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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 Third Committee

Rapporteur: Mr. Wilfried GROLIG (Federal Republic of Germany)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 22 September 1989, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda 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" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with items 89 and 100 at its 3rd to 11th, 15th and 23rd meetings on 9, 11 to 13, 16, 17, 23 and 30 October 1989. An account of the Committee's general discussion of the item is contained in the relevant summary records (A/C.3/44/SR.3-11, 15 and 23).

3. For its consideration of the item, the Committee had before it the following documentation:

(a) Report of the Secretary-General on the 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 (A/44/548);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur on the question of the use of mercenaries (A/44/526);

(c) Letter dated 22 September 1989 from the Permanent Representative of Yugoslavia to the United Nations addressed to the Secretary-General (A/44/551-S/20870).

4. At the 3rd meeting, on 9 October 1989, the Deputy Director of the Centre for Human Rights made an introductory statement on the item. At its 5th meeting, the Committee also heard an introduction of the Special Rapporteur on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (see A/C.3/44/SR.3 and SR.5).

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.3/44/L.8

5. At the 15th meeting, on 23 October, the representative of Kenya, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution (A/C.3/44/L.8) 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".

6. At the same meeting, the representative of Kenya orally revised the draft resolution as follows:

In operative paragraph 16, "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 democratic society, in particular," was replaced by "mass democratic movement in South Africa for".

7. At the 23rd meeting, on 30 October, statements were made by the representatives of Costa Rica and the United States of America.

8. At the same meeting, the Committee adopted the draft resolution as orally revised, by a recorded vote of 107 to 15, with 15 absentions (see para. 17, draft resolution I). The voting was as follows: 1/

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia,

1/ The delegations of Panama and Senegal subsequently indicated that, had they been present during the voting, they would have voted in favour of the draft resolution.

/...

Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Italy, Luxembourg, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Chile, El Salvador, Fiji, Greece, Ireland, Japan, Malawi, Malta, New Zealand, Paraguay, Portugal, Spain, Zaire.

9. After the adoption of the draft resolution, statements were made by the representatives of Australia, Argentina, Israel, Lesotho, Uruguay, Mexico, Canada, France (on behalf of the 12 States members of the European Community), Botswana, Turkey, El Salvador and Iraq (see A/C.3/44/SR.23).

B. Draft resolution A/C.3/44/L.9

10. At the 15th meeting, on 23 October, the representative of Pakistan, on behalf of Brunei Darussalam, Chile, Colombia, the Comoros, Costa Rica, Djibouti, Ecuador, Jordan, Malaysia, Mauritania, Morocco, Nepal, Oman, Pakistan, Papua New Guinea, the Philippines, Qatar, Samoa, Saudi Arabia, Singapore, Somalia, the Sudan and Thailand, introduced a draft resolution (A/C.3/44/L.9) entitled "Universal realization of the right of peoples to self-determination". Subsequently, Senegal and Iraq joined in sponsoring the draft resolution.

11. At the 23rd meeting, on 30 October, the Committee adopted the draft resolution without a vote (see para. 17, draft resolution II).

12. After the adoption of the draft resolution, the representative of India made a statement (see A/C.3/44/SR.23).

C. Draft resolution A/C.3/44/L.10

13. At the 15th meeting, on 23 October, the representative of Nigeria, on behalf of Algeria, Botswana, Bulgaria, Burkina Faso, Cameroon, Colombia, Cuba, Ethiopia, the German Democratic Republic, Ghana, Guatemala, Guinea, India, Kenya, Lesotho, Liberia, the Libyan Arab Jamahiriya, Madagascar, Mongolia, Nicaragua, Nigeria, Peru, Rwanda, Uganda, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania, Zambia and Zimbabwe, introduced a draft resolution (A/C.3/44/L.10) entitled "Use of mercenaries as a means to violate human rights and to impede the exercise of the right of people to self-determination". Subsequently, Afghanistan, Benin, Bolivia, the Congo, Ecuador, Maldives, Mali, Mexico, the Niger, Panama, the Sudan, the Syrian Arab Republic and Viet Nam joined in sponsoring the draft resolution.

14. At the 23rd meeting, on 30 October, the representative of Nigeria orally revised operative paragraph 3 by replacing "punishable in accordance with existing international law" by "of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations".

15. Statements were made by the representatives of the United States of America, France (on behalf of the 12 States members of the European Community), the Netherlands and Algeria.

16. At the same meeting, the Committee adopted the draft resolution as orally revised, by a recorded vote of 111 to 10, with 20 abstentions (see para. 17, draft resolution III). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Canada, Chile, Costa Rica, Denmark, El Salvador, Finland, Greece, Iceland, Ireland, Israel, Malta, New Zealand, Norway, Oman, Paraguay, Spain, Sweden, Turkey.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

17. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

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 resolution 1514 (XV) of 14 December 1960,

Reaffirming also 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 further 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 resolutions 385 (1976) of 30 January 1976, 435 (1978) of 29 September 1978, 629 (1989) of 16 January 1989, 632 (1989) of 16 February 1989 and 640 (1989) of 29 August 1989,

Taking note of the final communiqué adopted by the United Nations Council for Namibia at its ministerial meeting held at United Nations Headquarters on 2 October 1987, 2/

Expressing support for and solidarity with the people of Namibia in their demand for the removal of the racist South African military personnel from Namibia and the total removal of former Koevoet elements from the South West Africa Police,

Bearing in mind the Declaration adopted by the World Conference on Sanctions against Racist South Africa, 3/

Welcoming the adoption on 21 August 1989 of the Harare Declaration of the Organization of African Unity Ad Hoc Committee on Southern Africa on the question of South Africa 4/ and its subsequent endorsement by the ninth Conference of Heads of State or Government of Non-Aligned Countries, held at Belgrade from 4 to 7 September 1989, 5/

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, 6/

Taking note of resolutions CM/Res.1206 (L) on Namibia and CM/Res.1207 (L) on South Africa adopted by the Council of Ministers of the Organization of African Unity at its fiftieth ordinary session, held at Addis Ababa from 12 to 22 July 1989, 7/

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,

2/ A/43/24 (Part I), para. 86. To be incorporated in Official Records of the General Assembly, Forty-third Session, Supplement No. 24 (A/43/24).

3/ 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.

4/ A/44/697, annex.

5/ A/44/551-S/20870, annex.

6/ See A/38/311-S/15883, annex.

7/ See A/44/603, annex.

Reaffirming also 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 "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, 8/

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 that the restrictions imposed by the Pretoria régime in 1988 on thirty-four democratic and non-violent organizations have not been lifted and that since the beginning of 1989 severe restrictions have been imposed on over six hundred political activists committed to peaceful means of struggle against apartheid,

Indignant at the latest ploy of the Pretoria régime aimed at legitimizing its undemocratic structures, namely, the staging on 6 September 1989 of so-called "general elections" for its tri-cameral parliamentary system, which has been overwhelmingly rejected,

Outraged by the massacre of twenty-nine peaceful demonstrators by the racist police during a non-violent protest against the so-called "general elections",

Deeply concerned about the racist régime's increased attacks on the religious community and its individual leaders, including the recent poisoning of the Secretary-General of the South African Council of Churches, as well as the spraying of poisonous substances in the church premises serving as the venue for a conference of religious leaders,

Gravely concerned about the apartheid régime's continued use of the death penalty against South African patriots with contemptuous disregard for appeals for clemency from the international community, including the General Assembly,

Considering the concerted campaign by the new President of the apartheid régime to project himself as a reformer in order to ward off the further imposition of sanctions by the international community,

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 Botswana, Mozambique, Zambia and Zimbabwe,

8/ See Resolutions and Decisions of the Security Council, 1986, p. 17.

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,

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, 9/

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, 10/

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 and General Assembly resolutions 43/21 of 3 November 1988, 43/177 of 15 December 1988 and 44/2 of 6 October 1989, 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 the independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle;

9/ A/32/61, annex I.

10/ 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.

3. Reaffirms also the inalienable right of the Namibian people, the Palestinian people and all peoples under foreign occupation and colonial domination to self-determination, national independence, territorial integrity, national unity and sovereignty without foreign interference;

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

5. Calls upon Israel to refrain from deporting any Palestinian civilians from the occupied Palestinian territories and to release immediately all Palestinian detainees;

6. 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;

7. 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 of the United Nations;

8. Welcomes the adoption by the Security Council of resolutions 629 (1989) and 632 (1989), by which the Council commenced the process of implementing the United Nations plan for the independence of Namibia, contained in its resolutions 385 (1976) and 435 (1978);

9. Reaffirms that Namibia remains under the direct and legal responsibility of the United Nations until independence, and expresses full support for the inalienable rights of the Namibian people to self-determination and genuine national independence, in a united Namibia, with its territorial integrity untruncated;

10. Expresses concern that South Africa has persistently violated the letter and spirit of Security Council resolution 435 (1978), which remains the only internationally acceptable basis for the peaceful settlement of the Namibian conflict and must be implemented in its original and definitive form;

11. Demands the immediate and unconditional release of all Namibians still imprisoned and detained by the Pretoria régime;

12. Demands also that the racist régime of Pretoria put an immediate end to the persistent denial of equal access to the State-controlled media in Namibia by all political organizations participating in the electoral process in accordance with Security Council resolution 435 (1978);

13. Urges all States, the specialized agencies, organizations of the United Nations system and other international organizations to extend their support to the Namibian people in their struggle for self-determination and national independence in accordance with the Charter;

14. 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;

15. Reaffirms its rejection of the so-called "new constitution" and the so-called "general elections" based on that 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;

16. Commends the mass democratic movement in South Africa for the tremendous advances scored during the recent campaign of defiance of unjust apartheid laws in the ongoing struggle against apartheid;

17. Strongly condemns the holding of so-called "general elections" on 6 September 1989, 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;

18. Also 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;

19. Further 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 and all other legislation designed to circumscribe political activity;

20. Welcomes the unconditional release of Walter Sisulu and six other political prisoners and demands that the apartheid régime lift the restrictions imposed on all of the released political prisoners;

21. Strongly urges the apartheid régime to respond positively to the provisions of the Harare Declaration of the Organization of African Unity Ad Hoc Committee on Southern Africa on the question of South Africa 4/ by releasing unconditionally all political prisoners and detainees, including Nelson Mandela, by lifting all bans and restrictions on all proscribed and restricted organizations and persons, and by halting all political trials and political executions as a means of creating an environment conducive to the peaceful resolution of the South African situation;

22. 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 offices of religious bodies and for the poisoning of the Secretary-General of the South African Council of Churches and attempts to poison other religious leaders;

23. Also 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;

24. Calls once again for the full implementation of the provisions of the Declaration adopted by the World Conference on Sanctions against Racist South Africa; 3/

25. 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 which maintain military and nuclear co-operation with the racist Pretoria régime and continue to supply it with related matériel;

26. 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 people to self-determination and independence;

27. 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; 6/

28. Strongly condemns the persistent policy of hostility and aggression pursued by racist South Africa against the sovereignty and territorial integrity of Angola, which constitutes a violation of the New York accord of 22 December 1988; 11/

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

30. 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;

31. 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;

32. 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;

33. Also 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;

34. Further 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;

35. 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 43/33 of 22 November 1988, 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 the question;

36. Notes the contracts 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 the question;

37. Strongly condemns the continued violation of the human rights of the peoples still under colonial domination and alien subjugation;

38. 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;

39. 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;

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, 12/ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

41. 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;

42. 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;

43. 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;

44. Decides to consider this item at its forty-fifth 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.

DRAFT RESOLUTION II

Universal realization of the right of peoples to
self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights, 13/ as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of an increasing number of sovereign peoples and nations,

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, 14/ thirty-seventh, 15/

13/ Resolution 2200 A (XXI), annex.

14/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigendum (E/1980/13 and Corr.1), chap. XXVI, sect. A.

15/ Ibid., 1981, Supplement No. 5 and corrigendum (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

thirty-eighth, 16/ thirty-ninth, 17/ fortieth, 18/ forty-first, 19/ forty-second, 20/ forty-third, 21/ forty-fourth 22/ and forty-fifth sessions, 23/

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, 40/24 of 29 November 1985, 41/100 of 4 December 1986, 42/94 of 7 December 1987 and 43/105 of 8 December 1988,

Taking note of the report of the Secretary-General, 24/

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;

16/ Ibid., 1982, Supplement No. 2 and corrigendum (E/1982/12 and Corr.1), chap. XXVI, sect. A.

17/ Ibid., 1983, Supplement No. 3 and corrigendum (E/1983/13 and Corr.1), chap. XXVII, sect. A.

18/ Ibid., 1984, Supplement No. 4 and corrigendum (E/1984/14 and Corr.1), chap. II, sect. A.

19/ Ibid., 1985, Supplement No. 2 (E/1985/22), chap. II, sect. A.

20/ Ibid., 1986, Supplement No. 2 (E/1986/22), chap. II, sect. A.

21/ Ibid., 1987, Supplement No. 5 and corrigenda (E/1987/18 and Corr.1 and 2), chap. II, sect. A.

22/ Ibid., 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.

23/ Ibid., 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

24/ A/44/548.

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-fifth 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".

DRAFT RESOLUTION III

Use of mercenaries as a means to violate human rights and to impede the exercise of the right of people to self-determination

The General Assembly,

Recalling the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, territorial integrity of States and self-determination of peoples, as well as a scrupulous respect for the principle of the non-use or threat of the use of force in international relations, as developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, 25/

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,

Recognizing that the use of mercenaries is a threat to international peace and security,

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

25/ Resolution 2625 (XXV), annex.

Alarmed at the emergence of new international criminal activities of mercenaries in collusion with drug traffickers,

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

Recalling all of its relevant resolutions, as well as those of the Security Council, the Economic and Social Council and the Organization of African Unity, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit and use of mercenaries, with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or fighting against national liberation movements,

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

Convinced that it is necessary to develop international co-operation among States for the prevention, prosecution and punishment of such offences,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his report 26/ on the question of the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination;
2. Condemns the 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 national liberation movements of peoples struggling for the exercise of their right to self-determination;
3. Affirms that the use of mercenaries and their recruitment, financing and training are offences of grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;
4. Strongly condemns the racist régime of South Africa for its use of groups of armed mercenaries against national liberation movements and for the destabilization of the Governments of southern African States;
5. 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;

6. Urges all States to take the necessary steps and 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 for the planning of 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 or occupation;

7. 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;

8. Considers that the use channels of humanitarian and other assistance to finance, train and arm mercenaries is inadmissible;

9. Welcomes the provisions of Commission on Human Rights resolution 1988/7 of 22 February 1988 27/ aimed at giving the Special Rapporteur the full opportunity to carry out his mandate most effectively;

10. Requests the Secretary-General to report to the General Assembly at its forty-fifth session on the use of mercenaries.

27/ See Official Records of the Economic and Social Council, 1988, Supplement No. 2 and corrigendum (E/1988/12 and Corr.1), chap. II, sect. A.