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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION
AND PUNISHMENT OF THE CRIME OF APARTHEID

Report of the Group of Three established under the Convention

Chairman/Rapporteur: Mr. Gustavo Adolfo Vargas (Nicaragua)

I. INTRODUCTION

1. The International Convention on the Suppression and Punishment of the Crime of Apartheid, which was adopted by the General Assembly in resolution 3068 (XXVIII) of 30 November 1973, entered into force on 18 July 1976, on the thirtieth day after the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. As at 31 December 1987, there were 86 States parties to the Convention (see E/CN.4/1988/30, annex I).
2. Under article VII of the Convention, the States parties undertake to submit periodic reports to the Group established under article IX on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention.
3. In accordance with article IX of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII. The group may meet for a period of not more than five days, either before the opening or after the closing of the session of the Commission, to consider the reports submitted in accordance with article VII.

4. In accordance with article IX of the Convention and General Assembly resolution 31/80, the Chairman of the forty-third session of the Commission appointed the representatives of Ethiopia, Nicaragua and Sri Lanka as members of the Group.

5. By its resolution 1987/11, the Commission decided, inter alia, that the Group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of not more than five days before the forty-fourth session of the Commission to consider the reports submitted by States parties in accordance with article VII; commended those States parties that had submitted their reports, and called upon those that had not yet done so to submit their reports as soon as possible; reiterated its recommendation that States parties should take full account, when submitting their reports, of the guidelines laid down by the Group in 1978 concerning the form and contents of reports (see E/CN.4/1286, annex); and requested the Group of Three to continue, in the light of the views expressed by States parties to the Convention, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal action that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-fourth session.

II. ORGANIZATION OF THE 1988 SESSION

A. Attendance

6. The Group held its eleventh (1988) session at the United Nations Office at Geneva from 25 to 28 January 1988. The session was opened by the Under-Secretary-General for Human Rights. The membership of the Group for the session was as follows:

Ethiopia	Ms. Konqit Sinegiorgis
Nicaragua	Mr. Gustavo Adolfo Vargas
Sri Lanka	Mr. Bernard A.B. Goonetilleke.

B. Election of officers

7. At its meeting held on 25 January 1988, the Group elected Mr. Gustavo Adolfo Vargas as Chairman/Rapporteur.

C. Agenda

8. At its meeting held on 25 January 1988, the Group considered the provisional agenda (E/CN.4/AC.33/1988/L.1) submitted by the Secretary-General, and adopted the following agenda for its 1988 session:

1. Opening of the session by the representative of the Secretary-General
2. Election of officers
3. Adoption of the agenda

4. Consideration of reports submitted by States parties under article VII of the Convention
5. Consideration of the actions of transnational corporations which operate in South Africa, in accordance with Commission resolution 1987/11
6. Report of the Group to the Commission on Human Rights.

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE VII OF THE CONVENTION

9. The Group had before it the following documents: (i) a note by the Secretary-General (E/CN.4/1988/30) concerning the status of the Convention and the submission of reports by States parties under article VII of the Convention and (ii) reports submitted since the forty-third session of the Commission on Human Rights by the Ukrainian Soviet Socialist Republic (E/CN.4/1988/30/Add.1), Hungary (E/CN.4/1988/30/Add.2), Mongolia (E/CN.4/1988/30/Add.3), Byelorussian Soviet Socialist Republic (E/CN.4/1988/30/Add.4), Algeria (E/CN.4/1988/30/Add.5), Argentina (E/CN.4/1988/30/Add.6), Bangladesh (E/CN.4/1988/Add.7), and Sri Lanka (E/CN.4/1988/30/Add.8).

10. The Group undertook the examination of each report in the presence of the representatives of the reporting States who had been invited to attend the meetings of the Group in accordance with the recommendations made by the Group at its 1979 and subsequent sessions.

Mongolia

11. The third periodic report of Mongolia (E/CN.4/1988/30/Add.3) was introduced by the representative of the State party who said that discrimination of any kind on grounds of race, sex, religious belief or nationality was alien to the social and political system, legislation and legal practice of the Mongolian People's Republic. That principle was laid down in the Constitution, its enforcement and application was guaranteed by a number of statutory provisions, and its violation was punishable by penal, civil and administrative sanctions in cases specified by law. She informed the Group of Three that, since the submission of previous reports, no new legislation on that subject had been adopted, nor had any changes been made in the existing legislation. The Mongolian Government viewed apartheid as a crime against humanity and a threat to international peace and security. It strongly condemned the policy of apartheid and deplored the economic and military assistance provided to the Pretoria régime by certain Western countries and by transnational corporations. The Mongolian Government fully shared the opinion of the Group that article III of the Convention should be applied to the activities of transnational corporations operating in South Africa. Mongolia participated actively in the international struggle against apartheid by ratifying and implementing all the relevant international instruments; it fully supported the decisions and resolutions adopted by the United Nations bodies and provided political, diplomatic, moral and material support to the national liberation movements of Africa and Namibia.

12. The Group took note with satisfaction of the report and commended the representative of the State party on her presentation and for the efforts made by her Government with a view to ensuring the effective implementation of the Convention at the national and international levels. With reference to article II of the Convention it was asked whether any court action had been taken since the ratification of the Convention by Mongolia and how the relevant United Nations resolutions and decisions were implemented within the country. Replying to those questions, the representative of Mongolia stated that no cases relevant to article II of the Convention had been brought before the courts. She further stated that although there had been no special legislation dealing with the implementation of the relevant United Nations resolutions and decisions, those resolutions and decisions were brought to the attention of all governmental organs and institutions concerned and that the Government of Mongolia reported regularly to various United Nations bodies on their implementation. The representative pointed out, that, given the interest shown by the members of the Group of Three on these particular questions, they would be dealt with in depth in her Government's next periodic report on the implementation of the Convention.

Hungary

13. The fifth periodic report of Hungary (E/CN.4/1988/30/Add.2) was introduced by the representative of the reporting State, who said that any form of racism, racial discrimination, segregation, including apartheid, was alien to the socialist system of society in the Hungarian People's Republic, which strongly condemned the policy of apartheid as a crime against humanity and a threat to international peace and security. The attention of the Group was drawn to further progress made in legislative safeguards for the prohibition of racial discrimination and the punishment of the crime of apartheid by the establishment of a Constitutional Council in accordance with Act II of 1983 on the Amendment of the Constitution. The Council had been set up to control the constitutionality of legislation and legal directives. It was empowered to suspend the enforcement of statutory provisions - with the exception of the legislative enactments of the National Assembly, the Presidential Council and the rulings of the Supreme Court - that were contrary to the Constitution. The establishment of the Council was also a significant step forward in respect of the implementation of the Convention because it would abrogate any Hungarian law that might be contrary thereto.

14. The Group took note with satisfaction of the fifth periodic report submitted by the Hungarian Government and commended the representative of the State party on its presentation. It was observed with satisfaction that the report had been prepared in conformity with the relevant guidelines. The members of the Group, referring to Act II of 1983 on the Amendment of the Constitution - in particular to articles 1 and 20, requested information concerning the functioning of the mechanism established in conformity with the Act, the nature of the relationship between the Constitutional Council and the National Assembly, and asked what would happen if the Constitutional Council took a decision which contradicted the Constitution. The representative of the reporting State said that the main purpose of the establishment of the Constitutional Council had been the creation of harmony between the Constitution and the legislations in force. The Constitutional Council, being

a subsidiary organ of the National Assembly, was not authorized to change legislative enactments. Its principal task was to establish unconstitutionality and to report to the National Assembly which was empowered to take the necessary decision. The mechanism established by Act II of 1983 had just become operational and a comprehensive assessment might be made when the Council established more solid jurisprudence in its sphere of activity.

Ukrainian Soviet Socialist Republic

15. The fifth periodic report of the Ukrainian Soviet Socialist Republic (E/CN.4/1988/30/Add.1) was introduced by the representative of the reporting State who said that the whole tenor of social and political life in the Ukrainian SSR precluded all conditions for the emergence or existence of racism or racial discrimination. His Government strictly followed the provisions of the Convention, advocated wider adherence to it, supported and carried out all the decisions and recommendations of international bodies aimed at combating racism and apartheid, and in particular the USSR proposals for the establishment of an all-embracing system of international security, one of the main elements of which would be the eradication of genocide, apartheid, advocacy of fascism and every other form of racial, national or religious exclusiveness and of discrimination against people. He informed the members of the Group of Three about the measures taken by his Government at the national and international levels with a view to the most effective implementation of the provisions contained in the Convention. He pointed out that the main reason for the continued existence of the tension in the south of the African continent was the direct support of a number of Western States, which, acting together, blocked the application of effective sanctions against the apartheid régime. The Ukrainian SSR considered that the adoption of comprehensive and mandatory sanctions against the racist régime of South Africa, in conformity with Chapter 7 of the Charter of the United Nations, would be an effective step towards the elimination of the system of apartheid and would contribute to the establishment of peace and stability in that region.

16. The Group took note with satisfaction of the fifth periodic report submitted by the Government of the Ukrainian SSR and commended the representative of the State party on its presentation. With reference to articles II, III and XI of the Convention, and paragraph 19 of the report, it was asked whether any specific legislation concerning extradition had been enacted and who could initiate criminal proceedings for the crimes referred to in article 66 of the Ukrainian Criminal Code. The representative of the Ukrainian SSR stated that detailed information on the issue of extradition had been provided in the fourth periodic report considered by the Group in 1985. Since the submission of that report no new legislation on the issue had been enacted. Turning to the second question, he said that criminal proceedings could be initiated either by a person whose rights had been violated, or by the office of the public prosecutor at every level - from district to national. In that connection, he pointed out that there had been no cases of criminal proceedings under article 66 of the Criminal Code of the Ukrainian SSR since the submission of the previous report, as well as in the preceding period.

Byelorussian Soviet Socialist Republic

17. The fifth periodic report of the Byelorussian Soviet Socialist Republic (E/CN.4/1988/30/Add.4) was introduced by the representative of the reporting State, who said that the entire structure of social and political life in the Byelorussian SSR precluded any conditions conducive to the development or existence of such phenomena as racism and racial discrimination. He emphasized that existing legislation effectively guaranteed the equality of all before the law without distinction of any kind, such as race, colour, national or social origin, which found its expression in the Byelorussian Constitution, article 34 of which stated that "citizens of the Byelorussian Soviet Socialist Republic of different races and nationalities have equal rights". In this connection, he referred to the new legislation enacted since the submission of the previous report. His Government did not maintain any relations with the racist régime of Pretoria and strictly observed the decisions and recommendations of the United Nations with regard to economic, political, diplomatic and other sanctions aimed at international isolation of the racist régime of South Africa. The representative emphasized the importance of establishing an all-embracing system of international security, which, in its humanitarian aspects, would envisage the eradication of genocide, apartheid, advocacy of fascism or any other racial, national or religious exclusiveness, and of discrimination against people on those grounds.

18. The Group took note with satisfaction of the report and commended the representative of the State party on his presentation. With reference to paragraphs 21 to 24 of the report, more clarification was sought; it was asked what kind of procedure was applied in the Byelorussian SSR to deal with the problem of the constitutionality of legislation. The representative of the Byelorussian SSR provided the Group with additional information concerning paragraphs 21 to 24 of the fifth periodic report and stated that the main responsibility at all levels for ensuring the constitutionality of the legislation rested with the Office of the Public Prosecutor.

Algeria

19. The second periodic report of Algeria (E/CN.4/1988/30/Add.5) was introduced by the representative of the reporting State who expressed his Government's support for the struggle against racism and racial discrimination in all its forms. He recalled that Algeria condemned all forms of collaboration with the racist régime of South Africa and considered, in particular, that the activities of transnational corporations in South Africa and Namibia were subject to the provisions of article III of the Convention. Referring to the National Charter and the Constitution, he stressed that apartheid, segregation, racism and discrimination were alien to the values of the Algerian people. He highlighted informational and consciousness-raising activities carried out by his Government and emphasized his country's resolute commitment to oppose apartheid and to extend its support to activities aimed at combating apartheid at the national, regional and international levels.

20. The Group commended the Government of Algeria on its regularity in the submission of reports. It was asked what specific measures had been taken by Algeria to inform the public regarding the policy of apartheid, whether the curricula of schools included references to the problem of apartheid and whether any specific legislation had been introduced with regard to the possibility of extradition under article XI of the Convention. Referring to article 39 of the Constitution, which did not appear to prohibit discrimination based on religion, a member asked whether there was any other legal basis for ensuring such non-discrimination. Replying to those questions, the representative stated that the Algerian educational system encouraged understanding and co-operation among peoples for universal peace and international comprehension, and developed a system of education in keeping with human rights. Furthermore, days of solidarity were celebrated throughout the territory. In addition, he stated that there were no legislative changes relevant to the extradition provisions of the Convention, and that the National Charter, which was the supreme source of national policy, ensured non-discrimination also on the basis of religion.

Argentina

21. The initial report of Argentina (E/CN.4/1988/30/Add.6) was introduced by the representative of the reporting State who said that his Government had ratified all human rights conventions, and that those instruments could be directly invoked by individuals before the Argentine administrative authorities and the courts. He also referred to the Constitution of Argentina of 1853 which already provided for equality before the law. He further pointed out that his Government had decided to sever diplomatic relations with the racist Government in Pretoria. Referring to South Africa's acts of aggression against neighbouring countries, he emphasized that Argentina had called upon the United Nations Security Council to adopt mandatory sanctions under Chapter VII of the Charter. He also pointed out that, due to the international struggle against apartheid, some transnational corporations had halted their activities in South Africa.

22. The Group took note with appreciation of the comprehensive report of Argentina which had been submitted on time, and paid tribute to the role of Argentina in promoting and protecting human rights. Nevertheless, the Group observed that future reports should be prepared taking into account its general guidelines. One member stated that article II of the Convention, which referred to practices of institutionalized racial discrimination and segregation also applied to domestic legislation. In that connection, the representative of the reporting State undertook to submit the Group's comments to his Government. He stated that a draft bill on the elimination and prevention of all forms of discrimination was being prepared, and he expressed the hope that his Government would be guided by the comments made by members of the Group.

Bangladesh

23. The initial report of Bangladesh (E/CN.4/1988/30/Add.7) was introduced by the representative of the reporting State who stressed that Bangladesh had developed into a multiracial society where social evils, such as segregation and racial discrimination, had remained totally unknown. Therefore, there had

been no particular need to enact special legislation or take judicial action to tackle that problem. Referring to the Constitution, which provided for equality before the law and non-discrimination on grounds of religion, race, sex or origin, he pointed out that any law inconsistent with those provisions was automatically void. He also emphasized his Government's policy of acquainting the public with the evils of apartheid and the aims and objectives of the Convention. He highlighted the measures taken with a view to preventing individuals from having any link with the racist régime of South Africa. Furthermore, the representative stated that his Government fully supported and implemented the decisions of the United Nations aimed at combating apartheid. Regarding article II of the Convention, he stated that there had been no report of any individual or organization in Bangladesh allegedly being responsible for the crimes enumerated therein.

24. The Group commended the Government of Bangladesh for its report which had been submitted on time. Clarification was requested regarding the implementation of article IV of the Convention. It was also asked whether any specific steps had been taken to give effect to the decisions of the Security Council. Replying to these questions, the representative stated that part III of the Constitution provided for the protection of fundamental rights and the prohibition of all forms of racial discrimination. Any aggrieved person might move the Supreme Court to give directives, as appropriate, for the enforcement of the rights set forth in the Constitution. He stated that his Government strictly followed the decisions of the United Nations and, among the various administrative measures which had been taken in that connection, he mentioned the case of the boycott of a cricket team which had previously been to South Africa. The representative of Bangladesh undertook to transmit the Group's comments to his Government.

Sri Lanka

25. The initial report of Sri Lanka (E/CN.4/1988/30/Add.8) was introduced by the representative of the reporting State who said that apartheid, according to his country's belief, was a crime against humanity. He stressed that Sri Lanka had supported all decisions of the United Nations aimed at the prevention, punishment and eradication of the system of apartheid. He stated that South Africa constituted a threat to international peace as a whole and to peace on the African continent, in particular. Sri Lanka was of the opinion that comprehensive mandatory sanctions were the most effective internationally accepted means to dismantle the system of apartheid. Referring to current developments in his country with respect to article II of the Convention, which covered situations of racial segregation and violence other than those practised in South Africa, he reaffirmed the determination of the people of Sri Lanka to maintain a multiracial democratic society without distinction as to race or ethnic origin. Regarding chapter III of the Constitution, which enshrined important rights enumerated in the International Bill of Human Rights, he pointed out that any persons who perceived themselves as victims of violation of their basic human rights and fundamental freedoms had recourse to the Supreme Court. The representative lastly stated that certain provisions of Sri Lanka's laws on extradition were being reviewed to prevent the label of "political character" being abused or exploited to cover racist violence, mass murder and other actions of insensate terrorism.

26. The Group took note with satisfaction of the report and the presentation made by the representative of the Government of Sri Lanka. Clarification was requested concerning the remedies available to individuals and measures aimed at ensuring a wider representation of all minorities, in particular with respect to political life. Replying to these questions, the representative stated that any individual could bring his case up before the Supreme Court, and that there had been instances where the courts had ordered payment of compensation by the State to aggrieved parties and taken disciplinary measures against the offending officers, proving the practical effectiveness of the relevant provisions of the Constitution. However, he stated that to the best of his knowledge no claims on the basis of racial or ethnic discrimination had been brought before the court. Regarding political life, he explained that there were no racial or religious quotas regarding political and administrative structures, and that the two main political parties, including the ruling party were multiracial and multireligious in character. Nevertheless, he gave examples of other smaller political parties whose membership was restricted to one ethnic group, namely Tamil.

IV. CONSIDERATION OF THE ACTIONS OF TRANSNATIONAL CORPORATIONS WHICH OPERATE IN SOUTH AFRICA AND NAMIBIA

27. In accordance with the request contained in Commission on Human Rights resolution 1987/11, the Group of Three continued to consider whether the actions of transnational corporations operating in South Africa and Namibia came under the definition of the crime of apartheid and whether legal action could be taken under the Convention against them, and, in the light of the views expressed by States parties to the Convention (Byelorussian Soviet Socialist Republic, Czechoslovakia, Ecuador, German Democratic Republic, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics), specialized agencies (International Labour Organisation) and non-governmental organizations (International Confederation of Free Trade Unions and Women's International Democratic Federation) (see E/CN.4/1988/31 and Add.1-3), examined the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa.

28. The Group commended the States parties which had submitted their views and information and called upon those which had not yet submitted their views to do so as soon as possible. The Group was of the opinion that further examination of the matter was needed and that the views and information of all the States parties to the Convention on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa would be of the greatest usefulness.

29. The Group noted that several United Nations organs had repeatedly drawn the attention of the international community to the close interconnection existing between the activities of transnational corporations operating in South Africa and Namibia and the persistence of South Africa's racist régime and apartheid, as well as the position of the home countries of those corporations vis-à-vis the racist régime of South Africa. The Group

emphasized the position of the General Assembly, expressed in resolution 41/103, that the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields is an encouragement to the intensification of its odious policy of apartheid.

30. The Group noted, with reference to the views and information submitted, that all States were in agreement as to the necessity of imposing sanctions against the apartheid régime, and expressed the hope that more concrete proposals on the subject could be communicated to the Group in the future.

31. The Group held that the role played by transnational corporations in South Africa was threefold: firstly, they exhausted South African and Namibian natural resources, which belonged to the people; secondly, they exploited the labour force of that region with the single aim of making larger profits; and thirdly, by operating in South Africa and Namibia, they strengthened the apartheid régime, helped to perpetuate the oppression of the African majority and enhanced the repression against those fighting for their independence.

32. Within that context the Group rejected as completely unfounded the assertion that the action of transnational corporations operating in South Africa and close co-operation between certain countries and the racist régime of South Africa in the political, economic, military and other spheres were helping to improve the critical situation of the overwhelming majority of the population of that country and contributed to making the system of apartheid more human.

33. In that context, the Group emphasized that in article I, paragraph 2, of the Convention, the States parties had declared criminal organizations and institutions committing the crime of apartheid. It held the view that that provision was also applicable to transnational corporations.

34. The Group reached the conclusion that, by their complicity the transnational corporations operating in South Africa and Namibia, in conformity with article III (b) of the Convention, must be considered accomplices in the crime of apartheid and must be prosecuted for their responsibility in the continuation of that crime.

35. The Group recommends to the Commission that it appeal to all States - whether parties to the Convention or not - to take a responsible stand against the racist régime of South Africa and to step up their action against apartheid in compliance with relevant resolutions adopted by various United Nations bodies.

V. CONCLUSIONS AND RECOMMENDATIONS

36. The Group of Three expresses its appreciation to the representatives of the reporting States for their presence at its meetings and notes with appreciation that the reports considered by the Group at the current session were introduced by the representatives of the reporting States.

37. The Group commends States parties which have submitted periodic reports. It notes with concern that some States parties to the Convention have not submitted any report and urges in particular those States parties which have not yet submitted their initial reports to do so as soon as possible, as required under article VII of the Convention. The Group further notes with concern that, as at 1 February 1988, more than 120 reports were overdue under the Convention, and once again strongly urges the States parties concerned to fulfil their reporting obligations. The Group urges the States parties concerned to expedite the submission of their overdue reports as requested by the General Assembly in resolution 41/121.

38. The Group noted with regret that reports submitted by some States parties were not in line with the general guidelines and therefore reiterates once again its recommendation that the general guidelines regarding the form and contents of reports (E/CN.4/1286, annex) should be fully taken into account by all States parties when preparing reports.

39. The Group took note with satisfaction of the new accession to the Convention in 1987. However, it expresses concern at the fact that, as at 31 December 1987, only 86 States had become parties to the Convention. Convinced that the ratification of, or accession to, the Convention on a universal basis and the implementation of its provisions are necessary for its effectiveness, the Group recommends once again to the Commission on Human Rights that it should urge all States which have not yet done so to ratify or to accede to the Convention without delay, in particular those States which have jurisdiction over transnational corporations operating in South Africa and Namibia.

40. The Group calls upon States parties to provide in their reports all relevant information on the legislative, judicial and administrative measures they have adopted to give effect to the provisions of article IV of the Convention, or on the difficulties which they may have encountered in the implementation of that article.

41. The Group also calls upon States parties to provide in their reports information on concrete cases in which measures to prosecute, bring to trial and punish persons accused of, and responsible for, the acts enumerated in article II of the Convention have been applied under their jurisdiction.

42. The Group notes with appreciation the views and information submitted by States parties, specialized agencies and non-governmental organizations in accordance with Commission resolution 1987/11 and calls upon those which have not yet done so to submit their views on the extent and nature of the activities of transnational corporations in South Africa and the applicability of article III of the Convention thereto.

43. The Group calls upon States parties once again to identify in their reports, where possible, individuals, organizations, institutions and representatives of States deemed responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by the States parties to the Convention, with a view to enabling the Commission to continue its progressive updating of the list referred to in article X of the Convention.

44. The Group took note of Economic and Social Council resolution 1987/56, by which the Council condemned those transnational corporations that, through their covert and overt activities in South Africa and Namibia, continued their systematic and clandestine circumventing of laws and measures imposed by the Government of home countries of transnational corporations, as well as the programmes of disinvestment of some transnational corporations, which were aimed at retaining their profitable economic links with South Africa.

45. The Group calls on all States whose transnational corporations continue to do business with South Africa and Namibia to take appropriate steps to terminate their dealings there. It further urges developing countries to take concerted action to persuade transnational corporations, specially those trading within their territories, to end their operations in South Africa.

46. The Group notes that, with the exception of a few States, the overwhelming majority of States and world public opinion are now in favour of comprehensive mandatory sanctions against the apartheid régime and support for the people of South Africa and Namibia in their legitimate struggle for freedom.

47. The Group stresses that the racist régime of South Africa, the only régime that practises racism as its official policy and has enshrined it in its so-called "constitution", has its roots in the same racist and bellicose ideology that provoked the Second World War and caused untold deaths and destruction. Appeasement of the racist régime therefore can only have the same disastrous consequences. It notes that the policy and practices of the apartheid régime have already brought South Africa to the brink of a racial conflagration.

48. The Group wishes to appeal once again to States parties, through the Commission on Human Rights, to strengthen their co-operation at the international level to implement fully and expeditiously, in accordance with the Charter of the United Nations, the decisions taken by the Security Council and other competent organs of the United Nations and its specialized agencies aimed at the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention.

49. The Group wishes to note once again that the crime of apartheid is a form of genocide, similar in nature to Fascist and Nazi crimes, and as such falls under the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. The Group recommends to the Commission on Human Rights that it reflect this similarity in its respective resolutions as well as the fact that adherence to the International Convention on the Suppression and Punishment of the Crime of Apartheid is a step towards implementation of the Convention on the Prevention and Punishment of the Crime of Genocide.

50. The Group, recalling in particular paragraph 3 of General Assembly resolution 3068 (XXVIII), by which the Convention was adopted, as well as General Assembly resolution 41/103, wishes once again to draw the attention of United Nations organs, specialized agencies and international and national non-governmental organizations to the need to step up their activities in

enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa and to intensify their 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.

51. The Group wishes to express once again the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invites the States parties to include information on these measures in their reports.

52. The Group wishes to draw the attention of States parties to the importance of article XI of the Convention and invites them to include in their reports more information on their implementation of the provisions of this article.

53. The Group is of the view that the implementation of article V of the Convention, relating to the establishment of an international penal tribunal, is conducive to the strengthening of the mechanisms for combating apartheid.

54. The Group reiterates its belief that the assistance given to national liberation movements in southern Africa should be strengthened and calls upon the international community to contribute generously to such movements.

55. The Group wishes to recommend to the Commission on Human Rights that it request the Secretary-General to invite once again the States parties to the Convention which have not yet done so to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa.

56. The Group wishes to recommend to the Commission on Human Rights that it request the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the types of the crime of apartheid, as contained in article II of the Convention, committed by transnational corporations operating in South Africa.

57. The Group reiterates its conviction that the most peaceful means available to the international community to put an end to the system of apartheid consists in imposing comprehensive and mandatory sanctions against the racist régime in South Africa.

VI. ADOPTION OF THE REPORT

58. At its meeting on 28 January 1988, the Group considered the draft report on the work of its 1988 session. The draft report, as revised during the discussion, was adopted unanimously.