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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. Vicente Montemayor Cantu (Mexico)

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 1988, there were 87 States parties to the Convention (see E/CN.4/1989/31, annex).
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-fourth session of the Commission appointed the representatives of Ethiopia, the German Democratic Republic and Mexico as members of the Group.

5. By its resolution 1988/14, 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-fifth 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 of the general guidelines laid down by the Group in 1978 for the submission 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-fifth session.

II. ORGANIZATION OF THE 1989 SESSION

A. Attendance

6. The Group held its twelfth (1989) session at the United Nations Office at Geneva from 23 to 27 January 1989. The session was opened by the Under-Secretary-General for Human Rights. The membership of the Group for the session was as follows:

Ethiopia	Mr. Mairegu Bezabih
German Democratic Republic	Mr. Gerhard Richter
Mexico	Mr. Vicente Montemayor Cantu

B. Election of officers

7. At its meeting held on 23 January 1989, the Group elected Mr. Vicente Montemayor Cantu as Chairman/Rapporteur.

C. Agenda

8. At its meeting held on 23 January 1989, the Group considered the provisional agenda (E/CN.4/AC.33/1989/L.1) submitted by the Secretary-General, and adopted the following items as the agenda of its 1989 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 1988/14.
6. Consideration of the conclusions and recommendations of the meeting of chairpersons of human rights treaty bodies.
7. 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: (a) a note by the Secretary-General (E/CN.4/1989/31) concerning the status of the Convention and the submission of reports by States parties under article VII of the Convention and (b) reports submitted since the forty-fourth session of the Commission on Human Rights by: Bulgaria (E/CN.4/1989/31/Add.1), Yugoslavia (E/CN.4/1989/31/Add.2), Trinidad and Tobago (E/CN.4/1989/31/Add.3), Cuba (E/CN.4/1989/31/Add.4), Romania (E/CN.4/1989/31/Add.5), Qatar (E/CN.4/1989/31/Add.6), Rwanda (E/CN.4/1989/31/Add.7), German Democratic Republic (E/CN.4/1989/31/Add.8), Union of Soviet Socialist Republics (E/CN.4/1989/31/Add.9), Czechoslovakia (E/CN.4/1989/31/Add.10), */ Peru (E/CN.4/1989/31/Add.11).

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.

Bulgaria

11. The fifth report of Bulgaria (E/CN.4/1989/31/Add.1) was introduced by the representative of the State party who pointed out that her Government firmly supported all decisions and resolutions of the United Nations aimed at the eradication of the crime of apartheid. In this connection, she emphasized the importance of adopting appropriate measures, including the imposition of comprehensive sanctions under Chapter VII of the Charter of the United Nations. She also stated that Bulgaria did not maintain any relations whatsoever with the apartheid régime of South Africa and that it actively supported national liberation movements in South Africa and Namibia. Furthermore, her Government shared the view that transnational corporations operating in South Africa and Namibia had to be considered accomplices in the

*/ At the request of the Government, the Group agreed to postpone consideration of the report of Czechoslovakia to its thirteenth (1990) session.

crime of apartheid, in accordance with article III (b) of the Convention. Lastly, she highlighted various articles of the Penal Code relating to racism and racial discrimination.

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 international level. Further information was sought regarding the role of the Bulgarian mass media and non-governmental organizations in the struggle against apartheid. The view of the Bulgarian Government was also sought on the nature and extent of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa and Namibia. In her reply, the representative of the reporting State explained, inter alia, that the Bulgarian mass media actively participated in the celebration of the International Day for the Elimination of Racial Discrimination and the Day of Solidarity with South African Political Prisoners, and that Bulgarian non-governmental organizations provided material assistance to the liberation movements in southern Africa. She also emphasized that the establishment of updated comprehensive lists of transnational corporations operating in South Africa and Namibia constituted very important moral pressure.

Yugoslavia

13. The fourth periodic report of Yugoslavia (E/CN.4/1989/31/Add.2) was introduced by the representative of the State party who stressed that her Government was firmly committed to active support for the efforts of the United Nations aimed at the eradication of the crime of apartheid. Yugoslavia was of the opinion that the Security Council should adopt comprehensive sanctions under Chapter VII of the Charter against South Africa. She drew the Committee's attention to the fact that the report contained replies to questions raised and observations made in the Group of Three during the consideration of the third periodic report. She also stated that her Government provided assistance to liberation movements and that it was considering acceding to the International Convention against Apartheid in Sports.

14. The Group took note with appreciation of the report submitted by the Government of Yugoslavia and commended the representative of the State party on her presentation. Further information was sought on the view of the Government concerning the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa and Namibia, on the activities of the Yugoslav mass media and non-governmental organizations, and on judicial decisions concerning the criminal acts described in article II of the Convention. It was also asked whether there were Yugoslav migrant workers in South Africa. In her reply, the representative of the reporting State said that her Government shared the opinion that the activities of transnational corporations in South Africa and Namibia could be seen as relevant to the provisions of article III of the Convention. She emphasized the provision of the Yugoslav Criminal Code prohibiting incitement to national, racial and religious hatred, division or intolerance, and highlighted the role of the mass media and the

non-governmental organizations in the struggle against apartheid. Lastly, she assured the Group that, to her Government's knowledge, there were no Yugoslav migrant workers in South Africa.

Trinidad and Tobago

15. The initial report of Trinidad and Tobago (E/CN.4/1989/31/Add.3) was introduced by the representative of the reporting State who emphasized his Government's commitment to and support for the international campaign against apartheid. Trinidad and Tobago had repeatedly denounced the abhorrent system of apartheid and considered that inhuman practice to be a crime against humanity. He then highlighted national measures which made it inconceivable that the system of apartheid could ever be introduced in his country. His Government was of the view that comprehensive and mandatory sanctions should be adopted against South Africa and that transnational corporations operating in South Africa and Namibia had to be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention. Trinidad and Tobago had made a commitment to contribute to a Commonwealth special fund to provide technical assistance to Mozambique and to the Commonwealth Committee of Foreign Affairs on Southern Africa. Lastly, he emphasized that his country had recently become a signatory to the International Convention against Apartheid in Sports.

16. The Group took note with appreciation of the report and commended the representative of the State party on his presentation. It was observed with great satisfaction that the report had been prepared in conformity with the general guidelines. Further information was sought concerning the anti-apartheid campaign and the Anti-Apartheid Association of Trinidad and Tobago. In his reply, the representative emphasized the contribution of the Anti-Apartheid Association to the struggle against apartheid, and gave examples of the documentaries prepared by the Schools Broadcasting Unit. Replying to another question, he explained that, in the process of ratifying the International Convention against Apartheid in Sports, his Government was considering the possibility of modifying its national legislation.

Cuba

17. The sixth periodic report of Cuba (E/CN.4/1989/31/Add.4) was introduced by the representative of the reporting State, who stressed that it was supplementary to the five previous reports. He pointed out that, since its revolution, Cuba had pursued a consistent policy aimed at eradicating all forms of racial discrimination, including apartheid. In this regard he pointed out that Cuba was a party to all major instruments against racial discrimination, for example, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and Discrimination (Employment and Occupation) Convention 1958 (No. 111), of the International Labour Organisation (ILO) and many others. He stated that the Cuban Penal Code provided very severe punishment for anyone propagating the policy of domination of one group over another, and that the punishment could even include deprivation of life itself. The representative of the State party pointed out that extradition

was not permitted for Cuban citizens who, if they had committed a criminal offence, must be tried according to Cuban law; extradition of aliens, on the other hand, was conducted in conformity with international treaties, or where none existed, in accordance with Cuban law. He pointed out that there were thousands of victims of apartheid in Cuba, either seeking a cure, rehabilitation or rest from the effects of apartheid, or as students in educational institutions in the country.

18. The Group commended the sixth periodic report of Cuba as being detailed and exemplary and having followed the general guidelines, and noted that Cuba was one of those countries which had a good record in the submission of reports. The Group also noted with appreciation the comprehensive introduction of the representative of the reporting State. Further clarification was sought concerning the Cuban Anti-Apartheid Committee, its objectives and composition. It was also asked whether the Convention was a part of the curriculum in pre-graduate studies and at lower levels, and what the role of the mass media was in promoting the objectives of the Convention. The representative was also asked to comment on the periodicity of submission of reports, in view of the fact that a number of States which were parties to several other human rights instruments had experienced difficulty in meeting their reporting obligations.

19. In responding, the representative of the reporting State said that the Cuban Anti-Apartheid Committee was a mass movement committee, with membership from all sectors of society, and that it was the most pertinent form of expression against the crime of apartheid. It had been created as a result of a series of activities in solidarity with the people of South Africa and Namibia. He pointed out that all mass media means were used to alert the public about the crime of apartheid. The representative noted that preparation of reports under international human rights instruments could be a heavy burden on small countries with meagre resources, and expressed the view that the question of periodicity of reporting was an issue on which all States parties should be consulted.

Romania

20. The second periodic report of Romania (E/CN.4/1989/31/Add.5) was introduced by the representative of the State party, who pointed out that the report did not repeat the information contained in the initial report, but included supplementary information. He stated that Romania resolutely condemned the policy of apartheid and that under the Constitution of Romania apartheid was considered a crime; however, cases requiring the application of those provisions had not been brought before the courts as such offences did not exist.

21. The Group noted with appreciation the introductory statement of the representative of the reporting State. Information was sought as to the measures that had been taken to incorporate the objectives of the Convention in the educational system of Romania, and what role, if any, the mass media played in enlightening the public about the evils of apartheid. The representative of the reporting State was also asked to describe his country's policy regarding transnational corporations operating in South Africa and Namibia. In response, the representative pointed out that in school curricula there were special periods for studies of international affairs, which

included apartheid, and that several scholarly studies on apartheid had in fact been conducted in his country. He explained that the mass media in Romania devoted a substantial amount of time to the question of apartheid, in particular on special occasions, such as solidarity days with the peoples of South Africa and Namibia, which were periodically organized in Romania. He stated that his country had no relations with South Africa and rejected all commercial collaboration with transnational corporations which dealt with South Africa.

German Democratic Republic

22. The fifth periodic report of the German Democratic Republic (E/CN.4/1989/31/Add.8) was introduced by the representative of the reporting State, who said that implementation of the provisions of the Convention was an inherent part of the German Democratic Republic's domestic and foreign policies, and in that respect apartheid was regarded as a crime against humanity, in accordance with article II of the Convention. He explained that the crime of apartheid could be prosecuted in the courts irrespective of the nationality of the perpetrator and the place where the crime was committed, as provided for in article IV of the Convention. He stated that the imposition of comprehensive and mandatory sanctions against South Africa, in accordance with Chapter VII of the Charter of the United Nations, would be the only effective means to force that country to renounce its inhuman policy of apartheid. He emphasized that States which had jurisdiction over transnational corporations operating in South Africa had an international obligation to prevent them from doing so. He stressed that his country had repeatedly emphasized that article III of the Convention must be applied to transnational corporations which operated in South Africa and Namibia. His country strictly adhered to all resolutions of the United Nations on apartheid, and had been the main sponsor of all the recent General Assembly resolutions on the status of the Convention. The German Democratic Republic was one of the first States to have ratified the International Convention against Apartheid in Sports. He stated that his country had made substantial financial contributions to the victims of apartheid, as had the people in the German Democratic Republic. Many experts from the German Democratic Republic were working, in various fields, in the front-line States, and many students from South Africa and Namibia were studying at various institutions of learning in the German Democratic Republic.

23. The Group commended the Government of the German Democratic Republic for its comprehensive report and for regularly meeting its reporting obligations under the Convention and expressed appreciation to the representative of the reporting State for the detailed way in which he had introduced the report.

Rwanda

24. The third periodic report of Rwanda (E/CN.4/1989/31/Add.7) was introduced by the representative of the reporting State who said that, in his country, apartheid was considered as a crime against humanity, and that his Government had always supported all the decisions and resolutions of international bodies aimed at combating apartheid. Furthermore, his Government believed that transnational corporations operating in South Africa and Namibia bore a large share of the responsibility for perpetuating the apartheid system and,

therefore, had voted in favour of all United Nations resolutions condemning such corporations. He also referred to legal measures against discrimination and drew the Group's attention to the fact that acts treated as crimes of apartheid in Rwanda and considered by other contracting parties as offences under extradition agreements might render the perpetrators liable to extradition. Lastly, he emphasized the unreserved support, both political and material, provided by his country to the national liberation movements in South Africa.

25. The Group took note with appreciation of the report submitted by the Government of Rwanda and commended the representative of the reporting State on its very detailed presentation. It was observed with satisfaction that the report had been prepared in conformity with the general guidelines. Replying to a question raised by a member of the Group, the representative explained that the process of ratifying the International Convention against Apartheid in Sports had been initiated and would be completed very soon.

Union of Soviet Socialist Republics

26. The sixth report of the Union of Soviet Socialist Republics (E/CN.4/1989/31/Add.9) was introduced by the representative of the State party who said that his Government fully supported and implemented all United Nations resolutions and decisions on the question of apartheid in South Africa. Furthermore, the Soviet Union was of the opinion that the Security Council should adopt comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter of the United Nations. He emphasized that the main reason why South Africa continued to pursue its criminal policy of apartheid, despite numerous United Nations resolutions, was that it had direct support from influential members of the United Nations. Referring to fundamental changes that had occurred in Soviet life, he stated that the principle of equality before the law had become one of the most fundamental principles of Soviet society and he emphasized the all-embracing system of international security as proposed by the Communist Party of the Soviet Union at its Twenty-seventh Congress.

27. The Group took note of the report with great appreciation and commended the representative of the State party on his presentation and for the efforts made by his Government in the struggle against apartheid. It was noted with satisfaction that the report had been prepared in strict conformity with the general guidelines. Further information was sought regarding the recent amendments to the Soviet Constitution and, in particular, in respect of provisions relating to efforts to eliminate racism and racial discrimination. It was also asked how the crimes of racism and apartheid were reflected in Soviet literature, art, theatre and films.

28. In his reply, the representative of the reporting State emphasized the amendments to the Soviet Constitution as adopted by the Supreme Soviet in 1988, and stated, inter alia, that the process of perestroika was aimed at developing and consolidating socialist democracy as well as redistributing power between the executive and legislative branches for the benefit of directly elected bodies. He highlighted various provisions of the Law on the Election of Peoples' Deputies and stated that the curricula of schools and universities placed great emphasis on the problems of racial discrimination and apartheid.

Qatar

29. The fifth periodic report of Qatar (E/CN.4/1989/31/Add.6) was introduced by the representative of the reporting State, who said that the legislation of the State of Qatar, and in particular its Amended Provisional Constitution, which embodied the principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights, clearly and unquestionably prohibited all acts of racial discrimination. The State of Qatar had acceded to a number of human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the provisions of those instruments had acquired binding force in domestic law and had to be applied by the courts in the event of any acts of racial discrimination. The representative stated however that no form of racial discrimination or apartheid existed in Qatar and that such offences were unknown in his country. He pointed out that, in accordance with Decrees Nos. 130 and 140 of 1973, oil exports from Qatar to South Africa had been suspended, and all economic, trade and cultural relations had been severed with South Africa. Furthermore all educational institutions in Qatar were requested through periodic circulars to commemorate human rights days. His Government considered transnational corporations operating in South Africa and Namibia to be accomplices in the crime of apartheid, in accordance with article II of the Convention.

30. The Group commended the reporting State for its comprehensive report and for regularly meeting its reporting obligations under the Convention in an exemplary manner, and expressed appreciation for the detailed way in which the report had been introduced by the representative of the reporting State.

Peru

31. The third periodic report of Peru (E/CN.4/1989/31/Add.11) was introduced by the representative of the reporting State, who said that the Constitution of Peru provided for the most explicit protection of the individual. Article 101 of the Constitution clearly established the principle that international treaties adhered to by Peru formed part of its domestic law and that, in the event of conflict between an international treaty and domestic law, the former would prevail. He enumerated the international instruments which had been ratified or acceded to by Peru. The representative stated that his Government considered apartheid to be a serious threat to international peace and security and a crime against humanity in accordance with article II of the Convention. In Peru, there was a law which prohibited reference to the race of individuals in public documents and the new Peruvian Education Act of 10 May 1982 prohibited any form of discrimination on grounds of sex, race, religious belief, political affiliation, language, occupation, marital status, or social or economic status. The representative further explained that extradition could only be granted by the executive and following a decision by the Supreme Court, and that extradition would not be allowed if the prosecution sought was based on grounds of race or political beliefs.

32. The Group commended the representative of the State party for his comprehensive and detailed introduction of the report. Further information was sought as to Peru's position with regard to transnational corporations operating in South Africa and Namibia. In response, the representative stated that Peru opposed the support given by transnational corporations to the

Government of South Africa and informed the Group that in the near future Peru would submit its views on the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid. The Group noted with satisfaction the third periodic report of Peru which had been submitted in accordance with the general guidelines.

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

33. In accordance with the request contained in Commission on Human Rights resolution 1988/14, 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 so far by States parties to the Convention (Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ecuador, German Democratic Republic, Madagascar, Peru, 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, Women's International Democratic Federation) (see E/CN.4/1986/46, E/CN.4/1987/27 and Add.1 and 2, E/CN.4/1988/31 and Add.1-3, E/CN.4/1989/32), examined the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa.

34. 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.

35. The Group noted that several United Nations organs had continued to draw 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 the racist régime in South Africa.

36. The Group noted, with reference to the views and information submitted, that all States parties were in agreement as to the necessity of imposing sanctions against the apartheid régime, in accordance with Chapter VII of the Charter of the United Nations, thus supporting the people of South Africa and Namibia in their legitimate struggle for freedom and equality, and expressed the hope that more concrete proposals on the subject could be communicated to the Group in the future.

37. The Group reiterated 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.

38. In 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.

39. The Group endorsed 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.

V. CONSIDERATION OF THE CONCLUSIONS AND RECOMMENDATIONS OF THE MEETING OF CHAIRPERSONS OF HUMAN RIGHTS TREATY BODIES

40. The Group considered the report of the second meeting of the chairpersons of the human rights treaty bodies, convened pursuant to General Assembly resolution 42/105 at Geneva from 10 to 14 October 1988 (HRI/MC/1988/1). The Group of Three was represented at that meeting by the Chairman of its eleventh (1988) session.

41. The Group noted with interest the opinions and recommendations of the chairpersons, in particular, those concerning the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid. It observed with concern that many States parties were in arrears in submitting their reports under the Convention, in particular, that 38 States parties to the Convention had not yet submitted their initial reports.

42. The Group decided to authorize its Chairman to address communications to the Governments of the 38 States parties which had not yet submitted their initial reports, requesting them to submit their overdue reports as soon as possible for consideration by the Group at its 1990 session.

43. With a view to expediting the submission of reports, the Group also decided to recommend to the Commission on Human Rights that it extend the periodicity of reporting by States parties under the International Convention on the Suppression and Punishment of the Crime of Apartheid from two years to four years. The Group was of the opinion that the new reporting cycle could be applied on an experimental basis subject to modification when the circumstances so required.

VI. CONCLUSIONS AND RECOMMENDATIONS

44. The Group of Three expressed its appreciation to the representatives of the reporting States for their presence at its meetings and noted with satisfaction that all of the reports considered at the current session had been introduced by the representatives of the reporting States.

45. The Group commended States parties which had submitted periodic reports. It noted with concern that several States parties had not submitted any report and urged in particular those States parties which had not yet submitted their initial reports to do so as soon as possible. The Group further noted with

concern that, as at 31 December 1988, more than 190 reports were overdue under the Convention, and once again strongly urged the States parties concerned to fulfil their reporting obligations, as required under article VII of the Convention. The Group urged the States parties concerned to expedite the submission of their overdue reports as requested by the General Assembly in resolution 43/115.

46. The Group noted that most of the reports submitted by States parties in 1988 were in line with its general guidelines. It nevertheless wished to reiterate its recommendation that the general guidelines regarding the form and content of reports (E/CN.4/1286, annex) should be fully taken into account by all States parties when preparing their reports.

47. With a view to expediting the submission of reports by States parties, the Group recommended to the Commission on Human Rights that it request the States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to continue to submit their initial reports not later than two years after entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they might submit additional information to the Group at any time in the intervening period if they wished to do so.

48. The Group took note with satisfaction of the new accession to the Convention in 1988. However, it expressed concern at the fact that only 87 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 were necessary for its effectiveness, the Group once again recommended to the Commission on Human Rights that it should urge all States which had not yet done so to ratify or accede to the Convention without delay, in particular those States which had jurisdiction over transnational corporations operating in South Africa and Namibia.

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

50. The Group also called 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 had been applied under their jurisdiction.

51. The Group took note of Economic and Social Council resolution 1988/56, by which the Council condemned those transnational corporations that, through covert and overt activities in South Africa and Namibia, continued their systematic and clandestine circumventing of laws and measures imposed by the Governments of their home countries, as well as the disinvestment programmes of some transnational corporations that were aimed at retaining profitable economic links with South Africa.

52. The Group called on all States whose transnational corporations continued to do business with South Africa and Namibia to take urgent steps to put an end to their operations there. It further urged developing countries to take

concerted action to persuade transnational corporations, specially those trading within their territories, to end their operations in South Africa.

53. The Group recommended to the Commission that it request the Secretary-General to give wide publicity to the list of banks, transnational corporations and other organizations operating in South Africa and Namibia, as reflected in the updated study prepared by the Special Rapporteur, Mr. Ahmed Khalifa (E/CN.4/Sub.2/1988/6/Add.1) and to disseminate the list as widely as possible, including through the United Nations information centres around the world, and to report to the Commission at its forty-sixth session on the implementation of that provision.

54. The Group wished 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.

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

56. 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 43/97, wished 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 requested the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation. In that connection, the Group wished to emphasize the importance of the role of the mass media.

57. The Group wished to emphasize once again the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invited States parties to include information on those measures in their reports.

58. The Group continued to believe that the implementation of article V of the Convention, relating to the establishment of an international penal tribunal, was conducive to the strengthening of the mechanisms for combating apartheid.

59. The Group reiterated its opinion that the assistance given to national liberation movements in southern Africa should be strengthened and called upon the international community to contribute generously to such movements.

60. The Group wished 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 had 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.

61. The Group wished 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.

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

VII. ADOPTION OF THE REPORT

63. At its meeting on 27 January 1989, the Group considered the draft report on the work of its 1989 session. The draft report, as revised during the discussion, was adopted unanimously.
