

Human Rights at its thirty-sixth,²² thirty-seventh,²³ thirty-eighth²⁴ and thirty-ninth²⁵ sessions,

Reiterating its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981 and 37/42 of 3 December 1982,

Taking note of the report of the Secretary-General,²⁶

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 thirty-ninth 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".

66th plenary meeting
22 November 1983

38/17. 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 resolutions 2649 (XXV) of 30 November 1970, 2955 (XXVII) of 12 December 1972, 3070 (XXVIII) of 30 November 1973, 3246 (XXIX) of 29 November 1974, 3382 (XXX) of 10 November 1975, 33/24 of 29 November 1978, 34/44 of 23 November 1979, 35/35 of 14 November 1980, 36/9 of 28 October 1981 and 37/43 of 3 December 1982, and Security Council resolutions 418 (1977) of 4 November 1977 and 421 (1977) of 9 December 1977,

Recalling also its resolutions 1514 (XV) of 14 December 1960, 2465 (XXIII) of 20 December 1968, 2708 (XXV) of 14 December 1970, 33/44 of 13 December 1978, 35/119 of 11 December 1980, 36/68 of 1 December 1981 and 37/35 of 23 November 1982 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 and 3314 (XXIX) of 14 December 1974, 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 resolution 532 (1983) of 31 May 1983,

Welcoming the holding of the International Conference in Support of the Struggle of the Namibian People for Independence in Paris from 25 to 29 April 1983,²⁷

Welcoming also the holding of the International Conference on the Alliance between South Africa and Israel at Vienna from 11 to 13 July 1983,²⁸

Recalling resolutions AHG/Res.105 on Namibia, AHG/Res.111 on the policy of destabilization of the racist régime of South Africa and AHG/Res.112 on South Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its nineteenth ordinary session, held at Addis Ababa from 6 to 12 June 1983,²⁹

Recalling further its resolution 37/1 of 1 October 1982 concerning its appeal for clemency on behalf of the freedom fighters of South Africa and Security Council resolution 533 (1983) of 7 June 1983 concerning the sentencing to death by South Africa of the three patriots of the African National Congress of South Africa,

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,

²² See *Official Records of the Economic and Social Council, 1980, Supplement No. 3* (E/1980/13 and Corr.1), chap. XXVI, sect. A.

²³ *Ibid.*, 1981, *Supplement No. 5* (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

²⁴ *Ibid.*, 1982, *Supplement No. 2* (E/1982/12 and Corr.1), chap. XXVI, sect. A.

²⁵ *Ibid.*, 1983, *Supplement No. 3* (E/1983/13 and Corr.1), chap. XXVII, sect. A.

²⁶ A/38/447 and Add.1 and 2.

²⁷ See A/CONF.120/13.

²⁸ See A/AC.115/L.595.

²⁹ See A/38/312, annex.

Recognizing that the so-called proposals for constitutional reform are an integral part of the policy of “bantustanization”, which is incompatible with genuine independence, national unity and sovereignty and has the effect of perpetuating the power of the white minority and the racist system of *apartheid* in South Africa,

Deeply concerned at the continued terrorist acts of aggression committed by the Pretoria régime against independent African States in the region, in particular Angola, Botswana, Lesotho, Mozambique, Seychelles, Swaziland, Zambia and Zimbabwe,

Deeply indignant at the occupation of part of the territory of Angola by the troops of the racist régime of South Africa,

Recalling Security Council resolutions 527 (1982) of 15 December 1982 and 535 (1983) of 29 June 1983 on Lesotho,

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 1977,³⁰

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 and 37/86 of 10 December 1982,

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,³¹

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 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. Endorses the Paris Declaration on Namibia, adopted by the International Conference in Support of the Struggle of the Namibian People for Independence,²⁷ and

the Geneva Declaration on Palestine, adopted by the International Conference on the Question of Palestine,³¹ as well as the Programmes of Action adopted by these Conferences, and calls for their immediate implementation;

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

7. 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;

8. Rejects the South African régime’s so-called reforms, especially the limited parliamentary representation for Coloured people and Asians designed to undermine the unity of the oppressed people of South Africa and buttress the *apartheid* system;

9. Condemns South Africa for its increasing oppression of the Namibian people, for the massive militarization of the States in the region in order to destabilize them politically and to sabotage and destroy their economies;

10. 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;

11. Strongly condemns the continued occupation of parts of southern Angola and the recent massive aggression carried out by South African troops against the village of Cangamba in the province of Moxico, 500 kilometres from the Namibian border, and demands the immediate and unconditional withdrawal of the South African troops from the Angolan territory;

12. 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;

13. Strongly condemns the recent bombing of Matola, a suburb of the capital of Mozambique, by South Africa and the acts of territorial encroachment and espionage against Mozambique, as well as the attack on 17 October 1983 against the Office of the African National Congress at Maputo, undertaken by the racist régime of Pretoria;

14. 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;

15. 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, and South Africa’s attempts to dismember its Territory, the perpetuation of the racist minority régime in southern Africa and the denial to the Palestinian people of their inalienable national rights;

³⁰ A/32/61, annex I.

³¹ 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. 1.

16. *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 to desist from its terrorist acts against Lesotho;

17. *Expresses its profound indignation* at the callous murder, on 9 June 1983, of the three freedom fighters of the African National Congress by the racist régime of South Africa, which committed the crime with flagrant indifference despite various appeals by the international community, thereby defying Security Council resolution 533 (1983);

18. *Takes note* of the Declaration of the International Conference on the Alliance between South Africa and Israel;³²

19. *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 in South Africa encourage that régime to persist in its suppression of the aspirations of peoples to self-determination and independence;

20. *Again demands* the immediate application of the mandatory arms embargo against South Africa, imposed under Security Council resolution 418 (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;

21. *Takes note with satisfaction* of the Paris Declaration on Sanctions against South Africa, the Special Declaration on Namibia and the reports of the technical and political commissions, adopted by the International Conference on Sanctions against South Africa,³³ held under the auspices of the United Nations and the Organization of African Unity;

22. *Demands* the immediate implementation of its resolution ES-8/2 on Namibia;

23. *Urges* all States, 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;

24. *Reaffirms* the resolutions on the question of Western Sahara adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its eighteenth and nineteenth ordinary sessions, held at Nairobi from 24 to 27 June 1981,³⁴ and at Addis Ababa from 6 to 12 June 1983,³⁵ and calls for their immediate implementation;

25. *Takes note* of 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 in the Comoros, in accordance with the resolutions of the Organization of African Unity and the United Nations on this question;

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

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

27. *Strongly condemns* the increasingly widespread massacres of innocent and defenceless people, including women and children, by the racist minority Pretoria régime in its desperate attempt to thwart the legitimate demands of the people;

28. *Demands* the immediate release of women and children detained in Namibian and South African prisons;

29. *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;

30. *Further strongly condemns* the massacre of Palestinians and other civilians at Beirut and the Israeli aggression against Lebanon, which endangers stability, peace and security in the region;

31. *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,³⁶ under which no one shall be subjected to torture or to cruel, inhuman or degrading treatment;

32. *Urges* all States, 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;

33. *Reiterates its satisfaction* at the material and other forms of assistance that peoples under colonial régimes continue to receive from Governments, organizations of the United Nations system and intergovernmental organizations and calls for a substantial increase in this assistance;

34. *Urges* all States, 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;

35. *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;

36. *Decides* to consider this item again at its thirtieth 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.

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³² A/38/311-S/15883, annex.

³³ Report of the International Conference on Sanctions against South Africa, Paris, 20-27 May 1981 (A/CONF.107/8), sect. X and annexes X and XI.

³⁴ A/36/534, annex II, resolution AHG/Res.103 (XVIII).

³⁵ A/38/312, annex, resolution AHG/Res.104 (XIX).

³⁶ Resolution 217 A (III).