invasions carried out by the racist régime of South Africa in violation of the sovereignty, airspace and territorial integrity of Angola, in particular the armed invasion of Angola on 28 September 1985 and the premeditated attack on the port of Namibe on 5 June 1986;

16. *Strongly reaffirms* its solidarity with the independent African countries and national liberation movements that are victims of murderous acts of aggression and destabilization by the racist régime of Pretoria, and calls upon the international community to render increased as-

<sup>37</sup> See *Official Records of the Security Council, Forty-first Year, Resolutions and Decisions*.

<sup>38</sup> A/32/61, annex I.

<sup>39</sup> *Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983* (United Nations publication, Sales No. E.83.I.21), chap. I.

sistance and support to these countries in order to enable them to strengthen their defence capacity, defend their sovereignty and territorial integrity and peacefully rebuild and develop;

17. *Reaffirms* that the practice of using mercenaries against sovereign States and national liberation movements constitutes a criminal act and calls upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences, and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General;

18. *Strongly condemns* the continued violation of the human rights of the peoples still under colonial domination and alien subjugation, the continuation of the illegal occupation by the racist minority régime in southern Africa and the denial to the Palestinian people of their inalienable national rights;

19. *Further strongly condemns* the racist régime of Pretoria for its acts of destabilization, armed aggression and economic blockade against Lesotho and strongly urges the international community to continue to extend maximum assistance to Lesotho to enable it to fulfil its international humanitarian obligations towards refugees and to use its influence on the racist régime so that it would desist from its terrorist acts against Lesotho;

20. *Strongly condemns* the unprovoked and unwarranted military attack on the capital of Botswana and demands that the racist régime pay full and adequate compensation to Botswana for the loss of life and damage to property;

21. *Denounces* the collusion between Israel and South Africa and expresses support for the Declaration of the International Conference on the Alliance between South Africa and Israel;<sup>35</sup>

22. *Strongly condemns* the policy of those Western States, Israel and other States whose political, economic, military, nuclear, strategic, cultural and sports relations with the racist minority régime of South Africa encourage that régime to persist in its suppression of the aspirations of peoples to self-determination and independence;

23. *Again demands* the immediate application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (1977) of 4 November 1977, by all countries and more particularly by those countries that maintain military and nuclear co-operation with the racist Pretoria régime and continue to supply it with related *matériel*;

24. *Calls* for the full implementation of the provisions of the Declaration adopted by the World Conference on Sanctions against Racist South Africa<sup>33</sup> and of the Declaration of the International Conference for the Immediate Independence of Namibia and the Programme of Action on Namibia;<sup>34</sup>

25. *Demands once again* the immediate implementation of its resolutions ES-8/2 of 14 September 1981 and S-14/1 of 20 September 1986;

26. *Reaffirms* all relevant resolutions adopted by the Organization of African Unity and the United Nations on the question of Western Sahara, including General Assembly resolution 40/50 of 2 December 1985, and calls upon the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to continue their efforts to find a just and lasting solution to this question;

27. *Urges* all States, the specialized agencies, organizations of the United Nations system and other international organizations to extend their support to the Namibian people through its sole and legitimate representative, the South West Africa People's Organization, in its struggle to gain its right to self-determination and independence in accordance with the Charter of the United Nations;

28. *Notes* the contacts between the Government of the Comoros and the Government of France in the search for a just solution to the problem of the integration of the Comorian island of Mayotte into the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on this question;

29. *Calls* for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and *apartheid* through national liberation movements recognized by the Organization of African Unity;

30. *Demands* the immediate release of women and children detained in Namibia and South Africa;

31. *Strongly condemns* the constant and deliberate violations of the fundamental rights of the Palestinian people, as well as the expansionist activities of Israel in the Middle East, which constitute an obstacle to the achievement of self-determination and independence by the Palestinian people and a threat to peace and stability in the region;

32. *Demands* the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights,<sup>2</sup> under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

33. *Urges* all States, the specialized agencies, organizations of the United Nations system and other international organizations to extend their support to the Palestinian people through its sole and legitimate representative, the Palestine Liberation Organization, in its struggle to regain its right to self-determination and independence in accordance with the Charter;

34. *Expresses its appreciation* for the material and other forms of assistance that peoples under colonial rule continue to receive from Governments, organizations of the United Nations system and intergovernmental organizations, and calls for a substantial increase in this assistance;

35. *Urges* all States, the specialized agencies and other competent organizations of the United Nations system to do their utmost to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to intensify their efforts to support peoples under colonial, foreign and racist domination in their just struggle for self-determination and independence;

36. *Requests* the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples and to give the widest possible publicity to the struggle of oppressed peoples for the achievement of their self-determination and national independence and to report periodically to the General Assembly on his activities in this regard;

37. *Decides* to consider this item at its forty-second session on the basis of the reports on the strengthening of assistance to colonial territories and peoples that Governments, organizations of the United Nations system and in-

tergovernmental and non-governmental organizations have been requested to submit.

97th plenary meeting  
4 December 1986

**41/102. Use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination**

*The General Assembly,*

*Bearing in mind* the need for strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as scrupulous respect for the principle of the non-use or threat of the use of force in international relations, enshrined in the Charter of the United Nations and developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,<sup>40</sup>

*Reaffirming* the legitimacy of the struggle of peoples and their liberation movements for their independence, territorial integrity, national unity and liberation from colonial domination, *apartheid* and foreign intervention and occupation, and that their legitimate struggle can in no way be considered as or equated to mercenary activity,

*Deeply concerned* about the increasing menace that the activities of mercenaries represent for all States, particularly African, Central American and other developing States,

*Recognizing* that mercenarism is a threat to international peace and security,

*Recognizing also* that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and *apartheid* and all forms of foreign domination,

*Recalling* all of its relevant resolutions, particularly resolution 40/74 of 11 December 1985, in which it denounced the practice of using mercenaries, in particular against developing countries and national liberation movements,

*Recalling also* Security Council resolutions 239 (1967) of 10 July 1967, 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the Council, *inter alia*, condemned any State that persisted in permitting or tolerating the recruitment of mercenaries, and the provision of facilities to them, with the objective of overthrowing the Governments of States Members of the United Nations,

*Welcoming* the adoption by the Economic and Social Council of resolution 1986/43 of 23 May 1986, in which the Council condemned the increased recruitment, financing, training, assembly, transit and use of mercenaries,

*Reaffirming* its decision, in its resolution 32/130 of 16 December 1977, to accord priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by situations such as those resulting, *inter alia*, from aggression and threats against national sovereignty, national unity and territorial integrity,

*Recalling* the relevant resolutions of the Organization of African Unity and the convention adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its fourteenth ordinary session, held at Libreville from 2 to 5 July 1977,<sup>41</sup> condemning and outlawing mercenarism and its adverse effects on the independence and territorial integrity of African States,

*Deeply concerned* at the loss of life, substantial damage to property and long-term negative effects on the economy of southern African countries resulting from mercenary aggression,

*Strongly condemning* the racist régime of South Africa for its increasing use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States,

1. *Condemns* the increased recruitment, financing, training, assembly, transit and use of mercenaries, as well as all other forms of support to mercenaries for the purpose of destabilizing and overthrowing the Governments of southern Africa and Central America and of other developing States and fighting against the national liberation movements of peoples struggling for the exercise of their right to self-determination;

2. *Denounces* any State that persists in the recruitment, or permits or tolerates the recruitment, of mercenaries and provides facilities to them for launching armed aggression against other States;

3. *Calls upon* all States to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training and transit of mercenaries, or the planning of such activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, *apartheid*, colonial domination and foreign intervention and occupation for their independence, territorial integrity and national unity;

4. *Urges* all States to take the necessary measures under their respective domestic laws to prohibit the recruitment, financing, training and transit of mercenaries on their territory;

5. *Calls upon* all States to extend humanitarian assistance to victims of situations resulting from the use of mercenaries, as well as from colonial or alien domination or foreign occupation;

6. *Takes note* of Economic and Social Council resolution 1986/43, in which the Council urged the Commission on Human Rights to appoint a special rapporteur on this subject with a view to preparing a report for consideration at the forty-fourth session of the Commission;

7. *Decides* to pay due attention to the matter at its forty-second session under the item entitled "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".

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<sup>40</sup> Resolution 2625 (XXV), annex.

<sup>41</sup> See A/32/310, annex II.