

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/34/597
23 October 1979

ORIGINAL: ENGLISH

Thirty-fourth session
Agenda item 86

ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Mr. Nikolai N. Komissarov (Byelorussian
Soviet Socialist Republic)

I. INTRODUCTION

1. At its 4th plenary meeting, on 21 September 1979, the General Assembly allocated to the Third Committee the item entitled:

"Elimination of all forms of racial discrimination:

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

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

"(c) Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; report of the Secretary-General."

2. The Committee considered this item at its 5th to 15th meetings, from 27 September to 10 October 1979. The views expressed by the representatives of Member States and by observers on this item are contained in the summary records of those meetings (A/C.3/34/SR.5-15).

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));

1/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 18 (A/34/18).

(b) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General (A/34/441), submitted in accordance with General Assembly resolutions 2106 A (XX) and 33/101;

(c) Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid: report of the Secretary-General (A/34/442 and Corr.1), submitted in accordance with General Assembly resolutions 3380 (XXX) and 33/103;

(d) Note by the Secretary-General (A/34/499) transmitting the report of the Ad Hoc Working Group of Experts on Southern Africa;

(e) Documents of the Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries (A/34/357);

(f) Report of the Tenth Islamic Conference of Foreign Ministers (A/34/389 and Corr.1).

(g) Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries, held at Havana from 3 to 9 September 1979 (A/34/542).

4. At the 5th meeting, on 27 September, the Chief of the New York Office of the Division of Human Rights made an introductory statement. The representative of the Director of the Division of Human Rights introduced the item at the 6th meeting, on 1 October.

II. CONSIDERATION OF THE DRAFT RESOLUTIONS

A. Draft resolution A/C.3/34/L.4

5. At the 13th meeting, on 8 October, the representative of Belgium introduced a draft resolution (A/C.3/34/L.4) entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination", sponsored by Argentina, Australia, Bangladesh, Belgium, Bulgaria, Cyprus, Egypt, Germany, Federal Republic of, Ghana, Hungary, India, the Libyan Arab Jamahiriya, Morocco, New Zealand and the Upper Volta, subsequently joined by Barbados, Costa Rica, Cuba, Democratic Yemen, Jordan, Pakistan, Panama, Somalia, the Syrian Arab Republic, Venezuela, Yemen and Yugoslavia.

6. At the same meeting, the representative of Uruguay submitted the following amendment (A/C.3/34/L.7), co-sponsored by Ecuador, to the draft resolution:

"(a) Add a new 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 14th meeting, on 10 October, the amendment was adopted by 60 votes to none, with 46 abstentions.

8. At the same meeting, the Committee adopted the draft resolution as amended without a vote (see para. 17, draft resolution I).

B. Draft resolution A/C.3/34/L.5

9. At the 13th meeting, on 8 October, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/34/L.5) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid", sponsored by Barbados, Benin, Bulgaria, Burundi, Cuba, Egypt, Ethiopia, the German Democratic Republic, Ghana, Guinea, Hungary, India, Iraq, the Libyan Arab Jamahiriya, Madagascar, Mongolia, the Philippines, Senegal, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic and Yugoslavia, subsequently joined by Angola, Democratic Yemen, Guyana, Nigeria, Panama, Somalia, the United Republic of Tanzania and Yemen.

10. At the 14th meeting, on 10 October, separate votes were taken on the third and fourth preambular paragraphs as follows:

(a) The third preambular paragraph was adopted by 83 votes to 11, with 24 abstentions;

(b) The fourth preambular paragraph was adopted by 85 votes to 20, with 12 abstentions.

11. At the same meeting, the Committee adopted the draft resolution by 87 votes to none, with 30 abstentions (see para. 17, draft resolution II).

C. Draft resolution A/C.3/34/L.6

12. At the 13th meeting, on 8 October, the representative of Yugoslavia introduced a draft resolution (A/C.3/34/L.6) entitled "Report of the Committee on the Elimination of Racial Discrimination" sponsored by Argentina, Bangladesh, Barbados, Cyprus, Egypt, Ghana, Guyana, India, Iraq, Jamaica, Jordan, the Libyan Arab Jamahiriya, Madagascar, Morocco, Nigeria, the Syrian Arab Republic, Yemen, Yugoslavia, Zaire and Zambia subsequently joined by Angola, Cuba, Democratic Yemen, Pakistan, Panama and Somalia.

13. At the 14th meeting, on 10 October, the representative of Yugoslavia orally revised operative paragraphs 4, 8 and 10 of the draft resolution.

14. At the same meeting, the Secretary of the Committee referred to the statement of financial implications of the draft resolution (A/C.3/34/L.8).

15. At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland orally proposed the following amendments:

(a) To replace the revised operative paragraph 4 by the following:

"Commends the Committee for continuing, within its mandate, to focus its attention on the just cause of peoples struggling against colonialism, oppression and occupation wherever they exist, particularly in southern Africa,"

(b) In operative paragraph 7, to replace the words: "Invites the States Parties to supply the Committee", by the words: "Invites the States Parties to consider supplying the Committee";

16. At the 15th meeting on 10 October, the Committee voted on the draft resolution and amendments thereto as follows:

(a) The amendment of the United Kingdom to replace the revised operative paragraph 4 was rejected by 68 votes to 31, with 14 abstentions;

(b) The amendment of the United Kingdom to operative paragraph 7 was rejected by 64 votes to 25, with 22 abstentions;

(c) Operative paragraph 6 was adopted by 95 votes to none, with 24 abstentions;

(d) The draft resolution, as revised, was adopted without a vote (see para. 1, below, draft resolution III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

17. 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 and 33/101 of 16 December 1978,

/...

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 thereto;

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.

2/ A/34/441.

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 and 33/103 of 16 December 1978,

Recalling also Commission on Human Rights resolutions 13 (XXXIII) of 11 March 1977, 7 (XXXIV) of 22 February 1978 and 10 (XXXV) of 5 March 1979,

Welcoming the Final Declaration and resolutions concerning the situation in southern Africa adopted by the Sixth Conference of Heads of State or Government of Non-Aligned Countries 4/ held at Havana from 3 to 9 September 1979,

Convinced that the Declaration and the Programme for Action adopted by the World Conference to Combat Racism and Racial Discrimination, 5/ held at Geneva from 14 to 25 August 1978, are an important and constructive contribution to the struggle against apartheid, racism and all forms of racial discrimination,

Noting that the conduct of the International Anti-Apartheid Year contributed to the achievements of the goals of the Convention,

Reaffirming its firm 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,

Noting that the racist régime of South Africa is stepping up its policy of apartheid, repression, bantustanization and aggression, in flagrant defiance of United Nations resolutions, is continuing to occupy Namibia illegally and is perpetuating on Namibian territory its odious policy of apartheid and racial discrimination

4/ A/34/542.

5/ 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 at the continued collaboration of certain Governments and transnational corporations with the South African racist régime in the political, economic, military and other fields, thus encouraging it to persist in the brutal suppression of the peoples in South Africa,

Underlining that ratification of and accession to the Convention on a universal basis and 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 apartheid, colonialism and racial discrimination and for the effective implementation of their inalienable and legitimate rights, including their right to self-determination, 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 6/ 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 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 7/ 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. Appeals once again to all States which have not yet become parties to the Convention to ratify it or accede to it without delay;

5. Requests the Secretary-General to take measures through appropriate channels on the dissemination of information on the Convention with the aim of promoting further ratification or accession thereto;

6/ A/34/442.

7/ See E/CN.4/1286, annex.

6. Calls upon 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. Calls upon all States parties to the Convention and the competent United Nations organs to consider the conclusions and recommendations of the Working Group contained in its report 8/ and to submit their views and comments to the Secretary-General;

8. 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 continue its efforts, especially with a view to preparing periodically a list of individuals, organizations, institutions and representatives of States which are alleged to be responsible for crimes enumerated in article II of the Convention, as well as those against which legal proceedings have been undertaken;

9. 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;

10. Requests the Commission on Human Rights to take into account, in preparing the above-mentioned list, General Assembly resolution 33/23 of 29 November 1978 as well as all the documents on the subject prepared by the Commission and its suborgans;

11. Requests the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all Member States of the United Nations;

12. 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 of the present resolution.

8/ E/CN.4/1328.

DRAFT RESOLUTION III

Report of the Committee on the Elimination of
Racial Discrimination

The General Assembly,

Recalling its resolutions 33/102 of 16 December 1978 on the report of the Committee on the Elimination of Racial Discrimination and 34/ of on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as its resolutions 3057 (XXVIII) of 2 November 1973, and 34/ of 1979 on the Decade for Action to Combat Racism and Racial Discrimination,

Having considered the report of the Committee on the Elimination of Racial Discrimination on its nineteenth and twentieth sessions, 9/ submitted under article 9, paragraph 2, of the Convention on the Elimination of All Forms of Racial Discrimination, and the decisions contained therein,

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

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

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination;
2. Welcomes the interest shown by the Committee for further participation in the activities for implementation of the Programme of Action of the Decade for Action to Combat Racism and Racial Discrimination;
3. Welcomes also the continued co-operation of the Committee with the competent specialized agencies and other United Nations bodies, especially with the United Nations Educational, Scientific and Cultural Organization, in order to secure the fullest possible implementation of article 7 of the Convention;
4. Commends the Committee for continuing to focus its attention on the just cause of peoples struggling against colonialism, oppression and occupation wherever they exist, particularly in southern Africa, as is within its mandate.

9/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 18 (A/34/18).

5. Calls once again upon relevant United Nations bodies to supply the Committee with sufficient information on Trust and Non-Self-Governing Territories and all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies, in order to enable it to discharge fully its responsibilities under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;

6. 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, and in this respect supports the opinion expressed by the Committee regarding the persistence of this problem in the Syrian Arab Republic, reiterates its endorsement of the Committee's decision 1 (XV) of 1 April 1977 and reaffirms its resolution 32/13, as well as its resolutions 2784 (XXVI) of 6 December 1971 and 3266 (XXIX) of 10 December 1974, concerning the situation in the Golan Heights;

7. Invites the States parties to supply the Committee with all the requested information on their implementation of the principles and provisions of the Convention, including information on the demographic composition of their population, and on their relations with the racist régimes in southern Africa, in order to enable the Committee to discharge fully its responsibilities;

8. Calls upon the States parties to observe fully the provisions of the Convention and other international instruments and agreements to which they are party concerning the elimination of all forms of racial discrimination, and to take effective measures for securing full equality and promotion and protection of the rights of every person, groups of persons or national or ethnic minorities, as well as full protection of the rights of migrant workers, by preventing all practices of racial discrimination;

9. 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;

10. Notes with due attention decision 1 (XX) of the Committee regarding the future meetings of the Committee and requests the Secretary-General in this connexion to explore the possibility of providing necessary assistance for the holding of such meetings in developing countries and to submit a report in this regard to the Assembly at its thirty-fifth session.
