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ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Mr. Paul-Désiré KABORE (Burkina Faso)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 20 September 1985, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fortieth session 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"

and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with items 88 and 93 at its 3rd to 15th, 30th, 31st, 37th and 46th meetings, on 7 to 11, 14 to 17 October and 4, 5, 11 and 19 November 1985. An account of the discussion of the Committee is contained in the relevant summary records (A/C.3/40/SR.3-15, 30, 31, 37 and 46).

3. The Committee had before it the following documentation:

(a) Report of the Committee on the Elimination of Racial Discrimination, 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), annex) (A/40/18); 1/

(b) Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid: report of the Secretary-General (A/40/606);

(c) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General (A/40/607);

(d) Letter dated 10 January 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General (A/40/77);

(e) Note verbale dated 11 March 1985 from the Chargé d'affaires a.i. of the Permanent Mission of Yemen to the United Nations addressed to the Secretary-General, transmitting the final communiqué of and resolutions adopted at the Fifteenth Islamic Conference of Foreign Ministers, held at Sanaa from 18 to 22 December 1984 (A/40/173-S/17033);

(f) Letter dated 1 May 1985 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General, transmitting a copy of the Declaration of the Commemorative Meeting in Observance of the Thirtieth Anniversary of the Asian-African Conference, held at Bandung, Indonesia, on 24 and 25 April 1985 (A/40/276-S/17138);

(g) Letter dated 17 June 1985 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/40/398-S/17292);

(h) Letter dated 15 October 1985 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General, transmitting the communiqué of the co-ordination meeting of the Ministers for Foreign Affairs of the Organization of the Islamic Conference, held in New York on 9 October 1985 (A/40/758-S/17570);

(i) Letter dated 22 October 1985 from the Permanent Representative of Burkina Faso to the United Nations addressed to the Secretary-General (A/40/787-S/17585).

4. At the 3rd meeting, on 7 October, the Deputy Director of the Centre for Human Rights made an introductory statement.

1/ Official Records of the General Assembly, Fortieth Session, Supplement No. 18 (A/40/18).

II. CONSIDERATION OF DRAFT RESOLUTIONS

A. Draft resolution A/C.3/40/L.4

5. At the 30th meeting, on 4 November, the representative of Belgium introduced a draft resolution (A/C.3/40/L.4) entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination", sponsored by Algeria, Argentina, Barbados, Belgium, Bulgaria, Burkina Faso, Cyprus, Egypt, Germany, Federal Republic of, Hungary, India, Morocco, New Zealand, Pakistan, Portugal, Rwanda, Spain, Venezuela and Yugoslavia as well as Australia, the Bahamas and Cuba, subsequently joined by Nicaragua.

6. At the same meeting, the representative of Uruguay introduced amendments to the draft resolution (A/C.3/40/L.8) sponsored by Colombia, Costa Rica, Denmark, Ecuador, Finland, France, Iceland, Italy, the Netherlands, Norway, Peru, Senegal, Sweden and Uruguay, which read as follows:

"1. Add a new preambular paragraph:

Expressing its satisfaction with 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, as well as for the fact that since that date more States Parties have made the declaration under that article,

"2. Add a new operative paragraph 5:

5. Calls upon States Parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention;

"3. Re-number existing paragraph 5 accordingly."

7. At the same meeting, the Committee took the following action on draft resolution A/C.3/40/L.4 and the amendments thereto contained in A/C.3/40/L.8:

(a) The amendments were adopted by a recorded vote of 79 to 1, with 41 abstentions. The voting was as follows: 2/

2/ Subsequently, the representative of Qatar stated that his delegation had not participated in the voting but that, owing to a technical error, the machine had registered his delegation as having voted in favour. The representative of Bahrain stated that, as a result of a technical error, her delegation had been shown as voting against when in fact it had abstained. The representative of Guinea stated that, owing to mechanical failure, her delegation's vote in favour of the draft resolution had not been recorded.

In favour: Afghanistan, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Botswana, Brazil, Brunei Darussalam, Burma, Canada, Central African Republic, Chad, Chile, Colombia, Congo, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Guinea-Bissau, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Malawi, Maldives, Mali, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Paraguay, Peru, Portugal, Qatar, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Togo, Trinidad and Tobago, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Zaire, Zambia, Zimbabwe.

Against: Bahrain.

Abstaining: Algeria, Angola, Bahamas, Bangladesh, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, China, Cuba, Czechoslovakia, Democratic Yemen, Fiji, German Democratic Republic, Guatemala, Hungary, India, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kenya, Lao People's Democratic Republic, Madagascar, Malaysia, Mexico, Mongolia, Pakistan, Philippines, Poland, Romania, Rwanda, Syrian Arab Republic, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yugoslavia.

(b) Draft resolution A/C.3/40/L.4, as amended, was adopted without a vote (see para. 15, draft resolution I).

B. Draft resolution A/C.3/40/L.6

8. At the 30th meeting, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/40/L.6) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid", sponsored by Afghanistan, Algeria, Bulgaria, Burkina Faso, Cuba, Czechoslovakia, Ethiopia, the German Democratic Republic, Hungary, the Lao People's Democratic Republic, Madagascar, Mongolia, Nicaragua, Nigeria, the Ukrainian Soviet Socialist Republic, Viet Nam and Zambia as well as Angola and the Syrian Arab Republic.

9. At the same meeting, the Committee voted on the draft resolution as follows:

(a) The third preambular paragraph was adopted by a recorded vote of 108 to 10, with 15 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Israel, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Canada, Central African Republic, Costa Rica, Denmark, Finland, Greece, Iceland, Ireland, Japan, New Zealand, Norway, Spain, Sweden.

(b) Operative paragraph 5 was adopted by a recorded vote of 104 to 11, with 16 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Poland, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Ireland, Israel, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Canada, Central African Republic, Denmark, Finland, Greece, Iceland, Jamaica, Japan, New Zealand, Norway, Philippines, Rwanda, Spain, Sweden.

(c) Operative paragraph 8 was adopted by a recorded vote of 107 to 11, with 12 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Ireland, Israel, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Canada, Denmark, Finland, Greece, Iceland, Japan, New Zealand, Norway, Spain, Sweden.

(d) Draft resolution A/C.3/40/L.6 as a whole was adopted by a recorded vote of 111 to 1, with 23 abstentions (see para. 15, draft resolution II). The voting was as follows: 3/

3/ Subsequently, the delegation of Colombia indicated that, owing to mechanical failure, its vote had not been recorded and it had voted in favour of the draft resolution.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

C. Draft resolution A/C.3/40/L.14

10. At the 30th meeting, the representative of Yugoslavia introduced a draft resolution (A/C.3/40/L.14) entitled "Report of the Committee on the Elimination of Racial Discrimination", sponsored by Angola, Bangladesh, Cape Verde, China, Cuba, Madagascar, Yemen, Yugoslavia and Zambia as well as Guinea-Bissau, Nigeria and Pakistan. The operative part of the draft resolution read as follows:

"The General Assembly,

"...

"1. Takes note of the report of the Committee on the Elimination of Racial Discrimination on its thirty-first and thirty-second sessions;

"2. Takes note also of the part of the report relating to Trust and Non-Self-Governing Territories and other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies;

/...

"3. Expresses its concern that the Committee is continually unable to carry out its responsibilities with regard to the Territories mentioned in paragraph 2 of this resolution, draws the attention of the relevant United Nations bodies to the opinion and recommendations of the Committee on this matter, and urges once again the administering Powers to co-operate with these bodies by providing all the necessary information in order to enable the Committee to fulfil its obligations under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;

"4. Affirms that the consideration by the Committee on the Elimination of Racial Discrimination of the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination on any territories referred to in reports of States parties submitted in accordance with article 9 of the Convention or mentioning those territories in reports of the Committee, should in no way be construed as prejudging the legal status of such territories, particularly those under foreign occupation;

"5. Considers that the Committee on the Elimination of Racial Discrimination should declare inadmissible the information States parties may include in their periodical reports concerning territories to which resolution 1514 (XV) of the General Assembly applies in violation of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;

"6. Strongly condemns the policy of apartheid in South Africa and Namibia as a crime against humanity and urges all Member States to adopt effective political, economic and other measures in conformity with the relevant resolutions of the General Assembly, Security Council and other United Nations bodies, in order to support the legitimate struggle of the oppressed people of South Africa and Namibia for their national liberation and human dignity, and to secure the elimination of the racist apartheid system;

"7. Commends the Committee on the Elimination of Racial Discrimination for its continuous endeavours towards the elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin, in particular for the elimination of apartheid in South Africa and Namibia, and welcomes the resolution on apartheid adopted by the Committee at its thirty-second session;

"8. Notes with appreciation the Committee's continued participation in the activities within the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

"9. Welcomes the efforts of the Committee aimed at the elimination of all forms of discrimination against national or ethnic minorities, persons belonging to such minorities and indigenous populations, wherever such discrimination exists, and the attainment of full enjoyment of their human rights through the implementation of the principle and provisions of the Convention;

"10. Welcomes further the efforts of the Committee aimed at the elimination of all forms of discrimination against migrant workers and their families, the promotion of their rights on a non-discriminatory basis and the achievement of their full equality, including the freedom to maintain their cultural characteristics;

"11. Calls upon Member States to adopt effective legislative, socio-economic and other necessary measures in order to ensure the prevention or elimination of discrimination based on race, colour, descent or national or ethnic origin;

"12. Further calls upon the States parties to the Convention to protect fully by adopting relevant legislative and other measures, in conformity with the Convention, the rights of national or ethnic minorities and persons belonging to such minorities, as well as the right of indigenous populations;

"13. Commends States parties to the Convention on measures taken to ensure, within their jurisdiction, the availability of appropriate recourse procedures for the victims of racial discrimination;

"14. Reiterates its invitation to the States parties to the Convention to provide the Committee, in accordance with its general guidelines, with information on the implementation of the provisions of the Convention, including the information on the demographic composition of their population and on their relations with the racist régime of South Africa;

"15. Appeals to the States parties to take fully into consideration their obligation under the Convention to submit their reports in due time;

"16. Commends the Committee for its efforts towards a further universalization and a more consistent implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and welcomes its General Recommendation VII relating to the implementation of article 4 of the Convention;

"17. Requests the Secretary-General of the United Nations to take necessary steps in order to ensure wider publicity of the work of the Committee, which would facilitate its task to carry out effectively its functions under the Convention, and to inform the General Assembly at its forty-first session of the action taken in that direction."

11. At the same meeting, the representative of Yugoslavia orally revised the draft resolution as follows:

(a) In operative paragraph 3, the words "the administering Powers" were replaced by "all administering Powers";

(b) In operative paragraph 5, the words "in violation of" were deleted and replaced by "unless such information is in accordance with".

12. At the 46th meeting, on 19 November, the representative of Yugoslavia introduced a revised draft resolution (A/C.3/40/L.14/Rev.1) sponsored by Angola, Bangladesh, Cape Verde, China, Cuba, Guinea-Bissau, Madagascar, Nigeria, Pakistan, Yemen, Yugoslavia, Zambia and Zimbabwe. Subsequently, the representative of Pakistan indicated that her delegation had withdrawn its sponsorship of the revised draft resolution.

13. At the same meeting, the Chairman of the Committee, in response to a request by the delegation of Morocco, called upon the representative of the Office of Legal Affairs to reply to questions raised by that delegation with regard to operative paragraph 4 of the revised draft resolution. The representative of the Office of Legal Affairs replied as follows:

"I have been asked in effect to comment on the significance of the possible adoption by the General Assembly of paragraph 4 of the draft resolution contained in document A/C.3/40/L.14/Rev.1. By paragraph 4, the Assembly would express its view that the Committee on the Elimination of Racial Discrimination

'... should not take into consideration information on Territories to which General Assembly resolution 1514 (XV) applies unless such information is communicated by the competent United Nations bodies in conformity with article 15 of the Convention;'

"The Committee on the Elimination of Racial Discrimination is not a subsidiary organ of the General Assembly but an autonomous treaty body established under a Convention to which not all States members of the United Nations are parties. As the Committee is a body independent of the United Nations, paragraph 4 of the resolution, if adopted, would constitute a recommendation to the Committee and not a binding instruction.

"Furthermore, the right to give authoritative interpretations of the Convention and the powers of the Committee rests not with the General Assembly but, in the first instance, with the Committee on the Elimination of Racial Discrimination itself, as the body responsible for monitoring compliance with the Convention, and, ultimately, with the States parties. It follows that, if paragraph 4 is adopted, it will be for the Committee on the Elimination of Racial Discrimination to determine the extent to which it can be given effect consistent with that Committee's understanding of its obligations and those of the States parties under the Convention, including articles 3 and 9."

14. At the same meeting, the Committee voted on the revised draft resolution as follows:

(a) Operative paragraph 4 was adopted by a recorded vote of 82 to 9, with 36 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic,

Cameroon, Cape Verde, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Ghana, Guinea-Bissau, Hungary, India, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malta, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sri Lanka, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Federal Republic of, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Burma, Canada, Central African Republic, Chad, Chile, Colombia, Denmark, Egypt, Finland, Gambia, Greece, Guatemala, Guyana, Honduras, Iceland, Ireland, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Malaysia, Morocco, New Zealand, Norway, Senegal, Spain, Sudan, Suriname, Swaziland, Sweden, Turkey, Zaire.

(b) Operative paragraph 5 was adopted by a recorded vote of 116 to 1, with 21 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland.

(c) In operative paragraph 13, the words "including information on the demographic composition of their population and their relations with the racist régime of South Africa" were adopted by a recorded vote of 110 to none, with 24 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guinea-Bissau, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast (Côte d'Ivoire), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Malta, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Austria, Belgium, Burma, Denmark, Finland, France, Gabon, Germany, Federal Republic of, Greece, Guyana, Iceland, Ireland, Italy, Jamaica, Japan, Luxembourg, Mali, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

(d) The revised draft resolution (A/C.3/40/L.14/Rev.1) as a whole was adopted by a recorded vote of 129 to 1, with 8 abstentions 4/ (see para. 15, draft resolution III). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Belgium, France, Germany, Federal Republic of, Italy, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland.

4/ Subsequently, the representative of Rwanda indicated that her delegation had intended to vote in favour of the draft resolution.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

15. 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, 34/26 of 15 November 1979, 35/38 of 25 November 1980, 36/11 of 28 October 1981, 37/45 of 3 December 1982, 38/18 of 22 November 1983 and 39/20 of 23 November 1984,

Expressing its satisfaction with the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination, under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, 5/ to accept and to examine communications from persons or groups of persons, and with the fact that since that date more States parties have made the declaration provided for in that article,

1. Takes note of the report of the Secretary-General of the status of the International Convention on the Elimination of All Forms of Racial Discrimination; 6/

2. Expresses its satisfaction at 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; 7/

4. Requests those States that have not yet become parties to the Convention to ratify it or accede thereto;

5/ Resolution 2106 A (XX), annex.

6/ A/40/607.

7/ See resolution 38/14.

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.

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 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,

Taking note of the finding of the Group of Three of the Commission on Human Rights that the crime of apartheid is a form of the crime of genocide, 8/

Strongly condemning South Africa's continued policy of apartheid and its continued illegal occupation of Namibia, as well as its recent acts of aggression against Angola and other African States,

Alarmed by the aggravation of the situation in South Africa, in particular the further escalation of ruthless repression by the fascist-like apartheid régime, including the use of the armed forces against the opposing people and the imposition of virtual martial-law conditions intended to facilitate the brutal oppression of the black population,

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,

8/ See E/CN.4/1985/27.

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 in accordance with Chapter VII of the Charter of the United Nations,

Underlining that ratification of and accession to the Convention on a universal basis and the implementation of its provisions without delay are necessary for its effectiveness, and therefore will contribute to the eradication of the crime 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; 9/
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 that have jurisdiction over transnational corporations operating in South Africa and Namibia and without whose co-operation such operations cannot be halted;
4. Takes note with appreciation of the report of the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, and, in particular, of the conclusions and recommendations contained in that report; 8/
5. Draws the attention of all States to the opinion expressed by the Group of Three in its report that article III of the Convention could apply to the actions of transnational corporations operating in South Africa;
6. 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;
7. Requests the Secretary-General to distribute the above-mentioned list to 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;

8. Requests the Secretary-General to invite the States parties to the Convention, specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

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.

DRAFT RESOLUTION III

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its resolutions 39/21 of 23 November 1984 on the report of the Committee on the Elimination of Racial Discrimination and 40/___ of _____ 1985 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, 10/ 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, 11/

Having considered the report of the Committee on the Elimination of Racial Discrimination on the work of its thirty-first and thirty-second sessions, 12/ submitted under article 9, paragraph 2, of the Convention,

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

10/ Resolution 2106 A (XX), annex.

11/ Resolution 38/14, annex.

12/ Official Records of the General Assembly, Fortieth Session, Supplement No. 18 (A/40/18).

Bearing in mind that the Convention is being implemented in different economic, social and cultural conditions prevailing in individual States parties,

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

Aware of the importance of the contribution of the Committee to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and to the elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin,

Taking note of the decisions adopted and recommendations made by the Committee at its thirty-first and thirty-second sessions,

1. Takes note of the report of the Committee on the Elimination of Racial Discrimination on the work of its thirty-first and thirty-second sessions;
2. Also takes note of the part of the report relating to Trust and Non-Self-Governing Territories and other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies; 13/
3. Draws the attention of the relevant United Nations bodies to the opinion and recommendations of the Committee relating to the Territories mentioned in paragraph 2 above, calls upon those bodies to ensure that the Committee is supplied with all relevant information on the Territories and urges all administering Powers to co-operate with those bodies by providing all the necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;
4. Considers that the Committee should not take into consideration information on Territories to which General Assembly resolution 1514 (XV) applies unless such information is communicated by the competent United Nations bodies in conformity with article 15 of the Convention;
5. Strongly condemns the policy of apartheid in South Africa and Namibia as a crime against humanity and urges all Member States to adopt effective political, economic and other measures in conformity with the relevant resolutions of the General Assembly, the Security Council and other United Nations bodies, in order to support the legitimate struggle of the oppressed peoples of South Africa and Namibia for their national liberation and human dignity and to secure the elimination of the racist apartheid system;
6. Commends the Committee for its continuous endeavours towards the elimination of all forms of discrimination based on race, colour, descent or

13/ Ibid., sect. V.

national or ethnic origin, in particular the elimination of apartheid in South Africa and Namibia, and welcomes the decision on apartheid adopted by the Committee at its thirty-second session, 14/

7. Notes with appreciation the Committee's continued participation in the activities within the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

8. Welcomes the efforts of the Committee aimed at the elimination of all forms of discrimination against national or ethnic minorities, persons belonging to such minorities and indigenous populations, wherever such discrimination exists, and the attainment of the full enjoyment of their human rights through the implementation of the principles and provisions of the Convention;

9. Welcomes further the efforts of the Committee aimed at the elimination of all forms of discrimination against migrant workers and their families, the promotion of their rights on a non-discriminatory basis and the achievement of their full equality, including the freedom to maintain their cultural characteristics;

10. Calls upon Member States to adopt effective legislative, socio-economic and other necessary measures in order to ensure the prevention or elimination of discrimination based on race, colour, descent or national or ethnic origin;

11. Further calls upon the States parties to the Convention to protect fully, by the adoption of the relevant legislative and other measures, in conformity with the Convention, the rights of national or ethnic minorities and persons belonging to such minorities, as well as the rights of indigenous populations;

12. Commends the States parties to the Convention on measures taken to ensure, within their jurisdiction, the availability of appropriate recourse procedures for the victims of racial discrimination;

13. Reiterates its invitation to the States parties to the Convention to provide the Committee, in accordance with its general 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;

14. Appeals to the States parties to take fully into consideration their obligation under the Convention to submit their reports in due time;

14/ Ibid., sect. VII, part B, decision 1 (XXXII).

15. Commends the Committee for its efforts towards a further universalization and a more consistent implementation of the Convention and welcomes its General Recommendation VII relating to the implementation of article 4 of the Convention; 15/

16. Requests the Secretary-General to take the necessary steps to ensure wider publicity of the work of the Committee, which would facilitate its task to implement effectively its functions under the Convention, and to inform the General Assembly at its forty-first session of the action taken in that direction.

15/ Ibid., decision 2 (XXXII).