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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Zdzislaw KEDZIA (Poland)

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* E/CN.4/1993/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1993/L.11 and addenda.

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A. Resolutions

1993/18. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa

The Commission on Human Rights,

Recalling all relevant General Assembly resolutions on this matter, in particular resolution S-16/1 of 14 December 1989, adopted by consensus, containing the Declaration on Apartheid and its Destructive Consequences in Southern Africa, and resolutions 45/176 A of 19 December 1990 and 46/79 A of 13 December 1991, also adopted by consensus,

Noting with satisfaction that the fundamental principles for a new constitutional order set out in the Declaration are receiving broad acceptance in South Africa,

Bearing in mind its resolutions on the subject adopted since 1977, and in particular its resolution 1991/17 of 1 March 1991,

Taking into account the relevant decisions adopted by the Assembly of Heads of State and Government of the Organization of African Unity, in particular at its twenty-seventh ordinary session held at Abuja from 3 to 5 June 1991 (A/46/390, annex II),

Taking note of all relevant resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, particularly resolution 1991/1 of 20 August 1991, adopted without a vote,

Strongly convinced that assistance, especially military assistance, given to the minority regime of South Africa has remained the most effective instrument of maintaining the system of apartheid,

Recognizing the responsibility of the United Nations and the international community, as envisaged in the Declaration, to continue to take all necessary measures aimed at the eradication of apartheid, in particular by adhering to the programme of action contained in the Declaration,

Noting the statement by the Special Rapporteur of the Sub-Commission, Mr. Ahmed Khalifa, in presenting his updated report (E/CN.4/Sub.2/1992/12 and Add.1), that in the light of recent events the continued updating of the list of institutions giving support to the South African regime contained in the addendum to the report would no longer serve the purpose for which it was intended,

1. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities for his updated report;
2. Reaffirms its support for the legitimate struggle of the South African people for the total eradication of apartheid and the establishment of a united, non-racial and democratic South Africa in which all its people, irrespective of race, colour, sex or creed, will enjoy the same fundamental freedoms, human rights and economic and social rights;
3. Condemns the assistance rendered to South Africa, particularly in the military and nuclear fields, and expresses its conviction that this assistance constitutes a hostile act against the people of South Africa and the neighbouring States;
4. Notes with appreciation the important measures taken by numerous States, parliamentarians, institutions, trade unions and non-governmental organizations in order to exert pressure on South Africa, and calls upon them to maintain their efforts to urge the South African authorities to comply with the United Nations resolutions and decisions on South Africa;
5. Calls upon all Governments that have not yet done so to take measures to end military cooperation with South Africa, as well as assistance in the manufacture of arms and military supplies in South Africa, and in particular to cease all collaboration with South Africa in the nuclear field;
6. Appeals to the international community to render all possible assistance to the front-line and neighbouring States to enable their economies to recover from the effects of years of destabilization;
7. Calls upon all Governments to maintain measured and appropriate pressure against South Africa until agreement has been reached on transitional arrangements and modalities on the process of drawing up and adopting a new constitution and the holding of elections with a view to achieving an irreversible transition to a united, democratic and non-racial South Africa;
8. Appeals to the international community, the specialized agencies and governmental and non-governmental organizations to increase humanitarian and legal assistance to the victims of apartheid, returning refugees and exiles and released political prisoners;
9. Also appeals to the international community to increase its material, financial and other contributions to the victims and opponents of apartheid, particularly in the areas of education, health, housing and social welfare;

10. Requests the Secretary-General to continue to ensure the coordination of activities of the United Nations system in fulfilment of the Declaration on Apartheid and its Destructive Consequences in Southern Africa and to continue monitoring the implementation of the Declaration, as well as pursuing appropriate initiatives to facilitate all efforts leading to the eradication of apartheid;

11. Also requests the Secretary-General to report on the implementation of the present resolution at the fiftieth session of the commission;

12. Further requests the Secretary-General to give the report the widest dissemination, to issue it as a United Nations publication and to make it available to learned societies, research centres, universities, political and humanitarian organizations and other interested groups;

13. Decides to consider the issues raised by the present resolution at its fiftieth session under the agenda item entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa".

43rd meeting
26 February 1993

[Adopted by a roll-call vote of 30 to 12,
with 9 abstentions. See chap. VI.]

1993/19. Monitoring the transition to democracy in South Africa
The Commission on Human Rights,

Taking note of resolution 1992/6 of 21 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling its resolution 1992/3 of 20 July 1992,

Noting the statement of the Special Rapporteur, Mr. Ahmed Khalifa, in presenting his last report (E/CN.4/Sub.2/1992/12 and Add.1), that in the light of recent events the list of institutions giving support to the South African regime should be discontinued,

Noting also that it is of paramount importance to monitor the process towards democracy and social justice in South Africa,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his considerable contribution to the cause of eliminating the policy of apartheid;

2. Expresses its thanks to all Governments and organizations that supplied the Special Rapporteur with information;

3. Authorizes the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Ms. Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa, including:

(a) Steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa;

(b) Steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how this problem is being addressed;

(c) Steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid system to the so-called homelands;

(d) Steps taken to ensure the enjoyment by all South Africans, without discrimination, of economic and social rights;

(e) An analysis of the obstacles preventing the democratization of South Africa and ways and means of eliminating them;

4. Requests the Secretary-General to extend to the Special Rapporteur all the assistance that she may require in the exercise of her mandate.

43rd meeting
26 February 1993

[Adopted without a vote. See chap. VI.]

1993/20. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling its resolutions 1991/11 of 22 February 1991 and 1992/8 of 21 February 1992,

Recalling also its resolution 1992/41 of 28 February 1992 on human rights and thematic procedures,

Recalling further resolutions 1990/1 and 1990/2 of 20 August 1990 and 1992/5 of 21 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that, despite the efforts thus far of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups,

Conscious also that impunity for crimes motivated by racist and xenophobic attitudes does contribute to weakening the rule of law, and tends to encourage recurrence of those crimes,

Concerned that, in many parts of the world, despite all efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence resulting therefrom persist, among them manifestations occurring particularly in developed countries,

Concerned also that, in many parts of the world, ethnic, cultural, linguistic, religious and other minorities are suffering from discrimination and discriminatory treatment,

Aware of the growing magnitude of the phenomena of racism, racial discrimination, xenophobia and related intolerance in segments of many societies and their consequences for migrant workers,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced, however, that racism and racial discrimination, in whatever form, are intensified by, inter alia, conflicts over economic resources, in developed as well as in developing countries, and can best be defeated by a combination of economic, legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural, as well as civil and political, are indivisible and interrelated,

Convinced of the need for the proclamation by the General Assembly of a third decade to combat racism and racial discrimination, to begin in 1993, as a means of intensifying international efforts in this field, particularly through international economic cooperation,

Having considered the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fourth session (E/CN.4/Sub.2/1992/11),

1. Takes note with appreciation of the report of the Secretary-General and expresses its deep concern at the reported serious incidents attributable to racism, racial discrimination and xenophobia that take place in many parts of the world;

2. Recommends that the General Assembly take appropriate steps in due course to launch a third decade to combat racism and racial discrimination, to begin in 1993;

3. Emphasizes the obligation of the international community to take urgent measures to eradicate apartheid completely and to combat all other forms of racism, racial discrimination, xenophobia and related intolerance including those practised against vulnerable groups;

4. Confirms the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures and of measures taken at the international level;

5. Recognizes the important role that can be played in this regard by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as the need for more effective coordination between the Centre for Human Rights and organizations of the United Nations system which undertake operational activities for development;

6. Welcomes the efforts of the Committee on the Elimination of Racial Discrimination to fulfil its mandates;

7. Recognizes the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life;

8. Appeals to all Governments to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

9. Urges all Governments to undertake immediate measures and to develop strong policies effectively to combat racism and eliminate discrimination;

10. Decides, in particular in the light of recent trends, to appoint, for a three-year period, a thematic special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and requests the Special Rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session;

11. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform [his/her] functions, especially in carrying out missions and following them up;

12. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993/20 of 2 March 1993, approves the Commission's decision to appoint, for a three-year period, a thematic special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform [his/her] functions, especially in

carrying out missions and following them up, and further approves the Commission's request to the Special Rapporteur to report to the Commission on an annual basis, beginning at its fiftieth session.

48th meeting
2 March 1993

[Adopted without a vote. See chap. XVI.]

B. Decisions

1993/102. Expression of thanks to Mr. Antoine Blanca,
Under-Secretary-General for Human Rights,
for his services

At its 43rd meeting, on 26 February 1993, the Commission decided, by acclamation, to express to Mr. Antoine Blanca its gratitude for his excellent services to the Commission and for his dedication to the cause of human rights.

[See chap. III.]
