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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

Report of the Secretary-General

Addendum

CONTENTS

Page

REPLIES RECEIVED FROM GOVERNMENTS

Byelorussian Soviet Socialist Republic . . . . .	2
Yugoslavia . . . . .	4

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

/Original: Russian/

/6 October 1978/

1. The Byelorussian SSR has on a number of occasions stated its position with regard to the question of the realization of the right of peoples to self-determination. In particular, in information submitted to the United Nations Secretary-General in June 1976, emphasis was placed on the right of a people to choose its social and political structure in accordance with its freely expressed will and desire.
2. That approach to the question of the right of peoples to self-determination derives from the Leninist national policy and Marxist theory and practice prevailing in our country, and concerns above all their right to independent statehood, the basic condition and prerequisite for the exercise of the whole range of human rights.
3. The Byelorussian SSR attaches great importance to the universal and effective realization of the right of people to self-determination as an essential condition for progressive social and economic development. The principle of the right to self-determination has been given legislative force as one of the basic principles in all the constitutions of the Byelorussian SSR during its 60 years of development. In particular, article 68 of the Constitution of the Byelorussian SSR, adopted in April 1978, states that the Byelorussian Soviet Socialist Republic is a sovereign Soviet socialist State. For the purposes of the successful construction of communist society, the strengthening of economic and political unity and the maintenance of the country's security and defence, the Byelorussian Soviet Socialist Republic, through the self-determination of its people on the basis of free will and equality, was united with the Soviet Socialist Republics to form the Union of Soviet Socialist Republics, an integral, federal multinational State.
4. Guided by the goals established at the Twenty-Fifth Congress of the Communist Party of the Soviet Union for the complete elimination of "all remnants of the system of colonial repression, the infringement of equality and independence of peoples, and all breeding-grounds of colonialism and racism", the Byelorussian SSR consistently and firmly advocates the speedy and full realization of the right of peoples to self-determination on the basis of the complete and final elimination of colonialism and neo-colonialism. In the accomplishment of that task an important place is assigned to the mass media, which play an active part in expounding the State's consistent position of principle concerning the right of peoples to self-determination and their efforts to achieve national liberation and to combat colonialism, racism and racial discrimination. At the same time, the Byelorussian SSR condemns the use of the mass media to disseminate propaganda in favour of colonialism, racism, racial discrimination and apartheid.
5. The United Nations and other international organizations have taken many decisions in support of the national liberation struggle of peoples to attain their freedom. In that connexion recognition should be given to the special

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significance of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at the initiative of the USSR. Following its adoption, the peoples of more than 50 countries attained their independence, and the Declaration is now an important United Nations instrument in the struggle to eliminate the last breeding-grounds of colonialism.

6. The Byelorussian SSR consistently works for the speedy implementation of the provisions of the Declaration and of the resolutions adopted by the United Nations General Assembly and Commission on Human Rights designed to ensure the eradication of the vestiges of colonialism, racism, racial discrimination and apartheid.

7. The Byelorussian SSR consistently and actively opposes the assistance given by foreign economic, financial and other circles to the racist régimes in southern Africa, is strongly in favour of isolating and boycotting those régimes, and condemns the co-operation with them on the part of transnational corporations in exploiting the human and natural resources of Namibia and Zimbabwe as an act having unfavourable consequences for the attainment of self-determination and political independence by peoples still under the colonial yoke.

8. The struggle of peoples for freedom and independence is an objective natural feature of the modern age. The powerful wave of the liberation movement has relentlessly approached the last bastions of colonialism and racism in the southern part of the African continent. The oppressors understand that in Africa their last hour is nigh. That is why they resort to any measures and even go so far as to organize the recruitment of mercenaries in Western countries in order, with their assistance, to remain in power.

9. The Byelorussian SSR has always opposed and continues to oppose the use of mercenaries and supports the international legal documents adopted by the United Nations which condemn the use of mercenaries. In particular, the Byelorussian SSR supported the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. That Declaration, inter alia, proclaims that "Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State".

10. The United Nations has condemned the practice of using mercenaries against national liberation movements and sovereign States as constituting a criminal act, has reaffirmed that the mercenaries themselves are criminals, and has called upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territory and the transit of mercenaries through their territory to be punishable offences and prohibiting their nationals from serving as mercenaries.

11. Those appeals by the United Nations have always found support and understanding in the Byelorussian SSR, where social conditions absolutely preclude the possibility of the recruitment, financing, training and transportation of mercenaries by our citizens. Guided by respect for the right of each people independently to choose

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its path of development, we firmly condemn military and political interference by imperialism in the internal affairs of young independent States and any infringement of their sovereignty and territorial integrity.

12. The Byelorussian SSR advocates enhancing the effectiveness of the United Nations and its specialized agencies in the granting of comprehensive assistance and support to territories under colonial domination and to peoples waging a struggle for complete and final elimination of the vestiges of colonialism, racism and apartheid.

13. Guided by the principle of self-determination, the Byelorussian SSR grants all-round support to peoples struggling against colonialism and racism, and takes an active part in the adoption by the United Nations and other international bodies of decisions aimed at the speedy realization of the right of colonial peoples to self-determination.

14. Many events are systematically organized in the Republic to express solidarity with the peoples struggling for national independence and against imperialist aggression, colonialism, racism and apartheid. These events are timed to coincide with significant dates, such as the Anti-Apartheid Year, the Week of Solidarity with the Colonial Peoples of Southern Africa, Africa Liberation Day, and so on.

15. The Byelorussian SSR has played an active part in the work of many international conferences devoted to the struggle against racism, racial discrimination, apartheid, colonialism, and so on, upholding the principles of respect for the right of each people and each country to choose its path of development and supporting the struggle of peoples for freedom and independence.

#### YUGOSLAVIA

/Original: English/

/19 September 1978/

1. The concept of mercenaries was defined by the provision of article 47 of the Additional Protocol to the Geneva Convention on the protection of war victims, of 12 August 1949 (Protocol I). The same provision stipulates that mercenaries are not entitled to the status of combatants and that, in case they are made prisoners, they are not entitled to the status of prisoners of war. Consequently, mercenaries are, in fact, professional assassins who do not enjoy international legal protection.

2. Yugoslavia has signed Protocol I, which is now in the process of ratification.

3. Paragraph 6 of General Assembly resolution 32/14 is in accord with the aforementioned provision of Protocol I. The said paragraph reaffirms that the practice of using mercenaries against national liberation movements and sovereign States constitutes a criminal act and that the mercenaries themselves are criminals, and calls upon the Governments of all countries to enact legislation

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declaring the recruitment and training of mercenaries in their territory and the transit of mercenaries through their territory to be punishable offences and prohibiting their nationals from serving as mercenaries.

4. In accordance with this, the question of the enactment of legislation declaring the recruitment, financing and training of mercenaries in the territory of Yugoslavia, the transit of mercenaries through its territory to be punishable offences and prohibiting its nationals from serving as mercenaries is under consideration in the Socialist Federal Republic of Yugoslavia. After the ratification of Protocol I, legislation providing for the punishment of the above offences or acts will be enacted.

5. A question arises in connexion with persons who, after having been made prisoner, are found to have participated - according to the criteria of Protocol I - in an armed conflict or war against a sovereign country, but have not committed a criminal offence against humanity or international law or any other criminal act. The Yugoslav Government is of the opinion that legal sanctions should be provided for punishing the very act of participation of mercenaries in an armed conflict or war against a sovereign country. The fact that no such demand has been addressed to Governments by resolution 32/14 does not preclude the punishment of mercenaries for such an offence.