

7 November 1977, 33/101 of 16 December 1978 and 34/26 of 15 November 1979,

1. *Takes note* of the report of the Secretary-General²⁰ on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;²¹

2. *Expresses its satisfaction* with the increase in the number of States which 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 Decade for Action to Combat Racism and Racial Discrimination;

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

5. *Appeals* to States parties to the Convention to study 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.

73rd plenary meeting
25 November 1980

35/39. 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 resolutions 3380 (XXX) of 10 November 1975, 31/80 of 13 December 1976, 32/12 of 7 November 1977, 33/103 of 16 December 1978 and 34/27 of 15 November 1979,

Recalling also Commission on Human Rights resolutions 13 (XXXIII) of 11 March 1977,²² 7 (XXXIV) of 22 February 1978,²³ 10 (XXXV) of 5 March 1979²⁴ and 12 (XXXVI) and 13 (XXXVI) of 26 February 1980,²⁵

Convinced that the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination²⁶ as well as the programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination, adopted by the General Assembly in its resolution 34/24 of 15 November 1979, are an important and constructive contribution to the struggle against *apartheid*, racism and all forms of racial discrimination,

²⁰ A/35/196.

²¹ Resolution 2106 A (XX), annex.

²² See *Official Records of the Economic and Social Council, Sixty-second Session, Supplement No. 6* (E/5927), chap. XXI, sect. A.

²³ See *Official Records of the Economic and Social Council, 1978, Supplement No. 4* (E/1978/34), chap. XXVI, sect. A.

²⁴ *Ibid.*, 1979, *Supplement No. 6* (E/1979/36), chap. XXIV, sect. A.

²⁵ *Ibid.*, 1980, *Supplement No. 3* (E/1980/13 and Corr.1), chap. XXVI, sect. A.

²⁶ *Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978* (United Nations publication, Sales No. E.79.XIV.2), chap. II.

Aware that the commemoration of the twentieth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, will encourage all States to intensify their efforts in supporting the colonially and racially oppressed peoples in their legitimate struggle to gain self-determination and independence, and to put an end to all practices of segregation and discrimination.

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

Deeply concerned that the racist régime in South Africa has stepped up its policy of *apartheid*, repression, "bantustanization" and aggression and its continued illegal occupation of Namibia, thereby perpetuating on Namibian territory its odious policy of *apartheid*, racial discrimination and fragmentation,

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields, thus encouraging it to persist in and intensify the brutal suppression of the people in South Africa,

Underlining that ratification of and accession to the Convention on a universal basis and the implementation of its provisions without any delay are necessary for its effectiveness and would be a useful contribution towards achieving the goals of the Decade for Action to Combat Racism and Racial Discrimination.

Taking into account Security Council resolution 418 (1977) of 4 November 1977 as a useful step towards achieving the purposes of the Convention,

Firmly convinced that the legitimate struggle of the oppressed peoples in southern Africa against colonialism, racism and *apartheid* and for the effective implementation 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,

1. *Takes note* of the report of the Secretary-General²⁷ on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*;

2. *Expresses its satisfaction* with the increase in the number of States which have ratified the Convention or acceded thereto;

3. *Commends* the States parties to the Convention that have submitted their reports under article VII of the Convention and urges other States to do so as soon as possible, taking fully into account the guidelines²⁸ prepared by the Working Group on the Implementation of the International Convention on the Suppression and Punishment of the Crime of *Apartheid* established in accordance with article IX of the Convention;

4. *Strongly appeals once again* to those States that have not yet become parties to the Convention to ratify it or to accede to it without delay;

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

²⁷ A/35/197 and Add.1.

²⁸ E/CN.4/1286, annex.

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

6. *Calls upon* all States parties to implement fully article IV of the Convention by adopting legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts defined in article II of the Convention;

7. *Again calls upon* all States parties and the competent United Nations organs to consider the conclusions and recommendations of the Working Group contained in its reports²⁹ and to submit their views and comments to the Secretary-General;

8. *Expresses its appreciation* to the *Ad Hoc* Working Group of Experts of the Commission on Human Rights for the compilation of the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention³⁰ and calls upon all States parties to give this list the widest possible dissemination;

9. *Welcomes* the efforts of the Commission on Human Rights to undertake the functions set out in article X of the Convention and invites the Commission to intensify, in co-operation with the Special Committee against *Apartheid*, its efforts to compile periodically the 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;

10. *Requests* the Commission on Human Rights, in preparing the above-mentioned list, to take into account General Assembly resolution 33/23 of 29 November 1978 as well as the documents on this subject prepared by the Commission and its suborgans reaffirming, *inter alia*, that States giving assistance to the racist régime in South Africa become accomplices in the inhuman practices of racial discrimination and *apartheid*;

11. *Calls upon* the competent United Nations organs to continue to provide the Commission on Human Rights, through the Secretary-General, with information relevant to the periodic compilation of the above-mentioned list as well as with information concerning the obstacles which prevent the effective suppression and punishment of the crime of *apartheid*;

12. *Requests* the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all States Members of the United Nations and to bring such facts to the attention of the public by all means of mass communication;

13. *Requests* the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) a special section concerning the implementation of the Convention, taking into account the views and comments of States parties to the Convention called for in paragraph 7 above.

73rd plenary meeting
25 November 1980

35/40. Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its resolutions 34/28 of 15 November 1979 on the report of the Committee on the Elimination of

Racial Discrimination and 34/26 of 15 November 1979 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as its other relevant resolutions on the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,³¹

Having considered the report of the Committee on the Elimination of Racial Discrimination on its twenty-first and twenty-second sessions,³² submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,³³

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Convinced that all Member States should take effective measures, at the national and international levels, to combat acts or practices of racial discrimination, including the vestiges and manifestations of racist ideologies wherever they exist,

Aware of the importance of the contribution of the Committee on the Elimination of Racial Discrimination to the implementation of the Programme for the Decade, through its activities within the framework of the implementation of the Convention,

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

2. *Welcomes* the readiness of the Committee to continue to contribute to the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination by, *inter alia*, intensifying the monitoring of the implementation of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, preparing relevant studies on the Convention and expanding co-operation with the United Nations Educational, Scientific and Cultural Organization, the International Labour Organisation and other relevant bodies within the United Nations system;

3. *Requests* the Economic and Social Council to invite the Committee to take, within the context of its activities on the implementation of the Convention, active part in the preparations for the work of the second World Conference to Combat Racism and Racial Discrimination in the manner the Committee finds appropriate;

4. *Requests* the Secretary-General to provide necessary assistance to the Committee regarding its activities connected with its contribution to the implementation of the Programme for the Decade, as referred to in paragraphs 2 and 3 above;

5. *Commends* the Committee for paying greater attention to the question of the elimination of the policy of *apartheid* in South Africa and Namibia, as well as to the elimination of acts and practices of racial discrimination in Trust and Non-Self-Governing Territories and in all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies;

6. *Further commends* the Committee for paying due attention to the protection of the rights of national or ethnic minorities and indigenous populations, as well as the rights of migrant workers, and calls upon all Member States to take effective measures in protecting fully

²⁹ Resolution 3057 (XXVIII), annex.

³² *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 18 (A/35/18).*

³³ Resolution 2106 A (XX), annex.

²⁹ E/CN.4/1328, sect. VI, and E/CN.4/1358, sect. IV.

³⁰ E/CN.4/1366, annex III.