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Thirty-fifth session  
Agenda item 74

ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Miss Olajumoke Oladayo OBAFEMI (Nigeria)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 19 September 1980, the General Assembly decided to include in the provisional agenda of its thirty-fifth session the item entitled:

"Elimination of all forms of racial discrimination:

"(a) Report of the Committee on the Elimination of Racial Discrimination;

"(b) Future meetings of the Committee on the Elimination of Racial Discrimination: report of the Secretary-General;

"(c) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General;

"(d) Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid: report of the Secretary-General"

and to allocate it to the Third Committee.

2. The Committee considered this item jointly with items 66, 67 and 75 at its 6th to 23rd, 26th and 32nd to 34th meetings, from 29 September to 17 October and on 21 and 27 October 1980. The views expressed by the representatives of Member States and of the specialized agencies and by observers on this item are contained in the summary records of those meetings (A/C.3/35/SR.6-23, 26 and 32-34).

3. The Committee had before it the following documentation:

(a) Report of the Committee on the Elimination of Racial Discrimination, 1/ submitted in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX));

(b) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General (A/35/196), submitted in accordance with General Assembly resolutions 2106 A (XX) and 34/26;

(c) Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid: report of the Secretary-General (A/35/197 and Add.1), submitted in accordance with General Assembly resolutions 3380 (XXX) and 34/27;

(d) Future meetings of the Committee on the Elimination of Racial Discrimination: report of the Secretary-General (A/35/414);

(e) Letter dated 20 August 1980 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General transmitting the documents of the Eleventh Islamic Conference of Foreign Ministers, held at Islamabad from 17 to 22 May 1980 (A/35/419-S/14129);

(f) Letter dated 17 September 1980 from the Permanent Representative of Democratic Kampuchea to the United Nations addressed to the Secretary-General (A/35/462-S/14178);

(g) Note verbale dated 14 October 1980 from the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General (A/35/542).

4. At the 6th meeting of the Committee, on 27 September, the Chief of the New York Office of the Division of Human Rights made an introductory statement on behalf of the Director of the Division of Human Rights.

## II. CONSIDERATION OF DRAFT RESOLUTIONS

### A. Draft resolution A/C.3/35/L.4

5. At the 20th meeting, on 14 October, the representative of Belgium introduced a draft resolution (A/C.3/35/L.4) entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination", sponsored by Algeria, Argentina, Australia, Bangladesh, Barbados, Belgium, Bulgaria, Cuba, Cyprus, Egypt, Germany, Federal Republic of, Ghana, Hungary, India, the Libyan Arab Jamahiriya, Morocco, New Zealand, Nigeria, Pakistan, Spain, the Syrian Arab Republic, the Upper Volta, Venezuela and Yugoslavia, subsequently joined by Afghanistan, Cape Verde, the Congo, Guinea, Guinea-Bissau, Mali, Nicaragua, the Niger, Panama, Somalia, the Sudan, Uganda and Yemen.

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

6. At the same meeting, the representative of Uruguay submitted an amendment (A/C.3/35/L.9) to the draft resolution, sponsored by Ecuador and Uruguay, subsequently joined by Costa Rica, which read as follows:

"(a) Insert a new operative paragraph 5 reading:

'Appeals to States parties to the Convention to study the possibility of making the declaration provided for in article 14 of the Convention.'

"(b) Renumber the remaining paragraph accordingly."

7. At the 32nd meeting, on 27 October, the amendment was adopted by 92 votes to 1, with 37 abstentions.

8. At the same meeting, the Committee adopted the draft resolution, as amended, without a vote (see para. 16, draft resolution I).

#### B. Draft resolution A/C.3/35/L.5

9. At the 21st meeting, on 14 October, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/35/L.5) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid", sponsored by Barbados, Benin, Bulgaria, Cuba, Democratic Yemen, Egypt, Ethiopia, the German Democratic Republic, Ghana, Guyana, Hungary, India, Iraq, Madagascar, Mongolia, Nigeria, the Philippines, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania and Yugoslavia, subsequently joined by Afghanistan, Angola, Burundi, Cape Verde, the Congo, Czechoslovakia, Guinea, Guinea-Bissau, the Lao People's Democratic Republic, Mali, Nicaragua, Sao Tome and Principe, Somalia, the Sudan, Uganda and Yemen.

10. At its 32nd meeting, on 27 October, the Committee adopted the draft resolution by 113 votes to 1, with 22 abstentions (see para. 16, draft resolution II).

#### C. Draft resolution A/C.3/35/L.7

11. At the 20th meeting, on 14 October, the representative of Yugoslavia introduced a draft resolution (A/C.3/35/L.7) entitled "Report of the Committee on the Elimination of Racial Discrimination", sponsored by Bangladesh, Cuba, Egypt, Ghana, Guyana, India, Jamaica, Madagascar, Morocco, Nigeria, Pakistan, the United Republic of Tanzania, Yugoslavia, Zaire, Zambia and Zimbabwe, subsequently joined by the Congo, Jordan, the Niger, Somalia, the Sudan, Uganda and Yemen.

12. At the same meeting, the representative of Yugoslavia orally revised operative paragraph 6 of the draft resolution.

13. The administrative and financial implications of the draft resolution are set out in document A/C.3/35/L.13.

14. At the 32nd meeting, on 27 October, the representative of Argentina submitted an oral amendment to add a new operative paragraph 12, reading as follows:

/...

"Invites the Secretary-General to make every possible effort to assist the Committee by transmitting to it the reports submitted by States Parties at his request."

She subsequently withdrew the amendment.

15. At the same meeting, the Committee adopted the draft resolution without a vote (see para. 16, draft resolution III).

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

#### DRAFT RESOLUTION I

##### 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 and 34/26 of 15 November 1979,

1. Takes note of the report of the Secretary-General 2/ on the status of the International Convention on the Elimination of All Forms of Racial Discrimination; 3/
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.

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2/ A/35/196.

3/ Resolution 2106 A (XX), annex.

DRAFT RESOLUTION II

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, 4/ 7 (XXXIV) of 22 February 1978, 5/ 10 (XXXV) of 5 March 1979 6/ and 12 and 13 (XXXVI) of 26 February 1980, 7/

Convinced that the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination 8/ 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,

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 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, is a gross violation of human rights and a crime against humanity, seriously disturbing and threatening international peace and security,

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

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

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

7/ Ibid., 1980, Supplement No. 3 (E/1980/13), chap. XXVI, sect. A.

8/ 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.

Deeply concerned that the racist régime in South Africa has stepped up its policy of apartheid, repression, bantustanization, 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-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 9/
2. Expresses its satisfaction at 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 guidelines 10/ 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 with a view further to prompting ratification of or accession to the Convention;

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9/ A/35/197 and Add.1.

10/ E/CN.4/1286, annex.

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 reports 11/ 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 12/ deemed responsible for crimes enumerated in article II of the Convention 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 of 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.

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11/ E/CN.4/1328, sect. VI, and E/CN.4/1358.

12/ E/CN.4/1366, annex III.

DRAFT RESOLUTION III

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its resolution 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, 13/

Having considered the report of the Committee on the Elimination of Racial Discrimination on its twenty-first and twenty-second sessions, 14/ submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, 15/

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 for Action to Combat Racism and Racial Discrimination, 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, by preparing relevant studies on the Convention and by 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;

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13/ General Assembly resolution 3057 (XXVIII), annex.

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

15/ General Assembly resolution 2106 A (XX), annex.



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 for Action to Combat Racism and Racial Discrimination 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 these groups of people from discrimination based on race, colour, descent or national or ethnic origin;

7. Calls upon the United Nations bodies concerned to ensure that the Committee is supplied with all relevant information on all the Territories to which General Assembly resolution 1514 (XV) applies and urges the administering Powers to co-operate with these bodies by providing all necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention;

8. Notes with appreciation the adoption by the Committee of the revised general guidelines concerning the form and contents of reports by States parties under article 9, paragraph 1, of the Convention 16/ and invites States parties to supply the Committee, in accordance with these guidelines, with information on the implementation of the provisions of the Convention, including information on the demographic composition of their population and on their relations with the racist régime of South Africa;

9. Urges all States parties to extend full co-operation to the Committee and notes with regret that on one occasion such co-operation was withheld by one State party;

10. Expresses its grave concern that some States parties to the Convention, owing to reasons beyond their control, are being prevented from fulfilling their obligations under the Convention in parts of their respective territories;

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

11. Urges all States which are not parties to the Convention to ratify or to accede to it and, pending such ratification or accession, to be guided by the basic provisions of the Convention in their internal and foreign policies;

12. Urges Member States to attend sessions of the Committee and to encourage their national mass media to give it wider publicity, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination;

13. Requests the Secretary-General to make appropriate arrangements for the Committee to hold, as part of activities within the Programme for the Decade, one session in one of the developing countries, preferably in Africa, before the end of the present Decade for Action to Combat Racism and Racial Discrimination, and to report in this regard to the General Assembly at its thirty-sixth session.

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