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ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Miss Ana RICHTER (Argentina)

I. INTRODUCTION

1. At its 4th plenary meeting, on 22 September 1978, the General Assembly allocated to the Third Committee 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".

2. The Committee considered this item at its 13th to 29th meetings, from 10 to 25 October. The views expressed by the representatives of the Member States and by the observers on this item are contained in the summary records of those meetings (A/C.3/33/SR.13-29).

3. In connexion with item 81, 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

1/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 18 (A/33/18).

on the 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/33/147 and Corr.1), submitted in accordance with General Assembly resolutions 2106 A (XX) and 32/11;
- (c) Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid: report of the Secretary-General (A/33/148), submitted in accordance with General Assembly resolutions 3380 (XXX) and 32/12;
- (d) Telegram dated 23 October 1978 addressed by the Minister for Foreign Relations and Public Worship of Bolivia to the Secretary-General (A/C.3/33/2).

4. The item was introduced by the Deputy Director of the Division of Human Rights at the 13th meeting, on 10 October (see A/C.3/33/SR.13, paras. 13-16).

## II. CONSIDERATION OF THE DRAFT RESOLUTIONS

### A. Draft resolution A/C.3/33/L.10

5. At the 26th meeting, on 23 October, the representative of Belgium introduced a draft resolution (A/C.3/33/L.10) entitled "Status of the International Convention on the Elimination of All Forms of Racial Discrimination", sponsored by Argentina, Belgium, Bulgaria, Costa Rica, Cyprus, Egypt, Germany, Federal Republic of, Ghana, India, Iran, Morocco, New Zealand, Nicaragua, Senegal, Syrian Arab Republic and Yugoslavia, subsequently joined by Angola, Australia, Bolivia, Haiti, Hungary, Ivory Coast, Libyan Arab Jamahiriya and Upper Volta.

6. At the same meeting, the representative of Jordan proposed that the words "Appeals to" appearing at the beginning of operative paragraph 4 should be replaced by the word "Requests", a proposal which was accepted by the sponsors. Jordan joined the sponsors.

7. At that same meeting, the representative of Uruguay submitted the following amendment (A/C.3/33/L.11), co-sponsored by Ecuador and supported by Italy and Sweden to the draft resolution:

- (a) Add a new paragraph 5 reading:

"Appeals to all States parties to the Convention to study the possibility of making the declaration provided for in article 14 of the Convention."  
Renummer the remaining paragraph accordingly.

8. At the 28th meeting, on 24 October, the amendment was adopted by a recorded vote of 70 to none, with 59 abstentions. The voting was as follows:

In favour: Australia, Austria, Barbados, Belgium, Bolivia, Botswana, Burma, Canada, Central African Empire, Chad, Chile, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Guatemala, Guyana, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Lebanon, Liberia, Luxembourg, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, Portugal, Rwanda, Senegal, Sierra Leone, Singapore, Spain, Suriname, Swaziland, Sweden, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Zaire, Zambia.

Against: None.

Abstaining: Afghanistan, Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Comoros, Congo, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ethiopia, German Democratic Republic, Guinea, Guinea-Bissau, India, Iraq, Ivory Coast, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mongolia, Mozambique, Niger, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Sao Tome and Principe, Saudi Arabia, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yugoslavia.

9. At the same meeting, the Committee adopted the draft resolution as amended without a vote (see para. 16 below, draft resolution I).

#### B. Draft resolution A/C.3/33/L.12

10. At the 26th meeting, on 23 October, the representative of Yugoslavia submitted a draft resolution (A/C.3/33/L.12) entitled "Report of the Committee on the Elimination of Racial Discrimination", sponsored by Algeria, Argentina, Burundi, Cuba, Cyprus, Egypt, Ghana, Guyana, India, Jamaica, Libyan Arab Jamahiriya, Madagascar, Mali, Senegal, Syrian Arab Republic, Yugoslavia and Zambia, subsequently joined by Angola, Djibouti, Democratic Kampuchea, Ethiopia, Guinea-Bissau, United Republic of Cameroon and Zaire.

11. At the 28th meeting, on 24 October, the Secretary of the Committee referred to the financial implications of operative paragraph 7 of the draft resolution.

The Committee subsequently received the statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure (A/C.3/33/L.16).

12. At that same meeting a separate vote was taken on operative paragraph 5 of the draft resolution, which was adopted by a recorded vote of 94 to none, with 37 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Empire, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ivory Coast, Jamaica, Japan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Mongolia, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, Spain, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Afghanistan, Australia, Bangladesh, Barbados, Belgium, Botswana, Burma, Canada, Congo, Denmark, France, Germany, Federal Republic of, Iran, Iraq, Ireland, Israel, Italy, Jordan, Kenya, Luxembourg, Malawi, Maldives, Netherlands, Norway, Pakistan, Papua New Guinea, Saudi Arabia, Singapore, Somalia, Sri Lanka, Swaziland, Trinidad and Tobago, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay.

12. At the same meeting, the Committee adopted the draft resolution without a vote (see para. 16 below, draft resolution II).

#### C. Draft resolution A/C.3/33/L.14

13. At the 26th meeting, on 23 October, the representative of the German Democratic Republic submitted a draft resolution (A/C.3/33/L.14) entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid", sponsored by Bulgaria, Burundi, Cuba, Egypt, German Democratic Republic, Ghana, Guyana, Madagascar, Mongolia, Nigeria, Syrian Arab Republic and Yugoslavia, subsequently joined by Angola, Djibouti, Ethiopia, Haiti, Hungary, India, Iraq, Somalia and United Republic of Tanzania.

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14. At the 28th meeting, on 24 October, a separate vote was taken on the second preambular paragraph, which was adopted by a recorded vote of 97 to 21, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Empire, Chad, Chile, China, Colombia, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, 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, Yugoslavia, Zaire, Zambia.

Against: Australia, Austria, Belgium, Canada, Denmark, Dominican Republic, Finland, France, Germany, Federal Republic of, Guatemala, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Papua New Guinea, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Bahamas, Barbados, Bolivia, Costa Rica, Honduras, Ivory Coast, Nepal, Nicaragua, Panama, Spain.

15. At that same meeting, the draft resolution was adopted by a recorded vote of 108 to none, with 29 abstentions (see para. 16 below, draft resolution III). The result of the voting was as follows:

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Empire, Chad, Chile, China, Colombia, Comoros, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, 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, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, 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, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Australia, Austria, Bahamas, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Nicaragua, Norway, Panama, Portugal, Spain, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

### 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 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 and 32/11 of 7 November 1977,

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. Appeals to States parties to the Convention to study 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 II

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

The General Assembly,

Recalling its resolutions 3057 (XXVIII) of 2 November 1973 and 33/... on the Decade for Action to Combat Racism and Racial Discrimination, resolution 32/13 of 7 November 1977 on the report of the Committee on the Elimination of Racial Discrimination and resolution 33/... on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,

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

Emphasizing the necessity for Member States to intensify, at national and international levels, their struggle against acts or practice of racial discrimination and the vestiges or manifestations of racist ideologies wherever they exist,

Stressing the importance of complying with the undertaking of States parties to the Convention not to engage in any act or practice of racial discrimination against any person, groups of persons or national or ethnic minorities, and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation, in accordance with relevant provisions of the Convention,

Noting with appreciation the valuable work done by the Committee, in particular its contribution to the World Conference to Combat Racism and Racial Discrimination

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3/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 18 (A/33/18).

and to the realization of the objectives of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Welcoming the co-operation of the United Nations Educational, Scientific and Cultural Organization with the Committee in order to give effect to article 7 of the Convention,

Noting the decisions adopted and the recommendations made by the Committee at its seventeenth and eighteenth sessions,

1. Takes note with appreciation of the report of the Committee on the Elimination of Racial Discrimination on its seventeenth and eighteenth sessions;
2. Draws the attention, once again, of the relevant United Nations bodies to the opinions and recommendations of the Committee relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies and stresses the necessity of providing the Committee with sufficient information in order to enable it to discharge fully its responsibilities under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;
3. Supports the continued efforts of the Committee to focus attention on the just cause of peoples struggling against oppression practised by the colonial and racist régimes in southern Africa;
4. Welcomes the Committee's intention to resume the consideration of the implementation of article 7 of the Convention at its nineteenth session with a view to formulating general guidelines that might assist the States parties to implement article 7 of the Convention;
5. Reiterates its grave concern that some States parties to the Convention, owing to reasons beyond their control, are being prevented from fulfilling their obligations under the Convention in parts of their respective territories and endorses the relevant decision of the Committee adopted at its eighteenth session;
6. Invites the States parties to co-operate with the Committee by submitting in due time their reports under article 9 of the Convention, taking into account the relevant recommendations and requests of the Committee;
7. Requests the Secretary-General to print and circulate to Member States the study on the work of the Committee prepared pursuant to Economic and Social Council resolution 2057 (LXII) <sup>4/</sup> and the pamphlet on the Convention prepared by the Committee as its contribution to the World Conference to Combat Racism and Racial Discrimination, with the suggestion that these documents be given the widest possible dissemination;

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<sup>4/</sup> A/CONF.92/8.



8. Urges all States which are not yet parties to the Convention to ratify or accede to it and, pending such ratification or accession, to be guided by the basic provisions of the Convention in their internal and foreign policies;

9. Invites the States parties to the Convention to observe fully the provisions of the Convention and other international instruments and agreements to which they are parties concerning the elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin.

### DRAFT RESOLUTION III

#### 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 resolutions 3380 (XXX) of 10 November 1975, 31/80 of 13 December 1976 and 32/12 of 7 November 1977 as well as resolutions 13 (XXXIII) of 11 March 1977 and 7 (XXXIV) of 22 February 1978 of the Commission on Human Rights,

Welcoming the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination held at Geneva from 14 to 26 August 1978,

Reaffirming its firm 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 disturbing and threatening international peace and security,

Underlining that ratification of and accession to the Convention on a universal basis and implementation of its provisions are necessary for its effectiveness and would be a useful contribution towards implementing the programme for the International Anti-Apartheid Year 1978 and achieving the goals of the Decade for Action to Combat Racism and Racial Discrimination,

Welcoming Security Council resolution 418 (1977) of 4 November 1977 as a useful step towards achieving the purposes of the Convention,

Firmly convinced that the legitimate struggle of the oppressed peoples in southern Africa against apartheid, colonialism and racial discrimination and the effective implementation of their inalienable and legitimate rights, including their right to self-determination, and for human rights - thirty years after the adoption of the Universal Declaration of Human Rights - demands more than ever all necessary support by the international community and, in particular, further action by the Security Council,

1. Takes note of the report of the Secretary-General on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid; 5/

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

3. Commends States parties to the Convention that have submitted their reports under article VII of the Convention and urges other States to do so as soon as possible, taking fully into account the guidelines 6/ prepared by the Working Group on the Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid in accordance with article IX of the Convention;

4. Appeals once again to all States that have not yet become parties to the Convention to ratify it or accede to it without delay;

5. Welcomes the efforts of the Commission on Human Rights to undertake the functions set out in article X of the Convention and invites the Commission to continue its efforts, especially with a view to preparing a list of individuals, organizations, institutions and representatives of States which are alleged to be responsible for crimes enumerated in article II of the Convention, as well as of those against which legal proceedings have been undertaken;

6. Calls upon the competent United Nations organs to provide the Commission on Human Rights, through the Secretary-General, with information relevant to the preparation of the above-mentioned list according to article X of the Convention as well as with information concerning the obstacles which prevent the effective suppression and punishment of the crime of apartheid;

7. Requests the Secretary-General to include in his next annual reports under General Assembly resolution 3380 (XXX) a special section concerning the implementation of the Convention.

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5/ A/33/148.

6/ E/CN.4/1286.