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**ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

Report of the Third Committee

Rapporteur: Mr. Carlos CASAJUANA (Spain)

**I. INTRODUCTION**

1. At its 3rd plenary meeting, on 23 September 1988, 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" and to allocate it to the Third Committee.

2. The Committee considered the item jointly with items 87, 88 and 96 at its 4th to 17th and 23rd meetings, on 10 to 14, 17 to 21, 24 and 27 October 1988. An account of the Committee's general discussion of the item is contained in the relevant summary records (A/C.3/43/SR.4-17 and 23).

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

(a) Report of the Committee on the 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/43/516);

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1/ Official Records of the General Assembly, Forty-third Session, Supplement No. 38 (A/43/38).

(c) Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/43/517);

(d) Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/43/607);

(e) Letter dated 16 March 1988 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General (A/43/226-S/19649);

(f) Letter dated 21 March 1988 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/43/230);

(g) Letter dated 28 March 1988 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General (A/43/263);

(h) Letter dated 20 April 1988 from the Permanent Representative of Bulgaria to the United Nations addressed to the Secretary-General (A/43/320);

(i) Letter dated 9 May 1988 from the Permanent Representative of Albania to the United Nations addressed to the Secretary-General (A/43/354 and Corr.1);

(j) Letter dated 27 May 1988 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General (A/43/370);

(k) Letter dated 26 July 1988 from the Chargé d'affaires a.i. of the Permanent Mission of Peru to the United Nations addressed to the Secretary-General (A/43/491);

(l) Letter dated 6 October 1988 from the Permanent Representative of Zimbabwe to the United Nations addressed to the Secretary-General (A/43/709).

4. At the 4th meeting, on 10 October, the Under-Secretary-General for Human Rights made an introductory statement.

## II. CONSIDERATION OF PROPOSALS

### A. Draft resolution A/C.3/43/L.8 and amendments thereto contained in A/C.3/43/L.14

5. At the 16th meeting, on 21 October, the representative of Belgium, on behalf of Argentina, Australia, the Bahamas, Barbados, Belgium, Bulgaria, Canada, Cuba, Cyprus, Egypt, Germany, Federal Republic of, Hungary, India, Italy, Luxembourg, Morocco, New Zealand, Portugal, Rwanda, Spain and Yugoslavia, introduced a draft resolution (A/C.3/43/L.8) entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination". Subsequently, Brazil and Djibouti joined in sponsoring the draft resolution.

6. At the same meeting, the representative of Uruguay introduced amendments (A/C.3/43/L.14) to the draft resolution, sponsored by Costa Rica, Denmark, Ecuador,

France, Iceland, Italy, the Netherlands, Norway, Peru, Senegal, Sweden and Uruguay,  
which read as follows:

"1. Add the following new preambular paragraph:

'Expressing its satisfaction at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,'

"2. Add the following new operative paragraph 5:

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

"3. Renumber the existing paragraph 5 as paragraph 6."

7. At its 23rd meeting, on 27 October, the Committee took the following action on draft resolution A/C.3/43/L.8 and the amendments thereto:

(a) The amendments (A/C.3/43/L.14) were adopted by a recorded vote of 80 to none, with 59 abstentions. The voting was as follows:

In favour: Argentina, Australia, Austria, Barbados, Belgium, Belize, Bolivia, Brazil, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Lebanon, Lesotho, Liberia, Luxembourg, Malta, Morocco, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Spain, Suriname, Swaziland, Sweden, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Zaire, Zambia.

Against: None.

Abstaining: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Bhutan, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, China, Congo, Côte d'Ivoire, Cuba, Czechoslovakia, Democratic Yemen, Djibouti, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, India, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lao People's Democratic Republic, Libyan

Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mexico, Mongolia, Mozambique, Nepal, Nicaragua, Oman, Pakistan, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Sri Lanka, Sudan, Syrian Arab Republic, Trinidad and Tobago, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Yugoslavia, Zimbabwe.

(b) The draft resolution, as amended, was adopted without a vote (see para. 16, draft resolution I).

**B. Draft resolution A/C.3/43/L.9**

8. At the 16th meeting, on 21 October, the representative of Yugoslavia, on behalf of Algeria, Australia, Bulgaria, Colombia, Cuba, Cyprus, Egypt, Ethiopia, Finland, France, Germany, Federal Republic of, Hungary, India, Iraq, Italy, Luxembourg, Mexico, Nicaragua, Nigeria, Norway, Pakistan, Poland, Rwanda, Senegal, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Venezuela and Yugoslavia, introduced a draft resolution (A/C.3/43/L.9) entitled "Report of the Committee on the Elimination of Racial Discrimination". Subsequently, Djibouti and the Libyan Arab Jamahiriya joined in sponsoring the draft resolution.

9. At its 23rd meeting, on 27 October, the Committee adopted draft resolution A/C.3/43/L.9 without a vote (see para. 16, draft resolution II).

10. After the adoption of the draft resolution, statements were made by the representatives of the Netherlands and Denmark.

**C. Draft resolution A/C.3/43/L.10/Rev.1**

11. At the 17th meeting, on 24 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.3/43/L.10/Rev.1) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid". Subsequently, the Libyan Arab Jamahiriya joined in sponsoring the draft resolution.

12. At the 23rd meeting, on 27 October, statements were made by the representatives of Greece (on behalf of the 12 States members of the European Economic Community) and the United States of America.

13. At the same meeting, 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 retained by a recorded vote of 110 to 18, with 14 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brasil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, 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, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swasiland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tansania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Belgium, Costa Rica, Denmark, El Salvador, France, Germany, Federal Republic of, Greece, Honduras, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America,

Abstaining: Australia, Austria, Bhutan, Canada, Chile, Fiji, Finland, Iceland, New Zealand, Norway, Sweden, Togo, Turkey, Uruguay.

(b) The sixth preambular paragraph was adopted by a recorded vote of 114 to 15, with 13 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar,

Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

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

**Abstaining:** Australia, Austria, Brazil, Chile, Fiji, Finland, Iceland, Japan, New Zealand, Norway, Sweden, Turkey, Zaire.

(c) Operative paragraph 6 was adopted by a recorded vote of 113 to 17, with 11 abstentions. The voting was as follows:

**In favour:** Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, 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, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, 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, Canada, Denmark, France, Germany, Federal Republic of, Greece, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

**Abstaining:** Australia, Finland, Gabon, Haiti, Iceland, New Zealand, Norway, Saint Vincent and the Grenadines, Samoa, Sweden, Turkey.

(d) Operative paragraph 7 was adopted by a recorded vote of 116 to 8, with 16 abstentions. The voting was as follows:

**In favour:** Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, 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, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, 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, France, Germany, Federal Republic of, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

**Abstaining:** Australia, Austria, Canada, Denmark, Finland, Greece, Haiti, Iceland, Ireland, Italy, Japan, New Zealand, Norway, Spain, Sweden, Turkey.

(e) Operative paragraph 10 was adopted by a recorded vote of 117 to 14, with 9 abstentions. The voting was as follows:

**In favour:** Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German

Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, 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, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

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

14. At the same meeting, the representative of the United States of America requested a recorded vote on the draft resolution as a whole. The draft resolution was adopted by a recorded vote of 120 to 2, with 23 abstentions (see para. 16, draft resolution III). The voting was as follows:

**In favour:** Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, 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 Kingdom of Great Britain and Northern Ireland, 2/ United States of America.

**Abstaining:** Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey.

15. After the adoption of the draft resolution, statements were made by the representatives of Australia, Japan, Turkey, Sweden (on behalf of Denmark, Finland, Iceland and Norway) and Austria.

### III. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

#### DRAFT RESOLUTION I

##### Status of the International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its relevant resolutions adopted since 1973, the most recent of which is resolution 41/104 of 4 December 1986,

Expressing its satisfaction at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, 3/

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; 4/

2/ The delegation of the United Kingdom of Great Britain and Northern Ireland subsequently indicated that its vote should have been recorded as being an abstention and not against.

3/ Resolution 2106 A (XX), annex.

4/ A/43/517.

2. Expresses its satisfaction at the number of States that have ratified the Convention or acceded thereto;

3. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realisation of the objectives of the Second Decade to Combat Racism and Racial Discrimination; 5/

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

5. Calls upon the 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 submit to the General Assembly at its forty-fifth session a report concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.

#### 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, 6/ 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, 7/

Reiterating the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, which is the most widely accepted human rights instrument adopted under the auspices of the United Nations,

Aware of the importance of the contributions of the Committee to the efforts of the United Nations to combat racism and all other forms of discrimination based on race, colour, descent or national or ethnic origin,

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5/ Resolution 38/14.

6/ Resolution 2106 A (XX), annex.

7/ Resolution 38/14.

Welcoming the report of the Committee on its thirty-sixth session, 2/

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

Emphasising the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

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

Expressing its appreciation for the efforts of the members of the Committee to explore ways and means to overcome the Committee's current financial crisis,

Gravely concerned that, despite those appeals and other efforts, the meeting schedule of the Committee has been interrupted and 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, 2/

1. Expresses its profound concern at the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination have still not complied with their financial obligations, which led to the cancellation of the spring 1988 session and the curtailment by one week of the August 1988 session of the Committee on the Elimination of Racial Discrimination;

2. Expresses once again its concern that such a situation led to further delay in discharging the substantive obligations of the Committee 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;

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2/ Official Records of the General Assembly, Forty-third Session, Supplement No. 18 (A/43/18).

2/ A/43/607.

4. Takes note with appreciation of the report of the Committee on its thirty-sixth session;
5. Calls upon States parties to comply fully with their obligations 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. Takes note also with appreciation of measures taken by the Committee with a view to improving the reporting procedure and streamlining its own method of examination of reports submitted by States parties;
7. Strongly appeals to all States parties to fulfil their financial obligations under article 8, paragraph 6, of the Convention and to pay their outstanding contributions and, if possible, their contributions for 1989 before 1 February 1989 so as to enable the Committee to meet regularly;
8. Reiterates the decision of the twelfth meeting of States parties to the Convention that, as an exceptional measure, pending resolution of the current financial difficulties of the Committee, it should hold one extended session if possible in 1989;
9. Invites the Secretary-General to ensure, if possible, that the Committee holds its regular session in 1989 for at least three weeks;
10. Requests the Secretary-General to report to the General Assembly at its forty-fourth session on the financial situation of the Committee and possible administrative and legal measures for improving the situation facing the Committee;
11. Decides to consider the report at its forty-fourth session under the item entitled "Elimination of all forms of racial discrimination".

DRAFT RESOLUTION III

Status of the International Convention on the Suppression  
and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolutions 41/103 of 4 December 1986 and 42/56 of 30 November 1987,

Mindful that the International Convention on the Suppression and Punishment of the Crime of Apartheid <sup>10/</sup> constitutes an important

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<sup>10/</sup> Resolution 3068 (XXVIII), annex.

international treaty in the field of human rights and serves to implement the ideals of the Universal Declaration of Human Rights, 11/

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,

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 destabilisation against independent African States,

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

Mindful of Commission of Human Rights resolution 1988/14 of 29 February 1988, 12/ in which the Commission expressed its conviction that the crime of apartheid is a form of the crime of genocide,

Stressing that the root cause of the conflict in southern Africa is the policy of apartheid and that only the total eradication of apartheid can lead to a peaceful and lasting solution of the conflict in southern Africa,

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,

Firmly convinced that the legitimate struggle of the oppressed peoples in southern Africa against apartheid, racism and colonialism and for the effective implementation of their inalienable right to self-determination and independence demands more than ever all necessary support by the international community and, in particular, further action by the Security Council in accordance with Chapter VII of the Charter of the United Nations,

Underlining that ratification of and accession to the Convention on a universal basis and the implementation of its provisions without any delay are necessary for its effectiveness, and therefore will contribute to the eradication of the crime of apartheid,

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11/ Resolution 217 A (III).

12/ Official Records of the Economic and Social Council, 1988, Supplement No. 2 (E/1988/12), chap. II, sect. A.

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; 13/
2. Commends those States parties to the Convention which have submitted their reports under article VII thereof;
3. Appeals once again to those States which 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 could not be halted;
4. Underlines the importance of the universal ratification of the Convention, which would be an effective contribution to the fulfilment of the ideals of the Universal Declaration of Human Rights, the fortieth anniversary of which is being celebrated in 1988;
5. Takes note with appreciation of the report of the Group of Three of the Commission on Human Rights, 14/ which was set up under the Convention, and, in particular, of the conclusions and recommendations contained in that report;
6. 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; 15/
7. Calls upon all States whose transnational corporations continue to do business with South Africa and Namibia to take appropriate steps to terminate their dealings with South Africa and Namibia;
8. 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;
9. Requests the Secretary-General to circulate 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;

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13/ A/43/516.

14/ E/CN.4/1988/32.

15/ Ibid., para. 34.

10. Requests the Secretary-General to invite the States parties to the Convention, the specialised agencies and non-governmental organisations 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;

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

12. Appeals to all States, United Nations organs, the specialised agencies and international and national non-governmental organisations to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa;

13. 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;

14. 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.

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