

### 39/18. 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,<sup>22</sup> 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 conditions,

*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,<sup>23</sup> thirty-seventh,<sup>24</sup> thirty-eighth,<sup>25</sup> thirty-ninth<sup>26</sup> and fortieth sessions,<sup>27</sup>

*Reiterating* its resolutions 35/35 B of 14 November 1980, 36/10 of 28 October 1981, 37/42 of 3 December 1982 and 38/16 of 22 November 1983,

*Taking note* of the report of the Secretary-General,<sup>28</sup>

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 fortieth 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".

*71st plenary meeting  
23 November 1984*

### 39/19. 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,

*Convinced* that the implementation of the objectives of the Second Decade to Combat Racism and Racial Discrimination proclaimed by its resolution 38/14 of 22 November 1983 and of the Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination<sup>29</sup> will contribute to the final eradication of *apartheid* and all other forms of racism and racial discrimination,

*Strongly condemning* South Africa's continued policy of *apartheid* and its continued illegal occupation of Namibia, as well as its repeated acts of aggression against sovereign African States, which constitute a manifest breach of international peace and security,

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

*Underlining* that the strengthening of the existing mandatory arms embargo and the application of comprehensive mandatory economic sanctions under Chapter VII of the Charter are vital in order to compel the racist régime of South Africa to abandon its 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 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,

*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

<sup>22</sup> Resolution 2200 A (XXI), annex.

<sup>23</sup> See *Official Records of the Economic and Social Council, 1980. Supplement No. 3* (E/1980/13 and Corr.1), chap. XXVI, sect. A.

<sup>24</sup> *Ibid.*, 1981, *Supplement No. 5* (E/1981/25 and Corr.1), chap. XXVIII, sect. A.

<sup>25</sup> *Ibid.*, 1982, *Supplement No. 2* (E/1982/12 and Corr.1), chap. XXVI, sect. A.

<sup>26</sup> *Ibid.*, 1983, *Supplement No. 3* (E/1983/13 and Corr.1), chap. XXVII, sect. A.

<sup>27</sup> *Ibid.*, 1984, *Supplement No. 4* (E/1984/14 and Corr.1), chap. II, sect. A.

<sup>28</sup> A/39/505 and Add.1.

<sup>29</sup> See *Report of the Second World Conference to Combat Racism and Racial Discrimination, Geneva, 1-12 August 1983* (United Nations publication, Sales No. E.83.XIV.4 and corrigendum), chap. II.

effectiveness and would be a useful contribution towards achieving the complete elimination 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>30</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 which have jurisdiction over transnational corporations operating in South Africa and Namibia;

4. *Expresses its appreciation* of the constructive role played by the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, in analysing the periodic reports of States and in publicizing the experience gained in the international struggle against the crime of *apartheid*;

5. *Calls upon* all States parties to the Convention to adopt 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 enumerated in article II of the Convention;

6. *Further calls upon* States parties to the Convention to submit their opinions on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of *apartheid* in South Africa and on the application of article III of the Convention to the activities of those corporations;

7. *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;

8. *Requests* the Secretary-General to distribute the above-mentioned list among 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;

9. *Appeals* to all States, United Nations organs, 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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<sup>30</sup> A/39/460.

<sup>31</sup> Resolution 2106 A (XX), annex.

<sup>32</sup> A/39/459.

<sup>33</sup> See resolution 38/14.

### 39/20. 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 and 38/18 of 22 November 1983,

*Expressing its satisfaction* at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to accept and to examine communications from persons or groups of persons under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>31</sup>

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>32</sup>

2. *Expresses its satisfaction* at the increase in 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>33</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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### 39/21. Report of the Committee on the Elimination of Racial Discrimination

*The General Assembly,*

*Recalling* its resolutions 38/21 of 22 November 1983 on the report of the Committee on the Elimination of Racial Discrimination and 39/20 of 23 November 1984 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,<sup>34</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>35</sup>

*Having considered* the report of the Committee on the Elimination of Racial Discrimination on the work of its twenty-ninth and thirtieth sessions,<sup>36</sup> submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

*Emphasizing* that it is important for the success of the struggle against all instances of racial discrimination, including vestiges and manifestations of racist ideologies wherever they exist, that all Member States be guided in

<sup>34</sup> Resolution 2106 A (XX), annex.

<sup>35</sup> Resolution 38/14, annex.

<sup>36</sup> *Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 18 (A/39/18)*.