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### ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

#### Report of the Third Committee

Rapporteur: Mrs. Ani SANTHOSO (Indonesia)

#### I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1987, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda 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 Suppression and Punishment of the Crime of Apartheid: report of the Secretary-General;

"(c) Question of financing the expenses of the members of the Committee on the Elimination of Racial Discrimination: reports of the Secretary-General"

and to allocate it to the Third Committee.

2. The Committee considered the item jointly with items 87 and 91 at its 3rd to 13th, 23rd and 27th meetings, from 5 to 9, 12 to 14 and on 23 and 28 October 1987. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/42/SR.3-13, 23 and 27).

3. For its consideration of the item, the Committee had before it the following documents:

- (a) Report of the Committee on Elimination of Racial Discrimination; 1/
- (b) Report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid (A/42/449);
- (c) Report of the Secretary-General on the question of financing the expenses of the members of the Committee on the Elimination of Racial Discrimination (A/42/468 and Corr.1 and Add.1);
- (d) Letter dated 23 October 1987 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General, transmitting the Final Communiqué of the Meeting of Ministers for Foreign Affairs of States members of the Movement of Non-Aligned Countries, held in New York from 5 to 7 October 1987 (A/42/681).
4. At the 3rd meeting, on 5 October, the Under-Secretary-General for Human Rights made an introductory statement (see A/C.3/42/SR.3).
5. At the 11th meeting, on 13 October, the Comptroller made a statement under sub-item (c) (see A/C.3/42/SR.11).

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/42/L.9

6. At the 23rd meeting, on 23 October, the representative of the German Democratic Republic, on behalf of Afghanistan, Algeria, Angola, Bulgaria, Burkina Faso, Cuba, Czechoslovakia, Ethiopia, the German Democratic Republic, Ghana, Hungary, India, the Lao People's Democratic Republic, Madagascar, Mongolia, Nicaragua, Nigeria, Poland, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, Viet Nam and Zambia, introduced a draft resolution (A/C.3/42/L.9) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid".
7. At the 27th meeting, on 28 October, the Secretary of the Committee, on behalf of the sponsors, read out the following revision to the sixth preambular paragraph: The phrase "neither peace in the region, nor security for any country nor true independence for Namibia" was replaced by the phrase "neither peace nor security for any country in the region nor early independence for Namibia".
8. Statements were made by the representatives of the United States of America and Denmark (on behalf of the States Members of the United Nations that are members of the European Economic Community) (see A/C.3/42/SR.27).

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1/ Official Records of the General Assembly, Forty-second Session, Supplement No. 18 (A/42/18).

9. At the request of the representative of the Federal Republic of Germany, the Committee proceeded to vote on the draft resolution as follows:

(a) The words "State terrorism" in the fourth preambular paragraph were adopted by a recorded vote of 100 to 16, with 15 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, German Democratic Republic, Grenada, Guinea, Guinea-Bissau, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, 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, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

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

Abstaining: Australia, Austria, Canada, Chile, Equatorial Guinea, Fiji, Finland, Guatemala, Malawi, New Zealand, Norway, Swaziland, Sweden, Turkey, Uruguay.

(b) The fifth preambular paragraph was adopted by a recorded vote of 105 to 15, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, 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, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Portugal, <sup>2/</sup> Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, 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, Zaire, Zambia, Zimbabwe.

Against: Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Brazil, Chile, Fiji, Finland, Japan, Malawi, New Zealand, Norway, Swaziland, Sweden, Turkey.

(c) Operative paragraph 5 was adopted by a recorded vote of 106 to 18, with 8 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, 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, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, 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, Zaire, Zambia, Zimbabwe.

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<sup>2/</sup> The delegation of Portugal subsequently indicated that its vote on the paragraph should have been recorded as being against and not in favour.

**Against:** Austria, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

**Abstaining:** Australia, Finland, Malawi, New Zealand, Norway, Swaziland, Sweden, Turkey.

(d) Operative paragraph 8 was adopted by a recorded vote of 107 to 16, with 10 abstentions. The voting was as follows:

**In favour:** Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, 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, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, 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, Zaire, Zambia, Zimbabwe.

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

**Abstaining:** Australia, Canada, Finland, Japan, Malawi, New Zealand, Norway, Swaziland, Sweden, Turkey.

10. At the same meeting, the representative of the United States of America requested a recorded vote on the draft resolution as a whole, as orally revised. The draft resolution was adopted by a recorded vote of 107 to 1, with 27 abstentions (see para. 14, draft resolution I). The voting was as follows:

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

Cameroon, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, 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, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, 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, 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, Cape Verde, <sup>3/</sup> Chile, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Portugal, Spain, Swaziland, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

11. Statements were made by the representatives of Honduras, Turkey, Australia, Austria, Japan and Finland (also on behalf of Norway and Sweden) (see A/C.3/42/SR.27).

B. Draft resolution A/C.3/42/L.13

12. At the 23rd meeting, on 23 October, the representative of Yugoslavia, on behalf of Algeria, Australia, Colombia, Cuba, Cyprus, Denmark, Egypt, Ethiopia, Germany, Federal Republic of, India, the Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Rwanda, Senegal, Sweden, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia, introduced a draft resolution (A/C.3/42/L.13) entitled "Report of the Committee on the Elimination of Racial Discrimination".

13. At the same meeting, following a statement by the representative of Morocco (see A/C.3/42/SR.23), the Committee adopted draft resolution A/C.3/42/L.13 (see para. 14, draft resolution II).

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<sup>3/</sup> The delegation of Cape Verde subsequently indicated that its vote on the draft resolution should have been recorded as being in favour and not as an abstention.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

14. 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 Suppression  
and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolution 3068 (XXVIII) of 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,

Alarmed by the aggravation of the situation in South Africa, in particular the further escalation of ruthless repression by the Fascist-like apartheid régime,

Strongly condemning South Africa's continued policy of apartheid and its continued illegal occupation of Namibia, as well as its policy of aggression, State terrorism and destabilization against independent African States,

Mindful of Commission on Human Rights resolution 1987/11 of 26 February 1987, 4/ in which the Commission expressed its conviction that the crime of apartheid is a form of the crime of genocide,

Stressing that the racist apartheid régime is the root cause of the conflict in southern Africa and that as long as it exists there will be neither peace nor security for any country in the region nor early independence for Namibia and that it must, therefore, be eradicated,

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,

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4/ Official Records of the Economic and Social Council, 1987, Supplement No. 5 (E/1987/18), chap. II, sect. A.

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 or accession to the Convention on a universal basis and the implementation of its provisions without any 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; 5/

2. Commends those States parties to the Convention which have submitted their reports under article VII thereof;

3. Appeals once again to the States that have not yet done so to ratify or to accede to the Convention without further delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and Namibia 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; 6/

5. Draws the attention of all States to the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention;

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 circulate 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;

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5/ A/42/449.

6/ E/CN.4/1987/28.



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

9. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

10. 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;

11. 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;

12. 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 II

### Report of the Committee on the Elimination of Racial Discrimination

#### The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and resolution 41/104 of 4 December 1986 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, 7/ 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, 8/

Reiterating the importance of the Convention, which is the most widely accepted human rights instrument adopted under the auspices of the United Nations, as well as of the contribution of the Committee to the United Nations efforts to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

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7/ Resolution 2106 A (XX), annex.

8/ Resolution 38/14, annex.

Welcoming the report of the Committee covering its 1986 and 1987 sessions, 9/

Reiterating once again the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially the elimination of apartheid in South Africa and Namibia,

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

Recalling the urgent appeals made by the Secretary-General, the General Assembly, the 11th meeting of States parties to the Convention and the Committee itself to the States parties to honour their financial obligation under the Convention,

Gravely concerned that, in spite of all the urgent appeals for financial payment of assessed contributions under the Convention, the situation impeding the proper functioning of the Committee continues to deteriorate,

Having considered the report of the Secretary-General on the question of financing the expenses of the members of the Committee on the Elimination of Racial Discrimination, 10/

1. Expresses its profound concern at the fact that a number of States parties to the Convention on the Elimination of All Forms of Racial Discrimination have not complied with their financial obligations under the Convention, which led to the cancellation of the August 1986 session and the curtailment by two weeks of the August 1987 session of the Committee on the Elimination of Racial Discrimination;
2. Expresses once again its concern that such a situation prevented the Committee from submitting an annual report to the General Assembly at its forty-first session as required by the Convention and led to further delay in discharging its substantive obligations under the Convention;
3. Commends the Committee for its work with regard to the implementation of the Convention and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;
4. Takes note with appreciation of the report of the Committee covering its 1986 and 1987 sessions;

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9/ Official Records of the General Assembly, Forty-second Session, Supplement No. 18 (A/42/18).

10/ A/42/468 and Corr.1 and Add.1.

5. Calls upon States parties to comply fully with their obligation under article 9, paragraph 1, of the Convention and to submit in due time their periodic reports on measures taken to implement the Convention;

6. Strongly appeals to all States parties to fulfil without delay their financial obligations under article 8, paragraph 6, of the Convention so as to enable the Committee to continue its work;

7. Calls upon States parties to explore, at their next meeting on 15 January 1988, all appropriate measures, and to take a decision that would enable the Committee to meet regularly in the future;

8. Invites the States parties to consider, pending a fully satisfactory solution to the current financial difficulties, the possibility, as an exceptional measure, of the Committee holding one extended session per year;

9. Requests the Secretary-General to report to the General Assembly at its forty-third session on the financial situation of the Committee;

10. Decides to consider the report at its forty-third session under the item entitled "Elimination of all forms of racial discrimination".

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