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ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Mr. Karl BORCHARD (Federal Republic of Germany)

I. INTRODUCTION

1. At its 4th plenary meeting, on 24 September 1982, the General Assembly 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 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 Committee considered this item jointly with items 75, 76 and 79 at its 3rd to 13th, 18th, 24th and 25th meetings, on 30 September and 4, 6, 8, 11 to 15, 21 and 27 October 1982. An account of the discussion of the Committee is contained in the relevant summary records (A/C.3/37/SR.3-13, 18, 24 and 25).

3. The Committee had before it the following documentation:

(a) Report of the Committee on the Elimination of Racial Discrimination, 1/ submitted in accordance with article 9 of the International Convention on the

1/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 18 (A/37/18).

Elimination of All Forms of Racial Discrimination (General Assembly resolution 2106 A (XX));

(b) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General (A/37/148), submitted in accordance with General Assembly resolutions 2106 A (XX) and 36/11;

(c) Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid: report of the Secretary-General (A/37/149 and Corr.1), submitted in accordance with General Assembly resolutions 3380 (XXX) and 36/13;

(d) Letter dated 22 June 1982 from the Chargé d'Affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General, transmitting the Final Communiqué and other documents of the Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries held at Havana from 31 May to 5 June 1982 (A/37/333);

(e) Letter dated 16 August 1982 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/37/392);

(f) Letter dated 27 August 1982 from the Permanent Representative of Mozambique to the United Nations addressed to the Secretary-General (A/37/414);

(g) Letter dated 12 October from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/37/542).

4. At the 3rd meeting, on 30 September, the Director of the Centre for Human Rights made an introductory statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolutions A/C.3/37/L.13 and Rev.1

5. At the 18th meeting, on 21 October, the representative of Italy introduced a draft resolution (A/C.3/37/L.13) entitled "Report of the Committee on the Elimination of Racial Discrimination", sponsored by Australia, Finland, Italy, Mexico, the Netherlands and also by France, later joined by the United Kingdom of Great Britain and Northern Ireland. In introducing the draft resolution, the representative of Italy revised the title to read as follows: "Report of the Committee on the Elimination of Racial Discrimination: general recommendation VI".

6. At the 24th meeting, on 27 October, the representative of Italy introduced a revised text of the draft resolution (A/C.3/37/L.13/Rev.1) entitled "Report of the Committee on the Elimination of Racial Discrimination: general recommendation VI", sponsored by Australia, Finland, France, Italy, Mexico, the Netherlands, the United Kingdom of Great Britain and Northern Ireland as well as Fiji. The revision called for the replacement of operative paragraph 3 which read:

"3. Further requests the Secretary-General, in preparing his report, to consult the Chairman of the CERD and also the presiding officers of the Human Rights Committee and the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights in order to take into account the similar and related problems which have arisen with reports due under the relevant provisions of the Human Rights Covenants;"

by the following text:

"3. Further requests the Secretary-General, in preparing his report, to consider the situation described in general recommendation VI of the Committee in the overall framework of reporting obligations that Member States have under the various human rights instruments in order to be able to take into account similar and related problems which may have arisen in compliance with such obligations;"

7. At the same meeting, the Committee adopted draft resolution A/C.3/37/L.13/Rev.1 without a vote (see para. 18, draft resolution I).

B. Draft resolution A/C.3/37/L.7

8. At the 18th meeting on 21 October, the representative of Belgium introduced a draft resolution (A/C.3/37/L.7) entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination", sponsored by Algeria, Argentina, Australia, the Bahamas, Bangladesh, Barbados, Belgium, Bulgaria, Cuba, Cyprus, Egypt, Germany, Federal Republic of, Ghana, Hungary, India, Morocco, New Zealand, Nigeria, Pakistan, Portugal, Spain, the Syrian Arab Republic, the Upper Volta, Venezuela and Yugoslavia, later joined by Cape Verde, Rwanda and Zaire.

9. At the 24th meeting, on 27 October, the representative of Uruguay introduced amendments to the draft resolution (A/C.3/37/L.17), sponsored by Costa Rica, Ecuador, France, Iceland, Italy, the Netherlands, Norway, Sweden and Uruguay, which read as follows:

"(a) Add the following new preambular paragraph:

"Welcoming the increase in the number of declarations made under article 14 of the Convention,"

(b) Add the following 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;"

Renumber former paragraph 5 as paragraph 6."

10. At the same meeting, the Committee took the following action on draft resolution A/C.3/37/L.7 and the amendments thereto:

(a) The amendments A/C.3/37/L.17 were adopted by 75 votes to 1, with 47 abstentions;

(b) The draft resolution A/C.3/37/L.7, as amended, was adopted without a vote (see para. 18, draft resolution II).

C. Draft resolution A/C.3/37/L.14

11. At the 18th meeting, on 21 October, the representative of Yugoslavia introduced a draft resolution (A/C.3/37/L.14) entitled "Report of the Committee on the Elimination of Racial Discrimination", sponsored by Angola, Bangladesh, Cuba, India, Jordan, Madagascar, Nigeria, Pakistan, Sierra Leone, Yugoslavia, Zambia, and Zimbabwe, later joined by Cape Verde and Cyprus.

12. A statement by the Secretary-General on the administrative and financial implications of the draft resolution was circulated to the Committee in document A/C.3/37/L.18.

13. At the 24th meeting, on 27 October 1982, the Committee voted as follows on draft resolution A/C.3/37/L.14:

(a) Operative paragraph 7 was adopted by a recorded vote of 98 to 16, with 20 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Haiti, Iceland, Ireland, Israel, Luxembourg, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bahamas, Barbados, Bolivia, Burma, Chile, Colombia, Costa Rica, Fiji, France, Italy, Ivory Coast, Jamaica, Japan, Malawi, Netherlands, Papua New Guinea, Portugal, Trinidad and Tobago, Uruguay, Zaire.

(b) Operative paragraph 12 was adopted by a recorded vote of 111 to none, with 23 abstentions. The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

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

(c) The draft resolution as a whole was adopted by a recorded vote of 123 to 2, with 13 abstentions (see para. 18, draft resolution III). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central Africa Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, 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 Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Australia, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Ireland, Luxembourg, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland.

D. Draft resolution A/C.3/37/L.12

14. At the 18th meeting, on 21 October, the representative of the German Democratic Republic introduced a draft resolution (A/C.3/37/L.12) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid", sponsored by Angola, Cuba, Czechoslovakia, Democratic Yemen, Ecuador, the German Democratic Republic, Ghana, the Lao People's Democratic Republic, Mongolia, the Syrian Arab Republic, the Ukrainian Soviet Socialist Republic, Viet Nam, Yugoslavia, Zambia and also by Afghanistan, Algeria, Bulgaria, Guyana, Hungary, Iraq, Madagascar, Mozambique, and Zimbabwe, subsequently joined by Benin, Cape Verde, the Congo, Ethiopia, Guinea-Bissau, the Libyan Arab Jamahiriya, Rwanda and Uganda.

15. At the 24th meeting, on 27 October, the representative of Nigeria orally proposed the following amendments to the draft resolution:

(a) Add the following new paragraph after existing paragraph 4 of the preamble:

"Gravely concerned over the extensive torture and ill-treatment of political prisoners and the trade unionists detained by the racist régime of South Africa leading to the deaths in detention of Neil Aggett, Tshifiwa Muofhe, and Ernest Moabi Dipale";

(b) Add the following new operative paragraph after existing operative paragraph 11:

"12. Invites the Special Committee against Apartheid and the Centre against Apartheid to publicize the above-mentioned list and related particulars as widely as possible."

Following suggestions by the representatives of Zimbabwe and Oman, the representative of Nigeria revised his first amendment to read as follows:

"Gravely concerned over the widespread torture and ill-treatment of political prisoners and trade unionists detained by the racist régime of South Africa leading to the deaths in detention of many prisoners, including Neil Aggett, Tshifiwa Muofhe and Ernest Moabi Dipale."

16. At the same meeting, the representative of the German Democratic Republic, on behalf of the sponsors, accepted the amendments proposed by the representative of Nigeria and revised the draft resolution accordingly.

17. At the same meeting, the Committee adopted draft resolution A/C.3/37/L.12, as orally revised, by a recorded vote of 112 to 1, with 22 abstentions, (see para. 18, draft resolution IV). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, 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 Cameroon, United Republic of Tanzania, Upper Volta, 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, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

18. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the Committee on the Elimination of Racial Discrimination: general recommendation VI

The General Assembly,

Taking note of the decision 1 (XXV) entitled "general recommendation VI" adopted by the Committee on the Elimination of Racial Discrimination on 15 March 1982,

Acknowledging the burden which reporting obligations under international instruments places upon States parties, especially those with limited technical and administrative resources,

Convinced none the less that the value of international conventions relies upon the full and conscientious implementation of the obligations undertaken upon ratification or accession,

Noting with concern that many periodic reports due under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination are outstanding and that in some cases initial reports are several years overdue,

1. Appeals to all States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to fulfil their obligations under article 9 of the Convention and to submit their reports within the appropriate time;

2. Requests the Secretary-General to invite the views and observations of States parties to the Convention on the causes of the situation described in general recommendation VI of the Committee on the Elimination of Racial Discrimination and to submit an analysis of the replies received in a report to the General Assembly at its thirty-eighth session, together with such suggestions as he might wish to make with a view to improving the situation;

3. Also requests the Secretary-General, in preparing his report, to consider the situation described in general recommendation VI of the Committee in the

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over-all framework of reporting obligations that Member States have under the various human rights instruments in order to be able to take into account similar and related problems which may have arisen in compliance with such obligations;

4. Further requests the Secretary-General to submit his report together with the records of the General Assembly's consideration thereof to the ninth meeting of the States parties to the Convention, to be held in 1984.

DRAFT RESOLUTION II

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 and 36/11 of 28 October 1981,

Welcoming the increase in the number of declarations made under article 14 of the Convention,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination; 2/

2. Expresses its satisfaction with the increase in the number of States which have ratified the Convention or acceded thereto;

3. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Decade for Action to Combat Racism and Racial Discrimination;

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

5. 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 III

Report of the Committee on the Elimination
of Racial Discrimination

The General Assembly,

Recalling its resolution 36/12 of 28 October 1981 on the report of the Committee on the Elimination of Racial Discrimination and of 1982 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as its other relevant resolutions on the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Having considered the report of the Committee on the Elimination of Racial Discrimination on its twenty-fifth and twenty-sixth sessions, 3/ submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

Emphasizing the importance for the success of the struggle against all practices of racial discrimination, including vestiges and manifestations of racist ideologies wherever they exist, that all Member States be guided in their internal and foreign policy by the basic provisions of the Convention,

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

Welcoming the continued co-operation of the Committee on the Elimination of Racial Discrimination with the competent specialized agencies especially with the United Nations Educational, Scientific and Cultural Organization and the International Labour Organisation, and other United Nations bodies,

Noting the decisions adopted and recommendations made by the Committee at its twenty-fifth and twenty-sixth sessions,

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its twenty-fifth and twenty-sixth sessions;
2. Commends the Committee for its contribution to the elimination of all forms of discrimination based on race, colour, descent, national or ethnic origin, wherever it exists;
3. Strongly condemns the policy of apartheid in South Africa and Namibia as the most abhorrent form of racial discrimination and urges all Member States to

3/ Official Records of the General Assembly, Thirty-seventh session, Supplement No. 18 (A/37/18).

adopt effective political, economic and other measures in order to secure elimination of that policy and to achieve full implementation of the relevant resolutions of the General Assembly, the Security Council and other United Nations bodies;

4. Calls upon the United Nations bodies concerned to ensure that the Committee is supplied with all relevant information on all the Territories to which General Assembly resolution 1514 (XV) applies and urges the administering Powers to co-operate with these bodies by providing all necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention;

5. Commends the Committee for its continuous endeavours towards the elimination of the policy of apartheid, racism and racial discrimination in southern Africa and the implementation of the United Nations resolutions relating to the liberation and independence of Namibia;

6. Takes note with satisfaction of the efforts of the Committee aimed at securing the prosperity of national or ethnic minorities and indigenous populations through the implementation of the principles and provisions of the Convention;

7. Expresses grave concern over the Israeli policy of defiance of the basic principles and objectives of the Convention, as reflected in the report of the Committee, and calls for the respect and preservation of the national and cultural identity of the Palestinian people;

8. Welcomes the efforts of the Committee aimed at the elimination of all forms of discrimination of migrant workers and their families, the promotion of their rights on a non-discriminatory basis and the achievement of their full equality and the possibility to preserve their cultural characteristics;

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

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

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

12. Reiterates its invitation to the States parties to the Convention to furnish 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;

13. Takes note with appreciation of the Committee's contribution to the work of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination and to the regional seminars held in implementation of the Programme of Action for the Decade;

14. Welcomes the decision of the Committee to contribute to the Conference by preparing a study on the implementation of articles 4 and 7 of the Convention and reiterates its request to the Committee to explore the possibility of preparing also for the Conference a study on the implementation of subparagraph (e) of article 5;

15. Takes note of decision 1 (XXVI) of 19 August 1982, in which the Committee requested the Secretary-General, in consultation with the Government of the Philippines, to explore the possibility of arranging for the twenty-eighth session of the Committee to be held at Manila immediately prior to the holding of the Conference.

DRAFT RESOLUTION IV

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,

Convinced that the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination, as well as the programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination, adopted by the General Assembly in its resolution 34/24 of 15 November 1979, and their full implementation will contribute to the final eradication of apartheid and all other forms of racism and racial discrimination,

Reaffirming its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations and is a gross violation of human rights and a crime against humanity, seriously threatening international peace and security,

Strongly condemning South Africa's continued policy of apartheid, repression and "bantustanization" and its continued illegal occupation of Namibia, thereby perpetuating on Namibian territory its odious policy of apartheid, racial discrimination and fragmentation,

Gravely concerned over the widespread torture and ill-treatment of political prisoners and the trade unionist detained by the racist régime of South Africa, leading to the deaths in detention of many prisoners, including Neil Aggett, Tshifiwa Muofhe and Ernest Moabi Dipale,

Deeply concerned about South Africa's repeated acts of aggression against sovereign African States, which constitute a manifest breach of international peace and security,

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,

Underlining that the strengthening of the existing mandatory arms embargo and the application of comprehensive mandatory economic sanctions under Chapter VII of the Charter are vital in order to compel the racist régime of South Africa to abandon its policy of apartheid,

Recalling its resolutions 36/172 A to P of 17 December 1981 and, in particular, resolution 36/172 B in which it proclaimed the year 1982 as the International Year of Mobilization for Sanctions against South Africa,

Stressing the need to disseminate on a wider basis more information on the crime committed by the racist régime of South Africa, taking into consideration the recommendation contained in the documents adopted by the International Seminar on Publicity and the Role of Mass Media in the International Mobilization against Apartheid, held at Berlin, German Democratic Republic, from 31 August to 2 September 1981, 4/

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,

Commending the work of the Preparatory Sub-Committee for the Second World Conference against Racism and Racial Discrimination and its recommendations contained in its report to the Economic and Social Council, 5/

Underlining that ratification of and accession to the Convention on a universal basis and the implementation of its provisions without any delay are necessary for its effectiveness and would be a useful contribution towards achieving the goals of the Decade for Action to Combat Racism and Racial Discrimination,

4/ A/36/496-S/14686, annex.

5/ E/1982/26.

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;
2. Commends those States parties to the Convention that have submitted their reports under article VII of the Convention, in particular those which presented their second reports, and appeals to those States parties that have not yet done so to submit their reports as soon as possible;
3. Appeals once again to those States that have not yet done so to ratify or to accede to the Convention without further delay;
4. Appreciates the constructive role played by the Group of Three of the Commission on Human Rights in analysing the periodic reports of States and in publishing the experience gained in the international struggle against the crime of apartheid;
5. Requests States parties to the Convention to take fully into account the guidelines prepared by the Working Group on the Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid established in accordance with article IX of the Convention;
6. Calls upon all States parties to the Convention to implement fully article IV of the Convention by adopting legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts enumerated in article II of the Convention;
7. Again calls upon all States parties to the Convention and the competent United Nations organs to consider the conclusions and recommendations of the Working Group contained in its reports and to submit their views and comments to the Secretary-General;
8. Requests the Commission on Human Rights to continue to undertake the functions set out in article X of the Convention and invites the Commission 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 of those against whom or which legal proceedings have been undertaken;
9. Requests the Commission on Human Rights to take into account General Assembly resolutions 33/23 of 29 November 1978 and 35/32 of 14 November 1980 as well as relevant documents of the Commission and its subsidiary organs reaffirming, inter alia, that States giving assistance to the racist régime of South Africa become accomplices in the inhuman practices of racial discrimination and apartheid;
10. Calls upon all States parties to the Convention and competent United Nations organs to continue to provide the Commission on Human Rights, through the Secretary-General, with information relevant to the periodic compilation of the

above-mentioned list as well as with information concerning the obstacles which prevent the effective suppression and punishment of the crime of apartheid;

11. Requests the Secretary-General to distribute the above-mentioned list among 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;

12. Invites the Special Committee against Apartheid and the Centre against Apartheid of the Secretariat to publicize the above-mentioned list and related particulars as widely as possible;

13. 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 through denouncing the crimes committed by the racist régime of South Africa;

14. Requests the Secretary-General to intensify his efforts through appropriate channels to disseminate information on the Convention and its implementation with a view further to promoting ratification of or accession to the Convention;

15. Calls upon all States to participate actively in the Second World Conference to Combat Racism and Racial Discrimination and to contribute to achieving effective results at this Conference;

16. 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.
