

Reaffirming the sovereign and inalienable right of all peoples freely to determine their political status and freely to pursue their economic, social and cultural development,

1. *Takes note* of the report of the Secretary-General on national experience in achieving far-reaching social and economic changes for the purpose of social progress;²³

2. *Calls upon* all States to give special attention in their national development plans and programmes to the social aspects of development with a view to increasing the well-being of the population on the basis of its full participation in the process of development and a fair distribution of the benefits therefrom;

3. *Requests* the Secretary-General to proceed with the implementation of Economic and Social Council resolution 1985/32 of 29 May 1985, paying special attention to paragraphs 3 and 5 thereof;

4. *Further requests* the Secretary-General to make arrangements for holding in 1986 the interregional seminar called for in paragraph 3 of General Assembly resolution 38/25, within the resources allotted to the programme for sectoral and regional advisory services;

5. *Decides* to include in the provisional agenda of its forty-second session the item entitled "National experience in achieving far-reaching social and economic changes for the purpose of social progress".

*96th plenary meeting
29 November 1985*

40/24. 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,²⁴ 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,²⁵ thirty-seventh,²⁶ thirty-eighth,²⁷ thirty-ninth,²⁸ fortieth²⁹ and forty-first³⁰ sessions,

²³ A/40/65-E/1985/7 and Add.1

²⁴ Resolution 2200 A (XXI), annex.

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

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

²⁷ *Ibid.*, 1982, *Supplement No. 7* (E/1982/12 and Corr.1), chap. XXVI, sect. A.

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 and 39/18 of 23 November 1984,

Taking note of the report of the Secretary-General.³¹

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 by the aforementioned acts and reaffirms their right to return to their homes voluntarily in safety and honour;

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

6. *Requests* the Secretary-General to report on this issue to the General Assembly at its forty-first 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".

*96th plenary meeting
29 November 1985*

40/25. 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 regard

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

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

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

³¹ A/40/465 and Add.1 and 2.

ing the exercise of the right to self-determination by peoples under colonial and foreign domination.

Recalling its resolution 2649 (XXV) of 30 November 1970 and all resolutions on this question,

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

Recalling further its resolutions 3103 (XXVIII) of 12 December 1973, 3314 (XXIX) of 14 December 1974 and 38/137 of 19 December 1983, as well as Security Council resolutions 405 (1977) of 14 April 1977, 419 (1977) of 24 November 1977, 496 (1981) of 15 December 1981 and 507 (1982) of 28 May 1982, in which the United Nations condemned the recruiting and the use of mercenaries, in particular against developing countries and national liberation movements,

Recalling further its resolutions on the question of Namibia, in particular resolution ES-8/2 of 14 September 1981, and Security Council resolutions 532 (1983) of 31 May 1983, 539 (1983) of 28 October 1983 and 566 (1985) of 19 June 1985,

Recalling the Paris Declaration on Namibia and the Programme of Action on Namibia, adopted by the International Conference in Support of the Struggle of the Namibian People for Independence,³²

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 1983,³³

Welcoming the holding at Tunis from 7 to 9 August 1984 of the Conference of Arab Solidarity with the Struggle for Liberation in Southern Africa,³⁴

Recalling resolutions CM/Res.1002 (XLII) on South Africa and CM/Res.1003 (XLII) on Namibia adopted by the Council of Ministers of the Organization of African Unity at its forty-second ordinary session, held at Addis Ababa from 10 to 17 July 1985,³⁵

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

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

Expressing its profound indignation at and its preoccupation with the brutal repression that followed the imposition of the so-called "new constitution" and the state of emergency by the *apartheid* régime of South Africa in defiance of world public opinion,

Reaffirming its resolution 39/2 of 28 September 1984 and recalling Security Council resolution 554 (1984) of 17 August 1984, which rejected the so-called "new constitution" as null and void, and Council resolution 569 (1985) of 14 August 1985,

Deeply concerned at the continued terrorist acts of aggression committed by the Pretoria régime against independent African States in the region,

Deeply indignant at the continued occupation of part of the territory of Angola by the troops of the racist régime of South Africa and the persistent, hostile and unprovoked acts of aggression and sustained armed invasions carried

out by that régime in violation of the sovereignty, airspace and territorial integrity of Angola, in particular the armed invasion of Angola on 28 September 1985,

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 1977,³⁶

Recalling further its relevant resolutions on the question of Palestine, in particular resolutions 3236 (XXIX) and 3237 (XXIX) of 22 November 1974, 36/120 of 10 December 1981, ES-7/6 of 19 August 1982, 37/86 of 10 December 1982, 38/58 of 13 December 1983 and 39/49 D of 11 December 1984,

Recalling 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,³⁷

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

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

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

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

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

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

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

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

7. *Condemns* 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;

³² See Report of the International Conference in Support of the Struggle of the Namibian People for Independence, Paris, 25-29 April 1983 (A/CONF.120/13), part three.

³³ See A/38/311-S/15883 annex.

³⁴ See A/39/450 S/16726.

³⁵ See A/40/666, annex II.

³⁶ A/32/61, annex I.

³⁷ Report of the International Conference on the Question of Palestine, Geneva, 29 August-7 September 1983 (United Nations publication, Sales No. E.83.X.2), chap. I.

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

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

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

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

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

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

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

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

16. *Strongly reaffirms* its solidarity with the independent African countries and national liberation movements that are victims of murderous acts of aggression and destabilization by the racist régime of Pretoria, and calls upon the international community to render increased assistance and support to those countries in order to enable them to strengthen their defence capacity, defend their sovereignty and territorial integrity and peacefully rebuild and develop;

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

18. *Strongly condemns* the continued violations of the human rights of the peoples still under colonial domination and alien subjugation, the continuation of the illegal occupation of Namibia, South Africa's attempts to dismember its Territory, the perpetuation of the racist minor-

ity régime in southern Africa and the denial to the Palestinian people of their inalienable national rights;

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

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

21. *Denounces* the collusion between Israel and South Africa and expresses support for the Declaration of the International Conference on the Alliance between South Africa and Israel;³³

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

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

24. *Calls* for the full implementation of the provisions of the Paris Declaration on Sanctions against South Africa and the Special Declaration on Namibia adopted by the International Conference on Sanctions against South Africa,³⁸ held under the auspices of the United Nations and the Organization of African Unity;

25. *Demands once again* the immediate implementation of its resolution ES-8/2 on the question of Namibia;

26. *Reaffirms* all relevant resolutions adopted by the Organization of African Unity and the United Nations on the question of Western Sahara, including General Assembly resolution 39/40 of 5 December 1984, and calls upon the current Chairman of the Organization of African Unity and the Secretary-General of the United Nations to continue their efforts to find a just and lasting solution to this matter;

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

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

29. *Calls* for a substantial increase in all forms of assistance given by all States, United Nations organs, the specialized agencies and non-governmental organizations to the victims of racism, racial discrimination and *apar-*

³⁸ Report of the International Conference on Sanctions against South Africa, Paris, 20-27 May 1981 (A/CONF.107/8), sect. X.

heid through their national liberation movements recognized by the Organization of African Unity;

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

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

32. *Demands* the immediate and unconditional release of all persons detained or imprisoned as a result of their struggle for self-determination and independence, full respect for their fundamental individual rights and compliance with article 5 of the Universal Declaration of Human Rights,³⁹ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

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

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

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

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

37. *Decides* to consider this item again at its forty-first session on the basis of the reports that Governments, organizations of the United Nations system and intergovernmental and non-governmental organizations have been requested to submit concerning the strengthening of assistance to colonial territories and peoples.

96th plenary meeting
29 November 1985

40/26. Status of the International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its resolutions 3057 (XXVIII) of 2 November 1973, 3135 (XXVIII) of 14 December 1973, 3225 (XXIX) of 6 November 1974, 3381 (XXX) of 10 November 1975, 31/79 of 13 December 1976, 32/11 of 7 November 1977, 33/101 of 16 December 1978, 34/26 of 15 November 1979, 35/38 of 25 November 1980, 36/11 of 28 October

1981, 37/45 of 3 December 1982, 38/18 of 22 November 1983 and 39/20 of 23 November 1984.

Expressing its satisfaction with the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination, under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,⁴¹ to accept and to examine communications from persons or groups of persons, and with the fact that since that date more States parties have made the declaration provided for in that article,

1. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;³⁹

2. *Expresses its satisfaction* at the number of States that have ratified the Convention or acceded thereto;

3. *Reaffirms once again its conviction* that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Second Decade to Combat Racism and Racial Discrimination;⁴⁰

4. *Requests* those States that have not yet become parties to the Convention to ratify it or accede thereto;

5. *Calls upon* States parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention;

6. *Requests* the Secretary-General to continue to submit to the General Assembly annual reports concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.

96th plenary meeting
29 November 1985

40/27. Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolution 3068 (XXVIII) of 30 November 1973, by which it adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and its subsequent resolutions on the status of the Convention,

Reaffirming its conviction that *apartheid* constitutes a total negation of the purposes and principles of the Charter of the United Nations, a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Taking note of the finding of the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, that the crime of *apartheid* is a form of the crime of genocide,⁴¹

Strongly condemning South Africa's continued policy of *apartheid* and its continued illegal occupation of Namibia, as well as its recent acts of aggression against Angola and other African States,

Alarmed by the aggravation of the situation in South Africa, in particular the further escalation of ruthless repression by the Fascist-like *apartheid* régime, including the use of the armed forces against the opposing people and the imposition of virtual martial-law conditions intended to facilitate the brutal oppression of the black population,

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in its economic, military

³⁹ A/40/607.

⁴⁰ See resolution 38/14.

⁴¹ See E/CN.4/1985/27, para. 1.