

38/18. 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, 32/11 of 7 November 1977, 33/101 of 16 December 1978, 34/26 of 15 November 1979, 35/38 of 25 November 1980, 36/11 of 28 October 1981 and 37/45 of 3 December 1982,

Expressing its satisfaction at the entry into force, on 3 December 1982, of the competence of the Committee on the Elimination of Racial Discrimination to accept and to examine communications from persons or groups of persons under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,³⁷

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;³⁸

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

3. Reaffirms once again its conviction that ratification of or accession to the Convention on a universal basis and implementation of its provisions are necessary for the realization of the objectives of the Decade for Action to Combat Racism and Racial Discrimination;³⁹

4. Requests those 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.

66th plenary meeting
22 November 1983

38/19. 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,

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

Convinced that the Declaration and the Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination⁴⁰ and their full implementation will contribute to the final eradication of apartheid and all other forms of racism and racial discrimination,

Strongly condemning South Africa's continued policy of apartheid and its continued illegal occupation of Namibia, as well as its 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 are vital in order to compel the racist régime of South Africa to abandon its policy of apartheid,

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

Underlining that ratification of and accession to the Convention on a universal basis and the implementation of its provisions without any delay are necessary for its effectiveness and would be a useful contribution towards achieving the complete elimination of apartheid,

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;⁴¹

2. Commends those States parties to the Convention that have submitted their reports under article VII thereof;

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. Expresses its appreciation of the constructive role played by the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention, 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;⁴²

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. Requests the Commission on Human Rights to continue to undertake the functions set out in article X of the Convention and invites the Commission to intensify, in co-operation with the Special Committee against Apartheid, its efforts to compile periodically the progressive list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention, as well as those against whom or which legal proceedings have been undertaken;

8. Requests the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all Member States and to bring such facts to

³⁷ Resolution 2106 A (XX), annex.

³⁸ A/38/390.

³⁹ See resolution 38/14 above.

⁴⁰ Report of the Second World Conference to Combat Racism and Racial Discrimination, Geneva, 1-12 August 1983 (United Nations publication Sales No. E.83.XIV.4 and corrigendum), chap. II.

⁴¹ A/38/391.

⁴² E/CN.4/1286, annex.

the attention of the public by all the means of mass communication;

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

10. *Requests* the Secretary-General to intensify his efforts, through appropriate channels, to disseminate information on the Convention and its implementation with a view to promoting further ratification of or accession to the Convention;

11. *Requests* the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) of 10 November 1975 a special section concerning the implementation of the Convention.

*66th plenary meeting
22 November 1983*

38/20. Report of the Committee on the Elimination of Racial Discrimination: reporting obligations of States

The General Assembly,

Recalling its resolution 37/44 of 3 December 1982,

Mindful of the obligation of all States parties to comply fully with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination,⁴³ including the timely submission of periodic reports under article 9 of the Convention,

Acknowledging once again the burden which reporting obligations under international instruments place upon States parties, especially those with limited technical and administrative resources,

Having examined the report of the Secretary-General on the reporting obligations of States parties under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments,⁴⁴

Noting that the report of the Secretary-General emphasizes the interrelationship of the problems affecting the reporting system under various human rights instruments,

1. *Takes note with appreciation* of the report of the Secretary-General;⁴⁴

2. *Requests* the Secretary-General to transmit his report, and an analytical summary of the records of the General Assembly's consideration thereof, to the ninth meeting of the States parties to the Convention on the Elimination of All Forms of Racial Discrimination for consideration;

3. *Invites* the Committee on the Elimination of Racial Discrimination to consider the analysis and recommendations contained in the report of the Secretary-General, taking into account the various suggestions made in the General Assembly and at the ninth meeting of the States parties to the Convention, and to transmit its views and recommendations to the Assembly at its thirty-ninth session.

*66th plenary meeting
22 November 1983*

38/21. Report of the Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its resolutions 37/46 of 3 December 1982 on the report of the Committee on the Elimination of Racial Discrimination and 38/18 of 22 November 1983 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,⁴⁵ as well as its other relevant resolutions on the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination,⁴⁶

Having considered the report of the Committee on the Elimination of Racial Discrimination on its twenty-seventh and twenty-eighth sessions,⁴⁷ submitted under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination,

Emphasizing that it is important for the success of the struggle against all instances of racial discrimination, including vestiges and manifestations of racist ideologies wherever they exist, that all Member States be guided in their internal and foreign policies 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 all States that have ratified or acceded to the Convention, including Namibia, which acceded to the Convention on 11 December 1982, represented by the United Nations Council for Namibia,

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

Taking note of the decisions adopted and the recommendations made by the Committee at its twenty-seventh and twenty-eighth sessions,

1. *Takes note with appreciation* of the report of the Committee on the Elimination of Racial Discrimination on its twenty-seventh and twenty-eighth 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 the 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 the 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 the policy of *apartheid*, racism and racial discrimination in southern

⁴³ Resolution 2106 A (XX), annex.

⁴⁴ A/38/393.

⁴⁵ Resolution 2106 A (XX), annex.

⁴⁶ Resolution 3057 (XXVIII), annex.

⁴⁷ *Official Records of the General Assembly, Thirty-eighth Session, Supplement No. 18 (A/38/18).*