



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/8880  
13 November 1972

ORIGINAL: ENGLISH

Twenty-seventh session  
Agenda item 50

ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Third Committee

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CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION . . . . .	1 - 9	3
II. ISSUES DISCUSSED . . . . .	10 - 24	6
A. Reports of the Secretary-General under General Assembly resolutions 2784 (XXVI) and 2785 (XXVI) . . . . .	10 - 19	6
B. Report of the Committee on the Elimination of Racial Discrimination . . . . .	20 - 21	8
C. Status of the International Convention on the Elimination of All Forms of Racial Discrimination . . . . .	22	8
D. Draft convention on the suppression and punishment of the crime of <u>apartheid</u> . . . . .	23 - 24	8
III. PROCEEDINGS IN THE THIRD COMMITTEE . . . . .	25 - 50	10
A. Draft resolutions and amendments . . . . .	25 - 45	10
1. Reports of the Secretary-General under General Assembly resolutions 2784 (XXVI) and 2785 (XXVI) . . . . .		10
(a) Draft resolution contained in document A/C.3/L.1939 . . . . .	25 - 27	10
(b) Draft resolution contained in document A/C.3/L.1940 and Corr.1 . . . . .	28 - 37	11

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
2. Report of the Committee on the Elimination of Racial Discrimination and status of the International Convention on the Elimination of All Forms of Racial Discrimination (draft resolution contained in document A/C.3/L.1941) . . . . .	38	14
3. Draft convention on the suppression and punishment of the crime of <u>apartheid</u> and draft resolution contained in document A/C.3/L.1949 . . . . .	39 - 45	15
B. Voting . . . . .	46 - 50	23
1. Draft resolution contained in document A/C.3/L.1939 . . . . .	47	24
2. Draft resolution contained in document A/C.3/L.1940 and Corr.1 . . . . .	48	24
3. Draft resolution contained in document A/C.3/L.1941 . . . . .	49	25
4. Draft resolution contained in document A/C.3/L.1949 . . . . .	50	25
IV. RECOMMENDATIONS OF THE THIRD COMMITTEE . . . . .	51	26

## I. INTRODUCTION

1. The General Assembly, at its 2037th meeting, on 23 September 1972, allocated to the Third Committee agenda item 50 entitled:

"Elimination of all forms of racial discrimination:

"(a) Reports of the Secretary-General under General Assembly resolutions 2784 (XXVI) and 2785 (XXVI);

"(b) Report of the Committee on the Elimination of Racial Discrimination;

"(c) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General;

"(d) Draft convention on the suppression and punishment of the crime of apartheid."

2. The Third Committee considered this item at its 1915th to 1933rd meetings, from 5 to 25 October 1972. The summary records of these meetings (A/C.3/SR.1915-1933) contain the views of representatives of Member States on the item.

3. In connexion with subitem (a) of item 50, the Committee had before it the reports submitted by the Secretary-General in accordance with General Assembly resolutions 2784 (XXVI) and 2785 (XXVI) of 6 December 1971 (A/8805 and Add.1). A draft programme for a "Decade for Action to Combat Racism and Racial Discrimination", prepared by a Working Group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and approved by the Sub-Commission at its twenty-fifth session, was reproduced for the information of the General Assembly in the annex to document A/8805.

4. In connexion with subitem (b), the Committee had before it the annual report of the Committee on the Elimination of Racial Discrimination, 1/ submitted to the General Assembly in accordance with article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination. The report covered the activities of the Committee on the Elimination of Racial Discrimination at its fifth and sixth sessions, held in 1972.

5. The administrative and financial implications of the decision taken at the fifth session of the Committee on the Elimination of Racial Discrimination concerning its meetings in 1973 2/ were submitted to the Third Committee in document A/C.3/L.1937.

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1/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718).

2/ Ibid., chap. VIII, para. 133.

6. Under subitem (c), the Committee had before it a report by the Secretary-General (A/8789) containing the list of States which had signed, ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. The report showed that, as at 12 September 1972, the Convention had received 72 signatures and had been ratified or acceded to by 67 States. During its consideration of this item, the Committee was informed that subsequently the Convention had been signed by Haiti and Turkey, and acceded to by Barbados, Democratic Yemen and the United Republic of Tanzania. The Secretary-General's report further indicated that three States Parties to the Convention had made declarations in accordance with article 14 of the Convention.

7. Under subitem (d), entitled "Draft convention on the suppression and punishment of the crime of apartheid", the Committee received a note by the Secretary-General (A/8768 and Add.1). The note, inter alia, summarized in section II the action taken by various United Nations organs subsequent to the submission by Guinea and the Union of Soviet Socialist Republics to the Third Committee at its 1859th meeting, on 5 November 1971, of a draft convention on the suppression and punishment of the crime of apartheid (A/C.3/L.1871), and reproduced in section III the comments and views of Governments on the draft convention and other relevant documentation. The following texts were annexed to the note:

(a) Draft convention on the suppression and punishment of the crime of apartheid, submitted by Guinea and the Union of Soviet Socialist Republics (A/C.3/L.1871);

(b) Draft resolution relating to a separate protocol on the suppression and punishment of the crime of apartheid, to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination, which had been submitted by Nigeria, Pakistan and the United Republic of Tanzania to the Commission on Human Rights at its twenty-eighth session;

(c) Draft resolution submitted by the Union of Soviet Socialist Republics to the Commission on Human Rights at its twenty-eighth session, and the text of a revised draft resolution submitted by Nigeria and the Union of Soviet Socialist Republics to the Commission on Human Rights at its twenty-eighth session;

(d) Amendment to article 5 of the draft convention (A/C.3/L.1871) submitted to the Third Committee at the twenty-sixth session of the General Assembly by the Byelorussian Soviet Socialist Republic.

8. The Third Committee also had before it the relevant part of the report of the Economic and Social Council. 3/

9. In addition, the following documents were circulated under agenda item 50:

(a) Letter dated 21 August 1972 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/8767);

3/ Ibid., Supplement No. 3 (A/8703), chap. XIV, sect. B.

/...

(b) Letter dated 24 August 1972 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/8773);

(c) Letter dated 31 August 1972 from the Acting Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/8779);

(d) Letter dated 21 September 1972 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/C.3/629);

(e) Letter dated 11 October 1972 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General (A/C.3/630).

## II. ISSUES DISCUSSED

### A. Reports of the Secretary-General under General Assembly resolutions 2784 (XXVI) and 2785 (XXVI)

10. Many representatives, while emphasizing the progress made in the 27 years since the inception of the United Nations, deplored the stubborn continuation of racism and racial discrimination in the world, in open disregard of the principles set out in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other international instruments, and in numerous resolutions adopted by United Nations bodies. They condemned apartheid as the most repugnant form of racial discrimination, expressed concern that apartheid had been further strengthened and extended in southern Africa, and deplored the non-compliance by certain States with the relevant resolutions and decisions of the United Nations, in particular those calling upon States to strengthen the arms embargo against South Africa and to terminate co-operation in the economic and other fields with that country. They expressed the view that effective measures should be taken to eliminate apartheid and racial discrimination in southern Africa. The efforts of the Office of Public Information and of the specialized agencies, particularly the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO), to influence public opinion against racism and racial discrimination were commended.

11. The question of the policy of racial discrimination in the occupied Arab territories in the Middle East was mentioned by several representatives.

12. Many representatives strongly expressed the view that national and international action to combat racism and racial discrimination should continue. They regarded resolutions 2784 (XXVI) and 2785 (XXVI) as basic documents expressing the views of the General Assembly on combatting these evils, providing a basis for the observance of a Decade for Action to Combat Racism and Racial Discrimination.

13. The preparation by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a draft programme for the proposed Decade for Action to Combat Racism and Racial Discrimination which emphasized, inter alia, the value of education, information, and the implementation of effective measures to ensure the equality of all peoples without regard to race, was welcomed. The draft programme was characterized as a positive document that should not yet be considered exhaustive and that needed to be worked out in greater detail. Certain suggestions contained in the draft programme, such as the suggestion that an international conference on the elimination of racism and racial discrimination should be convened, and the suggestion that a voluntary international fund should be established to help those struggling against racism and racial discrimination, were endorsed by several representatives. It was pointed out that a new multi-dimensional approach to the problem of racism and racial discrimination was essential, that the primary requirement for a successful Decade was careful detailed preparation, and that major attention should be given, in the final programme, to measures to mobilize

the efforts and resources of the entire world community and to co-ordinate them with a view to speedy progress towards achievement of the principle of racial equality and non-discrimination.

14. There was wide support for the proposal that the Decade be launched, and that its activities should be inaugurated on 10 December 1973, the twenty-fifth anniversary of the Universal Declaration of Human Rights. It was accordingly proposed that the Commission on Human Rights and the Economic and Social Council should be invited to expedite the preparatory work and consider the draft programme as a matter of priority, in order that the General Assembly might be in a position to adopt the programme for the Decade at its twenty-eighth session.

15. Several representatives suggested particular aspects of the draft programme for the Decade which in their view required further attention by the United Nations bodies concerned. It was urged that the final programme should be an all-embracing one, utilizing the resources of all competent organs of the United Nations system, all governments, and all international and national organizations concerned, and that it might be co-ordinated by a workable and practical machinery which would harmonize, oversee and review all relevant activities, including those outside the competence of the Economic and Social Council and even outside the United Nations. It was suggested that the international conference proposed for 1978 in the draft programme might be requested to examine ways and means of securing universal adherence to General Assembly and Security Council resolutions on racism, apartheid and racial discrimination, and that the Commission on Human Rights might be invited to explore ways and means of providing material and financial assistance to national liberation movements struggling against racism, apartheid and racial discrimination.

16. It was suggested that the attention of the Commission on Human Rights should be drawn to the following considerations: (a) that the seminars and world conference which were envisaged in the draft programme should be action-oriented and should have a practical objective, such as the preparation of measures to ensure the implementation of United Nations resolutions on racial discrimination; (b) that the Commission should study the possibility of giving material and financial assistance to liberation movements struggling against racial discrimination; (c) that the programme should have a wide scope and enlist the participation of all organs of the United Nations system and other international organizations concerned; and (d) that there should be a machinery to co-ordinate all the activities undertaken during the Decade.

17. The Committee accepted a suggestion that Member States desiring to express their views on the draft programme for the Decade should be invited to present those views through the Secretary-General to the Commission on Human Rights at its twenty-ninth session or to the General Assembly at its twenty-eighth session.

18. A number of representatives, agreeing with the representative of UNESCO that racism and racial discrimination were defined differently in different societies and were usually linked to other social phenomena, pointed out that the measures to combat racism and racial discrimination suggested in the draft programme for the Decade would probably have to be adapted, where necessary, in each area of the world to take into account historical, sociological and other important factors.

19. Some representatives expressed their deep concern over the increasing evidence of discrimination in certain countries which had recently received foreign workers, and called upon the Governments of such countries to take the measures necessary to put an end to the exploitation and harassment of such workers, to guarantee them decent living conditions and to protect their dignity.

B. Report of the Committee on the Elimination  
of Racial Discrimination

20. The discussion of the report of the Committee on the Elimination of Racial Discrimination emphasized the importance of the role assigned to the Committee under the International Convention on the Elimination of All Forms of Racial Discrimination. Representatives expressed appreciation for the work done by the Committee as outlined in its third annual report to the General Assembly, as a contribution to United Nations efforts to combat racism and racial discrimination. It was stated that the Committee was properly discharging its responsibilities under the Convention, was constantly trying to improve its working procedures, and was taking full account of suggestions made in the General Assembly.

21. Some representatives expressed their regret that the Committee had decided to hold its eighth session in Geneva although no compelling reason appeared to justify expenditure of the extra costs involved.

C. Status of the International Convention on the Elimination  
of All Forms of Racial Discrimination

22. Several representatives noted with satisfaction the increase in the number of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, and that 72 States had ratified or acceded to the Convention. They nevertheless pointed out that nearly half of the States Members of the United Nations had not yet ratified or acceded to it, and expressed hope that all eligible States which are not yet parties to the Convention would ratify or accede to it, if possible, by the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights, on 10 December 1973. Several representatives stated that their Governments had already taken steps to become parties to the Convention and that their instruments of ratification or accession would be deposited with the Secretary-General shortly.

D. Draft convention on the suppression and punishment  
of the crime of apartheid

23. Many representatives expressed strong support for the preparation of an international instrument referring to crimes against humanity, and endorsed the initiative taken by Guinea and the Union of Soviet Socialist Republics in preparing a draft convention on the suppression and punishment of the crime of apartheid. Some representatives urged the early adoption of such an instrument in the form of an independent international convention, possibly at a time coinciding with the



launching of the Decade for Action to Combat Racism and Racial Discrimination, as a logical extension of United Nations activities in the struggle against racial discrimination. They recalled that the Economic and Social Council, in its resolution 1696 (LII) of 2 June 1972, had emphasized the great importance of the preparation and adoption of an international instrument for the suppression and punishment of the crime of apartheid that could serve as a legal basis for uniting the efforts of all States with a view to eradicating the inhuman policies and practices of apartheid, and had considered it essential to complete at the earliest possible date the preparation of such an instrument.

24. Some representatives, however, maintained that the preparation of a new international instrument dealing with the crime of apartheid was not desirable, that the adoption of such an instrument might weaken the existing instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination, and that it would be preferable first to consolidate support for the International Convention and to acquire adequate experience of the practical results of its application. The need in any case to define the crime of apartheid in precise terms, and to devise machinery to supervise the implementation of the proposed instrument, was stressed.

### III. PROCEEDINGS IN THE THIRD COMMITTEE

#### A. Draft resolutions and amendments

1. Reports of the Secretary-General under General Assembly resolutions 2784 (XXVI) and 2785 (XXVI)

(a) Draft resolution contained in document A/C.3/L.1939

25. At the 1926th meeting, on 18 October, a draft resolution (A/C.3/L.1939) relating to the reports of the Secretary-General under General Assembly resolutions 2784 (XXVI) and 2785 (XXVI) was submitted by the following Member States: Afghanistan, Cameroon, Chile, Congo, Egypt, Ethiopia, Ghana, Guinea, India, Madagascar, Pakistan, Peru, United Republic of Tanzania, Yugoslavia and Zambia. Argentina, Austria, Canada, the Central African Republic, Chad, Cyprus, Denmark, Ecuador, Finland, the Gambia, Greece, Indonesia, Iceland, Jamaica, Kenya, Morocco, Norway, Senegal, Sierra Leone, Spain, Sweden, Turkey, Uganda, Upper Volta and Zaire became sponsors of the draft resolution, which read as follows:

"The General Assembly,

"Firmly convinced that racial discrimination in all its forms and manifestations is a total negation of the purposes and principles of the Charter of the United Nations, and that it militates against human progress, peace and justice,

"Believing that the continuation of national and international action against racial discrimination in all its forms is a matter of cardinal importance if the world is to live in peace and justice,

"Noting that a detailed draft programme for a "Decade for Action to Combat Racism and Racial Discrimination" has been prepared by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and that it has been submitted to the Commission on Human Rights for urgent consideration at its twenty-ninth session,

"1. Decides to launch the Decade for Action to Combat Racism and Racial Discrimination, and to inaugurate the activities thereof, on 10 December 1973, the twenty-fifth anniversary of the Universal Declaration of Human Rights;

"2. Invites therefore the Economic and Social Council to request the Commission on Human Rights to give the highest priority to the consideration of the draft programme for the Decade and to submit it to the General Assembly at its twenty-eighth session for final consideration."

26. At the same meeting, the representative of Egypt, on behalf of the sponsors, orally introduced drafting changes whereby the word "regional" was inserted after "national" and the word "cardinal" was replaced by "vital" in the second preambular paragraph.

27. At the same meeting, a statement of the financial and administrative implications of the draft resolution was made orally by the representative of the Secretary-General.

(b) Draft resolution contained in document A/C.3/L.1940 and Corr.1

28. At the 1927th meeting, on 19 October, Algeria, Kuwait, the Libyan Arab Republic, Mali, Mauritania, Morocco, Senegal, Spain, the Syrian Arab Republic and Upper Volta submitted a draft resolution (A/C.3/L.1940 and Corr.1). The Congo, Tunisia, and Democratic Yemen became sponsors of this draft resolution, which read as follows:

"The General Assembly,

"Recalling the provisions of the Universal Declaration of Human Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination,

"Recalling the provisions of Economic and Social Council resolution 1706 (LIIII) concerning illicit and clandestine trafficking in foreign labour,

"Noting with satisfaction that many States have acceded to Convention No. 97 concerning Migration for Employment adopted by the International Labour Conference at its 1949 session,

"Noting with interest the resolution adopted by the International Labour Conference on 27 June 1972 concerning conditions and equality of treatment of migrant workers,

"Deeply concerned by the de facto discrimination of which foreign workers are the victims in certain countries, in particular European countries,

"1. Invites the Governments of those countries to ensure respect for the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

"2. Requests those Governments to take or supervise the application of measures to put an end to the discriminatory treatment of which immigrant workers in their territory are the victims and particularly to ensure the improvement of arrangements for receiving such workers;

"3. Recommends that the Commission on Human Rights should consider this question at its next session, as provided in Economic and Social Council resolution 1706 (LIIII), as a matter of priority;

"4. Invites the International Labour Organisation to continue the studies it has begun on illicit trafficking in foreign labour, which is a new form of exploitation, and to strengthen international machinery for the protection of migrant workers."

29. At the same meeting, the representative of Algeria, on behalf of the co-sponsors, orally introduced a redrafted text of operative paragraph 3, which read as follows:

"Recommends that the Commission on Human Rights should consider the question of exploitation of labour through illicit trafficking at its next session, as proposed in Economic and Social Council resolution 1706 (LIII), as a matter of priority."

30. At the 1928th meeting, on 20 October 1972, amendments to the draft resolution contained in document A/C.3/L.1940 and Corr.1 were presented by the representatives of the United Kingdom (A/C.3/L.1943), Belgium (A/C.3/L.1944), Ecuador (A/C.3/L.1945) and New Zealand (A/C.3/L.1946).

31. The amendments submitted by the United Kingdom of Great Britain and Northern Ireland (A/C.3/L.1943) were as follows:

(1) Insert the following new paragraph between the second and third preambular paragraphs:

"Noting that the victims of the recent illicit trafficking in labour condemned in Economic and Social Council resolution 1706 (LIII) come from States which are not parties to the Supplementary Convention of 1956 and that the elimination of the illegal traffic would be facilitated by the universal implementation of that Convention."

(2) In the fifth preambular paragraph, delete the words "in particular European countries".

(3) In operative paragraph 1, replace "the Governments of those countries" by the words "all Governments".

(4) Operative paragraph 2:

Line 1: Replace "those Governments" by "all Governments receiving migrant workers".

Line 2: Replace "the discriminatory treatment" by "any discriminatory treatment".

Line 3: Replace "are subject" by "may be subject".

Line 3: Replace "the improvement of" by "adequate".

(5) In operative paragraph 3, line 3, replace "as a matter of priority" by "as part of its studies of the rights of non-nations".

(6) In operative paragraph 4, line 2, delete "new".

(7) Add a new operative paragraph 5, as follows:

"Calls upon those Governments which have not yet done so to give high priority to ratifying the Supplementary Convention of 1956 as part of their efforts to eliminate illicit trafficking in foreign labour."

32. The amendments submitted by Belgium (A/C.3/L.1944) were as follows:

(1) Insert between the fourth and fifth preambular paragraphs the following new paragraph:

"Noting also the legislation adopted in a number of countries for the benefit of migrant workers,".

(2) Amend the present fifth preambular paragraph (which would become the sixth preambular paragraph) as follows:

(a) Insert the word "Nevertheless" at the beginning of the paragraph;

(b) Delete the words "including European countries," and insert the word "receiving" between "certain" and "countries".

The new sixth preambular paragraph would thus read:

"Nevertheless deeply concerned by the de facto discrimination to which foreign workers are subject in certain receiving countries, despite the efforts made by certain Governments to prevent and repress it."

33. The amendment submitted by Ecuador (A/C.3/L.1945) would replace the fifth preambular paragraph by the following:

"Deeply concerned by the de facto discrimination to which foreign workers are subject in certain countries of Europe and of other continents,".

34. The amendment submitted by New Zealand (A/C.3/L.1946) would replace the words "Noting with satisfaction that many States have acceded" in the third preambular paragraph by the words "Noting that some States have acceded".

35. The 1928th meeting was adjourned in order that the sponsors of the draft resolution, those who had proposed amendments and other interested representatives might convene as an informal working group with a view to preparing a text which could be adopted unanimously.

36. At the 1929th meeting, on 20 October, the representative of Morocco reported to the Committee that the working group had agreed on a compromise text which incorporated all the amendments except the fourth United Kingdom amendment. In particular, the New Zealand amendment to the third preambular paragraph had been accepted. The fifth preambular paragraph had been changed to take into account the amendments of Belgium and Ecuador, and read:

"Deeply concerned by the de facto discrimination to which foreign workers are subject in certain countries of Europe and other continents, despite the efforts made by certain Governments, particularly on the legislative level, to prevent and repress it."

The order of operative paragraphs 1 and 2 had been reversed; accordingly, the new paragraph 1 referred to "the Governments of those countries" instead of "those Governments", and the new paragraph 2 referred to "all Governments", instead of "the Governments of those countries". In operative paragraph 4, the sponsors had agreed to delete the word "new" in accordance with the United Kingdom amendment. Finally, they had agreed to include in the operative part of the draft resolution the new paragraph 5 proposed by the United Kingdom and amended by Greece, which read as follows:

"Urges the Governments which have not yet done so to give high priority to the ratification of Convention No. 97 (revised) of the International Labour Organisation, 1949, concerning Migration for Employment, in the context of their efforts to eliminate illicit trafficking in foreign labour."

37. At the same meeting, the representative of Algeria, on behalf of the sponsors, orally revised the new paragraph 1 by changing the words "immigrant workers" to "migrant workers", and revised paragraph 3 by replacing the words "this question" by the words "the question of the exploitation of labour through illicit and clandestine trafficking"

2. Report of the Committee on the Elimination of Racial Discrimination and status of the International Convention on the Elimination of All Forms of Racial Discrimination

38. At the 1927th meeting, on 19 October, the representative of Uruguay submitted a draft resolution (A/C.3/L.1941) relating to the report of the Committee on the Elimination of Racial Discrimination (agenda item 50 (b)) and the status of the International Convention on the Elimination of All Forms of Racial Discrimination (agenda item 50 (c)). Costa Rica became a co-sponsor of this draft resolution, which read as follows:

"The General Assembly,

"Having examined the report of the Committee on the Elimination of Racial Discrimination, established under the International Convention on the Elimination of All Forms of Racial Discrimination,

"1. Takes note of the report of the Committee on the Elimination of Racial Discrimination on the third year of its activities, submitted under article 9 of the Convention;

"2. Urgently requests all States which are not yet parties to the Convention on the Elimination of All Forms of Racial Discrimination to ratify or accede to the Convention, if possible, by the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights on 10 December 1973;

"3. Welcomes the adoption of the new procedure for the consideration of reports submitted by States parties under article 9 of the Convention, which includes an invitation to States parties to be present at and take part in the Committee's discussions when their reports are under consideration, as suggested in paragraphs 5 and 6 of General Assembly resolution 2783 (XXVI)."

3. Draft convention on the suppression and punishment of the crime of apartheid and draft resolution contained in document A/C.3/L.1949

39. At the 1926th meeting, on 18 October, the representative of the Union of Soviet Socialist Republics introduced the draft convention on the suppression and punishment of the crime of apartheid (A/8768, annex I), which Guinea and the Soviet Union had submitted at the 1859th meeting of the Third Committee in the course of the twenty-sixth session of the General Assembly. He indicated that the sponsors of the draft convention were preparing a revised text.

40. At the 1931st meeting, on 23 October, Guinea and the Union of Soviet Socialist Republics submitted a revised draft convention on the suppression and punishment of the crime of apartheid (A/C.3/L.1942). In introducing the revised text, the representative of the Union of Soviet Socialist Republics, on behalf of the sponsors, pointed out that article I repeated a provision that had been adopted by United Nations bodies on a number of occasions. Article II defined "the crime of apartheid". Article III provided that those who practised racial discrimination or encouraged that practice should be subject to international criminal responsibility. Article IV enumerated specific steps that States would undertake to carry out where necessary for the suppression and punishment of the crime of apartheid. Articles III, V and VI of the draft protocol (A/8768, annex II) had been included in the draft convention.

41. Egypt submitted amendments (A/C.3/L.1948) to the revised draft convention.

42. At the 1933rd meeting, on 25 October, Guinea, Nigeria and the Union of Soviet Socialist Republics submitted a new text for the draft convention (A/C.3/L.1942/Rev.1), which read as follows:

"Revised draft Convention on the Suppression and  
Punishment of the Crime of Apartheid

"The States Parties to this Convention,

"Guided by the Charter of the United Nations, which provides for international co-operation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

"Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which the General Assembly stated that an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

"Observing that, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, States particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction,

"Observing that, in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, "inhuman acts resulting from the policy of apartheid" are described as crimes against humanity,

"Recalling the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

"Observing that the United Nations General Assembly and Security Council have adopted a number of resolutions in which the policy of apartheid is condemned as a crime against humanity,

"Convinced of the need to take further effective measures at the international and national levels with a view to the suppression and punishment of the crime of apartheid,

"Have agreed as follows:

#### "Article I

"1. The States Parties to this Convention declare that inhuman acts resulting from the policies and practices of apartheid and similar racial segregation are crimes violating the principles of international law, and in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security.

"2. The States Parties to this Convention declare criminal those organizations, institutions and individuals which pursue a policy of apartheid.

#### "Article II

"In this Convention, the term "the crime of apartheid" shall apply to the following acts, committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and of systematically oppressing them:

"(a) Denial to a member or members of a racial group or groups of the right to life, liberty and security of person, or the murder of members of a racial group or groups, infliction upon them of serious bodily injuries or mental derangement or subjecting them to torture or to cruel, inhuman or degrading treatment;



"(b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction;

"(c) Any measures, including legislative measures, calculated to debar a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the all-round development of such a group or groups;

"(d) Any measures, including legislative measures, forcibly dividing the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups and the prohibition of mixed marriages between various racial groups, and by the expropriation of landed property belonging to a racial group or groups;

"(e) Denial to members of such a group of elementary human rights and freedoms, including the right to work, the right to education and the right to freedom of movement and of speech;

"(f) Exploitation of the labour, including forced labour, of the members of a racial group or groups;

"(g) Legal and administrative prosecution of organizations and persons opposing apartheid;

"(h) Arbitrary arrest and illegal imprisonment of the members of a racial group or groups.

### "Article III

"International criminal responsibility shall apply to individuals, members of organizations and institutions and representatives of the State, whether residing in the territory of the State in which the acts are perpetrated or in some other State, whenever they:

"1. Participate in, directly inspire or conspire in the commission of any of the acts mentioned in article II of the present Convention; or

"2. Abet or encourage such participation, inspiration or conspiracy.

### "Article IV

"1. The States Parties to this Convention undertake:

"(a) To adopt any legislative or other measures necessary to prevent any encouragement of the crime of apartheid or of manifestations of apartheid and to punish persons guilty of that crime;

"(b) To prevent the encouragement and commission of the acts declared to be crimes under international law arising from the policies and practices of apartheid within their territorial jurisdiction.

"2. Persons charged with the acts enumerated in article II shall be tried by a competent tribunal of the State in the territory of the State Party to this Convention.

#### "Article V

"The States Parties to this Convention undertake to participate in international measures adopted by the United Nations Security Council and aimed at the suppression and punishment of the crime of apartheid, and to co-operate in the implementation of decisions adopted by other competent organs of the United Nations with a view to achieving the purposes of this Convention.

#### "Article VI

"The States Parties to the present Convention undertake to send reports to the Commission on Human Rights on:

"1. Information concerning entry visas issued, entries made and business conducted by the representatives of the Government of the Republic of South Africa and other persons believed to be responsible for acts defined in article II of this Convention;

"2. Information concerning the legislative, judicial and administrative measures adopted to bring to trial and punish, if found guilty, persons believed to be responsible for the acts defined in article II in accordance with article IV (a) of this Convention;

"3. Proceedings instituted and findings made under article IV, paragraph 2, of the present Convention.

#### "Article VII

"1. The Chairman of the Commission on Human Rights shall appoint a group consisting of three members of the Commission on Human Rights who are also representatives of States Parties to this Convention to consider reports submitted by States Parties in accordance with article VI.

"2. If among the members of the Commission on Human Rights there are no representatives of States Parties to this Convention or if there are fewer than three such representatives, the Secretary-General shall, after consulting all States Parties to the Convention, designate a representative of the State Party or representatives of the States Parties which are not members of the Commission on Human Rights to take part in the work of the group established in accordance with paragraph 1 above, until such time as representatives of the States Parties to the Convention are elected to the Commission on Human Rights.

"3. 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 on Human Rights, to consider the reports submitted in accordance with article VI.

"Article VIII

"The States Parties to the present Convention empower the Commission on Human Rights to:

"(a) Request United Nations organs, when transmitting copies of petitions under article 15 of the Convention on the Elimination of All Forms of Racial Discrimination, to draw its attention to complaints concerning acts which are enumerated in article II of this Convention;

"(b) Prepare, on the basis of the information submitted to it under article VI, a list of individuals, organizations, institutions and representatives of States who are alleged to be responsible for the crimes enumerated in article II of this Convention as well as those against whom legal proceedings have been undertaken by States Parties to this Convention;

"(c) Request information from States Parties to this Convention, and from authorities responsible for the administration of trust and Non-Self-Governing Territories mentioned in article 15 of the Convention on the Elimination of All Forms of Racial Discrimination, as to the measures that have been taken by them with regard to such individuals alleged to be responsible for crimes under article II of this Convention who are believed to be within their territorial and administrative jurisdiction.

"Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

"Article IX

"Acts enumerated in article II of this Convention shall not be considered as political crimes for the purpose of extradition.

"Article X

"Disputes between States Parties arising out of the interpretation, application or implementation of this Convention which have not been settled by negotiation shall, at the request of the States Parties to the dispute, be brought before the International Court of Justice, save where the parties to the dispute have agreed on some other form of settlement.

"Article XI

"This Convention shall be open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it subsequently at any time.

"Article XII

"1. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

"2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

"Article XIII

"1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.

"2. For each State ratifying or acceding to this Convention after the deposit of the tenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

"Article XIV

"A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

"Article XV

"The Secretary-General of the United Nations shall inform all States of the following particulars:

- "(a) Signatures, ratifications and accessions under articles XI and XII;
- "(b) The date of entry into force of this Convention under article XIII;
- "(c) Denunciations under article XIV.

"Article XVI

"1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

"2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States."

43. At the same meeting, Egypt submitted amendments (A/C.3/L.1948/Rev.1) to the new text of the revised draft convention, which were as follows:

(1) In article II, paragraph (c), after the words "racial group or groups from", add the words "living in or returning to their homeland, citizenship or".

(2) In article IV, paragraph 1 (a), after the words "the crime of apartheid", add the words "and similar segregationist doctrines"; after the word "or", add the word "their"; delete the word "of"; and after the word "manifestations", delete the words "of apartheid". Subparagraph (a) as amended will read as follows:

"(a) To adopt any legislative or other measures necessary to prevent any encouragement of the crime of apartheid and similar segregationist doctrines or their manifestations and to punish persons guilty of that crime."

(3) In article V, after the words "crime of apartheid", add the words "and similar ideologies".

(4) Insert a new article VI, which will read as follows:

#### "Article VI

"1. There shall be established a Committee under this Convention (hereinafter referred to as the Committee) consisting of 10 experts of high moral standing and impartiality, elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographic distribution and to the representation of different forms of civilization as well as of the principal legal systems.

"2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

"3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated indicating the States Parties which have nominated them and shall submit it to the States Parties.

"4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

"5. (a) The members of the Committee shall be elected for a term of four years. However, the terms of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the Committee;

"(b) For the filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals subject to the approval of the Committee.

"6. The States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties."

(5) In the first line of the present article VI,

(a) Replace the words "Commission on Human Rights" by the word "Committee";

(b) Replace paragraph 1 by the following:

"1. Information concerning entry visas issued, entries made and business conducted by the representatives of Governments practising acts enumerated in article II of this Convention such as those practised by the Government of the Republic of South Africa and other persons believed to be responsible for such acts."

(6) Delete the present article VII.

(7) In article VIII, the first line, the first sentence, replace the words "Commission on Human Rights" by the word "Committee".

(8) Following article VIII, add a new article which would read as follows:

"The Committee shall report annually through the Secretary-General to the General Assembly on its activities, and may make suggestions and general recommendations, based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties."

Renumber subsequent articles accordingly.

44. At the 1933rd meeting, on 25 October, Cameroon and Ghana submitted a draft resolution (A/C.3/L.1949) relating to the draft convention; Upper Volta became a sponsor of the draft resolution, which read as follows:

"The General Assembly,

"Recalling its resolution 2786 (XXVI),

"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 crime against humanity,

"Recognizing the urgent need to take further effective measures with a view to the suppression and punishment of apartheid,

"Reaffirming again that the conclusion of an international Convention on the suppression and punishment of the crime of apartheid would be an important contribution to the struggle against apartheid, racism, economic exploitation, colonial domination and foreign occupation,

"Noting with satisfaction efforts made in order to elaborate an international document on the suppression and punishment of the crime of apartheid,

"1. Requests the Secretary-General to transmit to the Special Committee on Apartheid and to States the revised draft Convention on the suppression and punishment of the crime of apartheid (A/C.3/L.1942) for their comments and views;

"2. Invites the Economic and Social Council to request the Commission on Human Rights at its twenty-ninth session to consider as an item of priority the revised draft Convention on suppression and punishment of the crime of apartheid (A/C.3/L.1942) and to submit the results of its consideration thereon to the General Assembly at its twenty-eighth session."

45. During the discussion of the draft resolution in the Committee, it was suggested that the Commission on Human Rights should be requested to submit to the General Assembly at its twenty-eighth session the results of its consideration of the revised draft Convention, suggestions made thereon, and the draft of a convention. In the light of the discussion, and in particular the introduction of the revised draft Convention and certain amendments thereto, the representative of Ghana, on behalf of the sponsors, orally introduced drafting changes in operative paragraphs 1 and 2 of the draft resolution, altering the documentary reference in each of those paragraphs to read "(A/C.3/L.1942/Rev.1)", and adding immediately thereafter the words "and the amendments thereto".

#### B. Voting

46. At its 1926th meeting, on 18 October, the Committee voted on draft resolution A/C.3/L.1939. At its 1929th meeting, on 20 October, the Committee voted on draft resolutions A/C.3/L.1940 and A/C.3/L.1941. At its 1933rd meeting, on 25 October, the Committee voted on draft resolution A/C.3/L.1949. The Committee also decided that no vote would be taken on the revised draft Convention on the Suppression and Punishment of the Crime of Apartheid (A/C.3/L.1942/Rev.1) or the amendments thereto (A/C.3/L.1948), since the sponsors of the revised draft Convention had agreed that these should be dealt with in accordance with the procedure set out in draft resolution A/C.3/L.1949.

1. Draft resolution contained in document A/C.3/L.1939

47. The Committee voted, at its 1926th meeting on the 40-Power draft resolution (A/C.3/L.1939), as orally revised (see para. 26 above). The draft resolution was adopted unanimously (see para. 51 below, draft resolution I).

2. Draft resolution contained in document A/C.3/L.1940 and Corr.1

48. The Committee voted, at its 1929th meeting on the 13-Power draft resolution (A/C.3/L.1940 and Corr.1), as orally revised (see paras. 36 and 37 above). The results of the voting were as follows:

(a) A proposal by Denmark to postpone the vote on the draft resolution to the 1930th meeting was rejected by 68 votes to 18, with 17 abstentions.

(b) The first and second preambular paragraphs were adopted unanimously.

(c) The third preambular paragraph was adopted by 104 votes to none, with 1 abstention.

(d) The fourth preambular paragraph was adopted unanimously.

(e) The fifth preambular paragraph was adopted by 106 votes to none, with 4 abstentions.

(f) The amendment to operative paragraph 1 (A/C.3/L.1943, para. 3) was rejected by 38 votes to 27, with 34 abstentions.

(g) At the request of the representative of France, a separate vote was taken on operative paragraph 1. The paragraph was adopted by 91 votes to none, with 6 abstentions.

(h) Operative paragraph 2 was adopted by 112 votes to none, with 1 abstention.

(i) Operative paragraphs 3 and 4 were adopted unanimously.

(j) At the request of the representatives of Finland and France, a separate vote was taken on operative paragraph 5. The paragraph was adopted by 102 votes to none, with 8 abstentions.

(k) Draft resolution A/C.3/L.1940 and Corr.1 as a whole, as revised, was adopted by 111 votes to none, with 4 abstentions (see paragraph 51 below, draft resolution II).



3. Draft resolution contained in document A/C.3/L.1941

49. At its 1929th meeting, the Committee voted on the draft resolution (A/C.3/L.1941) (see para. 38 above). The draft resolution was adopted by 100 votes to none, with 1 abstention (see paragraph 51 below, draft resolution III).

4. Draft resolution contained in document A/C.3/L.1949

50. The Committee voted at its 1933rd meeting, on the draft resolution (A/C.3/L.1949), as orally revised (see paras. 44 and 45 above). The draft resolution, as orally amended, was adopted by 84 votes to none, with 20 abstentions (see paragraph 51 below, draft resolution IV).

#### IV. RECOMMENDATIONS OF THE THIRD COMMITTEE

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

##### DRAFT RESOLUTION I

###### Decade for Action to Combat Racism and Racial Discrimination

The General Assembly,

Firmly convinced that racial discrimination in all its forms and manifestations is a total negation of the purposes and principles of the Charter of the United Nations and that it militates against human progress, peace and justice,

Believing that the continuation of national, regional and international action against racial discrimination in all its forms is a matter of vital importance if the world is to live in peace and justice,

Noting that a detailed draft programme for a Decade for Action to Combat Racism and Racial Discrimination has been prepared by the Sub-Commission on the Prevention of Discrimination and Protection of Minorities <sup>4/</sup> and that it has been submitted to the Commission on Human Rights for urgent consideration at its twenty-ninth session,

1. Decides to launch the Decade for Action to Combat Racism and Racial Discrimination and to inaugurate the activities thereof on 10 December 1973, the twenty-fifth anniversary of the Universal Declaration of Human Rights;

2. Invites therefore the Economic and Social Council to request the Commission on Human Rights to give the highest priority to the consideration of the draft programme for the Decade and to submit it to the General Assembly at its twenty-eighth session for final consideration.

##### DRAFT RESOLUTION II

###### Exploitation of labour through illicit and clandestine trafficking

The General Assembly,

Recalling the provisions of the Universal Declaration of Human Rights and of the International Convention on the Elimination of All Forms of Racial Discrimination. <sup>5/</sup>

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<sup>4/</sup> A/8805, annex.

<sup>5/</sup> General Assembly resolution 2106 A (XXI).

Recalling the provisions of Economic and Social Council resolution 1706 (LIII) of 28 July 1972, concerning illicit trafficking in foreign labour,

Noting that some States have acceded to Convention No. 97 (Revised) concerning Migration for Employment adopted by the International Labour Conference at its 1949 session, 6/

Noting with interest the resolution adopted by the International Labour Conference on 27 June 1972 concerning conditions and equality of treatment of migrant workers, 7/

Deeply concerned by the de facto discrimination of which foreign workers are the victims in certain countries of Europe and of other continents, despite the efforts made by certain Governments, particularly at the legislative level, to prevent and repress it,

1. Requests the Governments of the above-mentioned countries to take or supervise the application of measures to put an end to the discriminatory treatment of which migrant workers in their territory are the victims and particularly to ensure the improvement of arrangements for receiving such workers;
2. Invites all Governments to ensure respect for the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;
3. Recommends that the Commission on Human Rights should consider the question of the exploitation of labour through illicit and clandestine trafficking at its next session, as provided in Economic and Social Council resolution 1706 (LIII), as a matter of priority;
4. Invites the International Labour Organisation to continue the studies it has begun on illicit trafficking in foreign labour, which is a form of exploitation, and to strengthen international machinery for the protection of migrant workers;
5. Urges the Governments which have not yet done so to give high priority to the ratification of Convention No. 97 (Revised) of the International Labour Organisation, 1949, concerning Migration for Employment, in the context of their efforts to eliminate illicit trafficking in foreign labour.

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6/ See Conventions and Recommendations adopted by the International Labour Conference, 1919-1966.

7/ Resolution No. IV, adopted by the International Labour Conference at its fifty-seventh session.

DRAFT RESOLUTION III

Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Having examined the report of the Committee on the Elimination of Racial Discrimination, established under the International Convention on the Elimination of All Forms of Racial Discrimination, 8/

1. Takes note of the report of the Committee on the Elimination of Racial Discrimination on the third year of its activities, submitted under article 9, paragraph 2 of the Convention;
2. Urgently requests all States which are not yet parties to the Convention on the Elimination of All Forms of Racial Discrimination to ratify or accede to the Convention, if possible by the twenty-fifth anniversary of the adoption of the Universal Declaration of Human Rights, on 10 December 1973;
3. Welcomes the adoption of the new procedure for the consideration of reports submitted by States parties under article 9 of the Convention, which includes an invitation to States parties to be present at and take part in the Committee's discussions when their reports are under consideration, as suggested in paragraphs 5 and 6 of General Assembly resolution 2783 (XXVI) of 6 December 1971.

DRAFT RESOLUTION IV

Draft Convention on the Suppression and Punishment of the  
Crime of Apartheid

The General Assembly,

Recalling its resolution 2786 (XXVI) of 6 December 1971,

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 crime against humanity,

Recognizing the urgent need to take further effective measures with a view to the suppression and punishment of apartheid,

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8/ Official Records of the General Assembly, Twenty-seventh Session,  
Supplement No. 18 (A/8718).

Reaffirming again that the conclusion of an international convention on the suppression and punishment of the crime of apartheid would be an important contribution to the struggle against apartheid, racism, economic exploitation, colonial domination and foreign occupation,

Noting with satisfaction efforts made in order to elaborate an international document on the suppression and punishment of the crime of apartheid,

1. Requests the Secretary-General to transmit to the Special Committee on Apartheid and to States the revised draft Convention on the Suppression and Punishment of the Crime of Apartheid 9/ and the amendments thereto 10/ for their comments and views;

2. Invites the Economic and Social Council to request the Commission on Human Rights at its twenty-ninth session to consider as an item of priority the revised draft Convention on the Suppression and Punishment of the Crime of Apartheid and the amendments thereto, and to submit the results of its consideration thereon to the General Assembly at its twenty-eighth session.

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9/ A/C.3/L.1942/Rev.1.

10/ A/C.3/1948.