

Recalling also its resolution 39/4 of 26 October 1984, in which the Assembly, *inter alia*, urged each of the five Central American Governments to speed up its consultations with the Contadora Group with the aim of bringing to a conclusion the negotiation process, and to respect fully the purposes and principles of the Contadora Act on Peace and Co-operation in Central America,<sup>57</sup>

Recalling Security Council resolution 562 (1985) of 10 May 1985, in which the Council called upon all States to refrain from carrying out, supporting or promoting political, economic or military actions of any kind against any State in the region which might impede the peace objectives of the Contadora Group,

Taking note of the various reports submitted by the Secretary-General in pursuance of General Assembly resolution 39/4,

Sharing the concern of the Latin American countries at the worsening of the situation in Central America and its possible implications for the entire region, which the Ministers for Foreign Affairs of the Contadora Group and the Support Group expressed in their Declaration of 1 October 1986,<sup>58</sup>

Agreeing with that Declaration that the worsening of the crisis in Central America can create serious tensions and conflicts throughout the continent, and that the peace of Central America is therefore the peace of Latin America,

Bearing in mind the resolution adopted on 14 November 1986 by the General Assembly of the Organization of American States, meeting in Guatemala, which, *inter alia*, requested the Contadora Group and the Support Group to persevere in their valuable efforts to achieve peace in Central America, and urged all States to continue to give them their resolute support,

Convinced that the peoples of Latin America wish to achieve peace, development and justice without outside interference, in accordance with their own decision and their own historical experience, and without sacrificing the principles of self-determination and non-intervention,

Convinced that it is imperative to avoid a war in Central America, and that this is primarily the responsibility of the Governments directly or indirectly involved in the conflict, as well as a task for all politically responsible Governments and individuals who are prepared to defend the cause of peace,

1. Reaffirms its conviction that the global, comprehensive and negotiated solution of the conflict in Central America requires that all States fully respect the principles of international law enshrined in the Charter of the United Nations;

2. Acknowledges the commendable efforts being made by the Contadora Group and the Support Group with a view to achieving peace in Central America;

3. Reiterates its support for the peace activities of the Contadora Group and the Support Group and requests them to persevere in their valuable efforts, and urges all States to continue to give them their resolute support;

4. Requests the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the present resolution;

5. Decides to include in the provisional agenda of its forty-second session the item entitled "The situation in Central America: threats to international peace and security and peace initiatives".

75th plenary meeting  
18 November 1986

**41/38. Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986**

*The General Assembly,*

Having heard the statement of the representative of the Socialist People's Libyan Arab Jamahiriya,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligation of all States to refrain from the threat or use of force in their international relations and to settle their disputes by peaceful means,

Reaffirming also the inalienable right of all peoples to determine their own form of government and to choose their political, social and economic system without any interference, subversion, coercion or constraint of any kind whatsoever,

Recalling its resolution 40/157 of 16 December 1985 on the strengthening of security and co-operation in the Mediterranean region,

Deeply concerned at the threats and aggressive provocations, and the imposition of comprehensive cultural and economic sanctions, including the freezing of assets and properties, carried out against the Libyan Arab Jamahiriya,

Deeply concerned also at the series of disinformation campaigns carried out against the Libyan Arab Jamahiriya,

Gravely concerned at the aerial and naval military attack perpetrated against the cities of Tripoli and Benghazi on 15 April 1986, which constitutes a serious threat to peace and security in the Mediterranean region,

Noting with concern that the Security Council has been prevented from discharging its responsibilities owing to the negative vote of certain permanent members,

Taking into consideration the Declaration adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its twenty-second ordinary session, held at Addis Ababa from 28 to 30 July 1986,<sup>59</sup>

Taking note of the Political Declaration adopted by the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986,<sup>60</sup> and other relevant declarations of the Movement of Non-Aligned Countries in this context,

Taking note also of the final communiqué adopted at the Co-ordination Meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference, held in New York on 2 October 1986,<sup>61</sup>

1. Condemns the military attack perpetrated against the Socialist People's Libyan Arab Jamahiriya on 15 April

<sup>57</sup> A/39/562-S/16775, annex. For the printed text, see *Official Records of the Security Council, Thirty-ninth Year, Supplement for October, November and December 1984*, document S/16775, annex.

<sup>58</sup> A/41/662-S/18373, annex. For the printed text, see *Official Records of the Security Council, Forty-first Year, Supplement for October, November and December 1986*, document S/18373, annex.

<sup>59</sup> See A/41/654, annex II, declaration AHG/Decl.2 (XXII).

<sup>60</sup> A/41/697-S/18392, annex, sect. I, paras. 215-217.

<sup>61</sup> A/41/740-S/18418, annex, para. 23.

1986, which constitutes a violation of the Charter of the United Nations and of international law;

2. *Calls upon* the Government of the United States in this regard to refrain from the threat or use of force in the settlement of disputes and differences with the Libyan Arab Jamahiriya and to resort to peaceful means in accordance with the Charter of the United Nations;

3. *Calls upon* all States to refrain from extending any assistance or facilities for perpetrating acts of aggression against the Libyan Arab Jamahiriya;

4. *Affirms* the right of the Libyan Arab Jamahiriya to receive appropriate compensation for the material and human losses inflicted upon it;

5. *Requests* the Security Council to remain seized of the matter and requests the Secretary-General to report thereon to the General Assembly at its forty-second session.

78th plenary meeting  
20 November 1986

#### 41/39. Question of Namibia<sup>62</sup>

##### A

#### SITUATION IN NAMIBIA RESULTING FROM THE ILLEGAL OCCUPATION OF THE TERRITORY BY SOUTH AFRICA

*The General Assembly,*

*Recalling* its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

*Recalling also* its resolution 2145 (XXI) of 27 October 1966, by which it terminated the Mandate of South Africa over Namibia and placed the Territory under the direct responsibility of the United Nations,

*Recalling further* its resolution 2248 (S-V) of 19 May 1967, by which it established the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence,

*Having examined* the report of the United Nations Council for Namibia,<sup>63</sup>

*Having examined also* the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>64</sup>

*Recalling further* other resolutions and decisions declaring the illegality of the continued occupation of Namibia by South Africa, in particular Security Council resolutions 284 (1970) of 29 July 1970 and 301 (1971) of 20 October 1971, and the advisory opinion of the International Court of Justice of 21 June 1971,<sup>65</sup>

*Bearing in mind* that 1986 marks the twentieth anniversary of the termination of the Mandate of South Africa over Namibia by the General Assembly, and expressing its grave concern that, in the period of time that has elapsed, South Africa has continued its illegal occupation of Na-

mbia in defiance of resolutions and decisions of the Assembly,

*Recalling also* its resolutions 3111 (XXVIII) of 12 December 1973 and 31/146 and 31/152 of 20 December 1976, by which, *inter alia*, it recognized the South West Africa People's Organization as the sole and authentic representative of the Namibian people and granted observer status to it,

*Recalling further* its resolutions ES-8/2 of 14 September 1981 and 36/121 B of 10 December 1981, by which it called upon States to cease forthwith, individually and collectively, all dealings with South Africa in order to isolate it totally, politically, economically, militarily and culturally,

*Taking note* of debates held in the Security Council from 13 to 15 November 1985<sup>66</sup> calling for the imposition of mandatory selective sanctions against South Africa under Chapter VII of the Charter of the United Nations, as well as those held in the Council from 5 to 13 February 1986 and on 22 May 1986 on the situation in southern Africa,<sup>67</sup>

*Welcoming* the special communiqué<sup>68</sup> and the final communiqué<sup>69</sup> adopted at the Meeting of Ministers and Heads of Delegation of Non-Aligned Countries to the Fortieth Session of the General Assembly, held in New York on 1 October 1985, the Final Political Declaration adopted by the Conference of Foreign Ministers of Non-Aligned Countries, held at Luanda from 4 to 7 September 1985,<sup>70</sup> the communiqué adopted by the Co-ordinating Bureau of the Movement of Non-Aligned Countries on 25 November 1985 regarding the situation in southern Africa following the repeal of the Clark Amendment by the United States Congress,<sup>71</sup> the Political Declaration adopted at the Ministerial Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, held at New Delhi from 16 to 19 April 1986,<sup>72</sup> the final communiqué of the Meeting of Ministers and Heads of Delegation of Non-Aligned Countries to the Forty-first Session of the General Assembly, held in New York on 2 October 1986,<sup>73</sup> the final documents of the Eighth Conference of Heads of State or Government of Non-Aligned Countries, held at Harare from 1 to 6 September 1986,<sup>74</sup> the Final Communiqué of the Seminar on World Action for the Immediate Independence of Namibia, held at Valletta from 19 to 23 May 1986,<sup>74</sup> the Declaration of the International Conference for the Immediate Independence of Namibia, the Programme of Action on Namibia and the Appeal for the Immediate Independence of Namibia issued by the eminent persons participating in the Conference,<sup>75</sup> the resolution 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, on the refusal of a Government to impose sanctions on South Africa,<sup>76</sup> and the Declaration adopted by the Assembly of

<sup>66</sup> See *Official Records of the Security Council, Forty-first Year*, 2624th-2626th, 2628th and 2629th meetings.

<sup>67</sup> *Ibid.*, 2652nd, 2654th, 2656th-2662nd and 2684th meetings.

<sup>68</sup> A/40/699-S/17518, annex. For the printed text, see *Official Records of the Security Council, Fortieth Year, Supplement for October, November and December 1985*, document S/17518, annex.

<sup>69</sup> A/40/704-S/17521, annex.

<sup>70</sup> A/40/854-S/17610 and Corr.1, annex I.

<sup>71</sup> A/40/951-S/17656, annex. For the printed text, see *Official Records of the Security Council, Fortieth Year, Supplement for October, November and December 1985*, document S/17656, annex.

<sup>72</sup> A/41/341-S/18065 and Corr.1, annex I.

<sup>73</sup> A/41/703-S/18395, annex.

<sup>74</sup> A/AC.131/216.

<sup>75</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>76</sup> A/41/654, annex I, resolution CM/Res.1039 (XLIV)/Rev.1.

<sup>62</sup> See also sect. I, note 8, and sect. X.B.6, decision 41/413.

<sup>63</sup> *Official Records of the General Assembly, Forty-first Session, Supplement No. 24 (A/41/24)*.

<sup>64</sup> *Ibid.*, Supplement No. 23 (A/41/23), chap. VIII.

<sup>65</sup> *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, I.C.J. Reports 1971*, p. 16.