

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,<sup>39</sup> 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.

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#### 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,<sup>41</sup> 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;<sup>39</sup>

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;<sup>40</sup>

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.

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#### 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,<sup>41</sup>

*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 the economic, military

<sup>39</sup> A/40/607.

<sup>40</sup> See resolution 38/14.

<sup>41</sup> See E/CN.4/1985/27, para. 13.

and other fields as an encouragement to the intensification of its odious policy of *apartheid*,

*Firmly convinced* that the legitimate struggle of the oppressed peoples in southern Africa against *apartheid*, racism and colonialism and for the effective exercise of their inalienable right to self-determination and independence demands more than ever all necessary support by the international community and, in particular, further action by the Security Council in accordance with Chapter VII of the Charter of the United Nations,

*Underlining* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions without delay are necessary for its effectiveness, and therefore will contribute to the eradication of the crime of *apartheid*,

1. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;<sup>42</sup>

2. *Commends* those States parties to the Convention that have submitted their reports under article VII thereof;

3. *Appeals once again* to those States that have not yet done so to ratify or to accede to the Convention without further delay, in particular those States that have jurisdiction over transnational corporations operating in South Africa and Namibia and without whose co-operation such operations cannot be halted;

4. *Takes note with appreciation* of the report of the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, and, in particular, of the conclusions and recommendations contained in that report;<sup>41</sup>

5. *Draws the attention* of all States to the opinion expressed by the Group of Three in its report that article III of the Convention could apply to the actions of transnational corporations operating in South Africa;

6. *Requests* the Commission on Human Rights to intensify, in co-operation with the Special Committee against *Apartheid*, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken;

7. *Requests* the Secretary-General to circulate the above-mentioned list to all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication;

8. *Requests* the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the forms of the crime of *apartheid*, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

9. *Appeals* to all States, United Nations organs, the specialized agencies and international and national non-governmental organizations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

10. *Requests* the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a

view to promoting further ratification of or accession to the Convention;

11. *Requests* the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.

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#### 40/28. Report of the Committee on the Elimination of Racial Discrimination

*The General Assembly.*

*Recalling* its resolutions 39/21 of 23 November 1984 on the report of the Committee on the Elimination of Racial Discrimination and 40/26 of 29 November 1985 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>11</sup> as well as its other relevant resolutions on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,<sup>43</sup>

*Having considered* the report of the Committee on the Elimination of Racial Discrimination on the work of its thirty-first and thirty-second sessions,<sup>44</sup> submitted under article 9, paragraph 2, of the Convention,

*Emphasizing* the need for Member States to intensify, at the national and international levels, the struggle against acts or practices of racial discrimination and the vestiges or manifestations of racist ideologies wherever they exist,

*Bearing in mind* that the Convention is being implemented in different economic, social and cultural conditions prevailing in individual States parties,

*Mindful* of the obligation of all States parties to comply fully with the provisions of the Convention,

*Aware* of the importance of the contribution of the Committee to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and to the elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin,

*Taking note* of the decisions adopted and recommendations made by the Committee at its thirty-first and thirty-second sessions,

1. *Takes note* of the report of the Committee on the Elimination of Racial Discrimination on its thirty-first and thirty-second sessions;

2. *Also takes note* of the part of the report relating to Trust and Non-Self-Governing Territories and other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies;<sup>45</sup>

3. *Draws the attention* of the relevant United Nations bodies to the opinion and recommendations of the Committee relating to the Territories mentioned in paragraph 2 above, calls upon those bodies to ensure that the Committee is supplied with all relevant information on the Territories and urges all administering Powers to co-operate with those bodies by providing all the necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;

4. *Considers* that the Committee should not take into consideration information on Territories to which General Assembly resolution 1514 (XV) applies unless such infor-

<sup>42</sup> A/40/606.

<sup>43</sup> Resolution 38/14, annex.

<sup>44</sup> *Official Records of the General Assembly, Fortieth Session, Supplement No. 18 (A/40/13)*

<sup>45</sup> *Ibid.*, sect. V.