

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* those States responsible 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 as a result of 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-fourth 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".

*75th plenary meeting
8 December 1988*

43/106. 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 the relevant Security Council resolutions, in particular resolu-

tions 385 (1976) of 30 January 1976, 435 (1978) of 29 September 1978 and 601 (1987) of 30 October 1987,

Recalling further the Declaration adopted by the World Conference on Sanctions against Racist South Africa⁶³ and the Declaration of the International Conference for the Immediate Independence of Namibia and the Programme of Action on Namibia,⁶⁴

Recalling the Luanda Declaration and Programme of Action adopted by the United Nations Council for Namibia at its extraordinary plenary meetings, held at Luanda from 18 to 22 May 1987,⁶⁵

Recalling also the final communiqué adopted by the United Nations Council for Namibia at its ministerial meeting held at United Nations Headquarters on 2 October 1987,⁶⁶

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 1983,⁶⁷

Recalling with satisfaction the holding at Tunis from 7 to 9 August 1984 of the Conference of Arab Solidarity with the Struggle for Liberation in Southern Africa,⁶⁸

Taking note of resolutions CM/Res.1147 (XLVIII) on Namibia and CM/Res.1148 (XLVIII) on South Africa adopted by the Council of Ministers of the Organization of African Unity at its forty-eighth ordinary session, held at Addis Ababa from 19 to 23 May 1988,¹³

Taking note also of the statement issued on 29 September 1988 by the President of the Security Council, on behalf of the members of the Council, in which he expressed their concern that so long after the adoption of Council resolution 435 (1978) the Namibian people had not yet attained their self-determination and independence and strongly urged South Africa to comply forthwith with the resolutions and decisions of the Council, in particular resolution 435 (1978), and to co-operate with the Secretary-General in its immediate, full and definitive implementation,⁶⁹

Gravely concerned about 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,

Gravely concerned about the continuation of the news blackout in Namibia by the racist régime of Pretoria,

Expressing support and solidarity with students, workers and parents in Namibia in their demand for the removal of the racist South African military bases from the vicinity of the schools,

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,

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-called

⁶³ *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.

⁶⁴ 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.

⁶⁵ *Official Records of the General Assembly, Forty-second Session, Supplement No. 24 (A/42/24)*, part two, chap. III, para. 203.

⁶⁶ A/42/631-S/19187, annex.

⁶⁷ See A/38/311-S/15883, annex.

⁶⁸ See A/39/450-S/16726.

⁶⁹ S/20208. For the printed text, see *Resolutions and Decisions of the Security Council, 1988*.

“new constitution” as null and void, Council resolution 569 (1985) of 26 July 1985 and the statement made by the President of the Council on 13 June 1986 on the nationwide state of emergency in South Africa,⁷⁰

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

Recalling its resolution 42/95 of 7 December 1987 condemning the holding of an all-white election by the racist régime in May 1987, in the midst of the state of emergency, accompanied by the muzzling of the press and the increased brutal repression of the majority, which once again clearly manifested the *apartheid* régime's arrogant defiance and intransigence,

Alarmed by the latest manoeuvre the racist régime has employed to gain credibility, namely, the staging of fraudulent municipal elections on 26 October 1988, which were designed to entrench further white supremacy,

Deeply concerned about the banning of nineteen mass democratic organizations and eighteen individuals, including the restrictions imposed on Govan Mbeki, as well as the outright banning of the End Conscription Campaign, which is committed to peaceful means of struggle against *apartheid*,

Alarmed by the increasing number of assassinations and abductions of members and leaders of the national liberation movements in Africa and elsewhere by hit squads deployed and paid by the racist régime,

Deeply concerned about the racist régime's increased attacks on the religious community and its individual leaders and the recent bombings of the offices of the mass democratic organizations, including those of the Southern Africa Catholic Bishop's Conference at Pretoria, by agents of the régime,

Deeply indignant at the persistent policy of hostility by the racist régime of South Africa against Angola, which constitutes an act of aggression against the sovereignty and territorial integrity of that country,

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 1977,⁷¹

Recalling also 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,⁷²

Considering that the denial of the inalienable rights of the Palestinian people to self-determination, sovereignty, independence and return to Palestine and the brutal suppression by the Israeli forces of the heroic uprising, the *intifadah*, of the Palestinian population in the occupied territories, as well as the repeated Israeli aggression against

the population of the region, constitute a serious threat to international peace and security,

Recalling Security Council resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988 and 608 (1988) of 14 January 1988 on the deterioration of the situation of the Palestinian people in the occupied territories,

Deeply concerned and alarmed at the deplorable consequences of Israel's continuing acts of aggression against Lebanon and recalling all the relevant resolutions of the Security Council, in particular resolutions 425 (1978) of 19 March 1978, 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 once again* 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 once again* its vigorous condemnation of the continued illegal occupation of Namibia by racist 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. *Strongly condemns* the illegal, occupationist and racist régime of South Africa for its increased brutal repression of the Namibian people, as manifested by the continued arrest and detention without trial of leaders of the South West Africa People's Organization, trade unionists and church leaders, the cold-blooded murder and torture of children, women and the elderly, and the bombing and destruction of social and educational institutions by the racist army, police and murder squads, and demands the immediate and unconditional release of all Namibians imprisoned and detained by the Pretoria régime;

9. *Vehemently condemns* the racist régime of Pretoria for the news blackout in Namibia, the repeated destruction of editorial offices of independent papers such as *The Namibian* and the arrest of their staff members with a view to preventing them from exposing the atrocities committed by the racist troops and murder squads against the innocent civilian population;

10. *Strongly condemns* the racist régime for the brutal attack by its occupation troops against peaceful demonstrators gathered at Windhoek on 29 September 1988 to mark the tenth anniversary of the adoption of Security Council resolution 435 (1978);

⁷⁰ See *Resolutions and Decisions of the Security Council, 1986*, p. 17.

⁷¹ A/32/61, annex I.

⁷² *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.

11. *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;

12. *Reaffirms* its rejection of the so-called "new constitution" as null and void and reiterates that peace in South Africa can be guaranteed only 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;

13. *Commends* the efforts of the democratic forces within the various sections of South African society that are striving towards the abolition of *apartheid* and the creation of a united non-racial democratic society in South Africa and, in this connection, recalls with satisfaction the Dakar Declaration, adopted at the meeting organized by the Institute for a Democratic Alternative for South Africa at Dakar from 9 to 12 July 1987;⁷³

14. *Strongly condemns* the holding of municipal elections on 26 October 1988, which will further entrench white supremacy, and demands the calling of free and fair elections based on universal adult suffrage in a united and democratic South Africa;

15. *Vehemently condemns* the banning and restrictions imposed on the mass democratic movements and individuals using peaceful means of struggle against *apartheid*, as well as the restrictions imposed on Govan Mbeki, leader of the African National Congress of South Africa, who was recently released from Robben Island, and demands that these restrictions and bannings be immediately lifted;

16. *Strongly condemns* the wanton killing of peaceful and defenceless demonstrators and workers on strike, as well as the arbitrary arrests of leaders and activists of the mass democratic movement, including women and young children, and demands their immediate and unconditional release, in particular that of Nelson Mandela and Zephania Mothopeng;

17. *Strongly condemns* South Africa for the imposition, renewal and extension 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;

18. *Strongly condemns* the increased attacks on the religious community and its leaders, and demands that the racist Pretoria régime bring to justice those responsible for the bombing of the mass democratic organizations, including the Southern Africa Catholic Bishop's Conference;

19. *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;

20. *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;

21. *Calls once again* for the full implementation of the provisions of the Declaration adopted by the World Conference on Sanctions against Racist South Africa⁶³ and of the Declaration of the International Conference for the

Immediate Independence of Namibia and the Programme of Action on Namibia;⁶⁴

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

23. *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 their sole and legitimate representative, the South West Africa People's Organization, in its struggle to gain its right to self-determination and national independence in accordance with the Charter of the United Nations;

24. *Strongly condemns* the racist régime for its wanton arrests and detention of women and children in South Africa and Namibia and demands their immediate and unconditional release;

25. *Strongly condemns* the persistent policy of hostility and the repeated armed attacks by the racist régime of South Africa against Angola, which constitute acts of aggression against the sovereignty and the territorial integrity of that country;

26. *Demands* that the Pretoria régime respect the sovereignty and territorial integrity of Angola and the principle of non-interference in the internal affairs of other States, and demands the immediate payment of compensation to Angola for damages caused, in accordance with the relevant decisions and resolutions of the Security Council;

27. *Commends* the Government of Angola for its political will, diplomatic flexibility and constructive spirit in the search for a negotiated solution to the problems of southern Africa and welcomes the ongoing negotiations among Angola, Cuba and South Africa, mediated by the United States of America, aimed at seeking a peaceful solution to the conflict in south-western Africa;

28. *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 assistance 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;

29. *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;

30. *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 rights;

31. *Strongly condemns* the racist régime of Pretoria for its acts of destabilization 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 desists from such acts against Lesotho;

⁷³ A/42/554-S/19126, annex. For the printed text, see *Official Records of the Security Council, Forty-second Year, Supplement for July, August and September 1987*, document S/19126, annex.

32. *Strongly condemns* the unprovoked and unwarranted military attacks of 14 June 1985, 19 May 1986 and 20 June 1988 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;

33. *Strongly condemns* the escalation of massacres of defenceless people and the continuing destruction of economic and social infrastructures perpetrated against Mozambique by armed terrorists, who are an extension of the South African army of aggression;

34. *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;⁶⁷

35. *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 the peoples to self-determination and independence;

36. *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*;

37. *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 42/78 of 4 December 1987, and calls upon the current Chairman of the Assembly of Heads of State and Government 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;

38. *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;

39. *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;

40. *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,² under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

41. *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;

42. *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;

43. *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 that assistance;

44. *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;

45. *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;

46. *Decides* to consider this item at its forty-fourth 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 intergovernmental and non-governmental organizations have been requested to submit.

75th plenary meeting
8 December 1988

43/107. 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,⁷⁴

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 the use of mercenaries 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 im-

⁷⁴ Resolution 2625 (XXV), annex.