

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;²²

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 that have not yet become parties to the Convention to ratify it or accede thereto;

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

6. *Requests* the Secretary-General to continue to submit to the General Assembly annual reports concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.

*90th plenary meeting
3 December 1982*

37/46. Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its resolutions 36/12 of 28 October 1981 on the report of the Committee on the Elimination of Racial Discrimination and 37/45 of 3 December 1982 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,²¹ as well as its other relevant resolutions on the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,²³

Having considered the report of the Committee on the Elimination of Racial Discrimination on its twenty-fifth and twenty-sixth sessions,²⁴ submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

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

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

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

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

1. *Takes note with appreciation* of the report of the Committee on the Elimination of Racial Discrimination on its twenty-fifth and twenty-sixth sessions;

2. *Commends* the Committee for its contribution to the elimination of all forms of discrimination based on race.

colour, descent or national or ethnic origin, wherever it exists;

3. *Strongly condemns* the policy of *apartheid* in South Africa and Namibia as the most abhorrent form of racial discrimination and urges all Member States to adopt effective political, economic and other measures in order to secure the elimination of that policy and to achieve full implementation of the relevant resolutions of the General Assembly, the Security Council and other United Nations bodies;

4. *Calls upon* the United Nations bodies concerned to ensure that the Committee is supplied with all relevant information on all the Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies and urges the administering Powers to co-operate with these bodies by providing all necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination;

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

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

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

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

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

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

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

12. *Reiterates its invitation* to the States parties to the Convention to furnish the Committee, in accordance with its general guidelines, with information on the implementation of the provisions of the Convention, including information on the demographic composition of their population and on their relations with the racist régime of South Africa;

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

14. *Welcomes* the decision of the Committee to contribute to the Second World Conference by preparing a study

²² A/37/148.

²³ Resolution 3057 (XXVIII), annex.

²⁴ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 18 (A/37/18).

on the implementation of articles 4 and 7 of the Convention²⁵ and reiterates its request to the Committee to explore the possibility of also preparing for the Conference a study on the implementation of subparagraph (e) of article 5;

15. Takes note of decision I (XXVI) of 19 August 1982 of the Committee on the Elimination of Racial Discrimination,²⁶ in which the Committee requested the Secretary-General, in consultation with the Government of the Philippines, to explore the possibility of arranging for the twenty-eighth session of the Committee to be held at Manila immediately prior to the holding of the Second World Conference to Combat Racism and Racial Discrimination.

90th plenary meeting
3 December 1982

37/47. Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The General Assembly,

Recalling its resolution 3068 (XXVIII) of 30 November 1973, by which it adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, and its subsequent resolutions on the status of the Convention,

Convinced that the Declaration and the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination,²⁷ as well as the programme of activities to be undertaken during the second half of the Decade for Action to Combat Racism and Racial Discrimination, adopted by the General Assembly in its resolution 34/24 of 15 November 1979, and their full implementation will contribute to the final eradication of *apartheid* and all other forms of racism and racial discrimination,

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

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

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

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

Condemning the continued collaboration of certain States and transnational corporations with the racist régime of South Africa in the political, economic, military and other fields as an encouragement to the intensification of its odious policy of *apartheid*,

Underlining that the strengthening of the existing mandatory arms embargo and the application of comprehensive mandatory economic sanctions under Chapter VII of the

Charter of the United Nations are vital in order to compel the racist régime of South Africa to abandon its policy of *apartheid*,

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

Stressing the need to disseminate on a wider basis more information on the crimes committed by the racist régime of South Africa, taking into consideration the recommendation contained in the documents adopted by the International Seminar on Publicity and the Role of Mass Media in the International Mobilization against *Apartheid*, held at Berlin, German Democratic Republic, from 31 August to 2 September 1981,²⁸

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

Commending the work of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination and the recommendations contained in its report to the Economic and Social Council,²⁹

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

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*;³⁰

2. Commends those States parties to the Convention that have submitted their reports under article VII thereof, in particular those that have presented their second reports, and appeals to those States parties that have not yet done so to submit their reports as soon as possible;

3. Appeals once again to those States that have not yet done so to ratify or to accede to the Convention without further delay;

4. Appreciates the constructive role played by the Group of Three of the Commission on Human Rights, established in accordance with article IX of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, in analysing the periodic reports of States and in publicizing the experience gained in the international struggle against the crime of *apartheid*;

5. Requests States parties to the Convention to take fully into account the guidelines prepared by the Group of Three;³¹

6. Calls upon all States parties to the Convention to implement fully article IV thereof by adopting legislative, judicial and administrative measures to prosecute, bring to trial and punish, in accordance with their jurisdiction, persons responsible for, or accused of, the acts enumerated in article II of the Convention;

7. Again calls upon all States parties to the Convention and the competent United Nations organs to consider the conclusions and recommendations of the Group of Three

²⁵ *Ibid.*, chap. VI.

²⁶ *Ibid.*, chap. IX.

²⁷ Report of the World Conference to Combat Racism and Racial Discrimination, Geneva, 14-25 August 1978 (United Nations publication, Sales No. E.79.XIV.2), chap. II.

²⁸ A/36/496-S/14686, annexes I-III.

²⁹ E/1982/26.

³⁰ A/37/149 and Corr.1

³¹ E/CN.4/1286, annex