

41/103. 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,

Alarmed by the aggravation of the situation in South Africa, in particular the further escalation of ruthless repression by the Fascist-like *apartheid* régime, including the use of the armed forces against the opposing people and the imposition of virtual martial-law conditions intended to facilitate the brutal oppression of the black population,

Strongly condemning South Africa's continued policy of *apartheid* and its continued illegal occupation of Namibia, as well as its policy of destabilization, including numerous acts of aggression against Angola and other African States,

Mindful of Commission on Human Rights resolution 1986/7 of 28 February 1986,³¹ in which the Commission expressed its conviction that the crime of *apartheid* is a form of the crime of genocide,

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*,

Firmly convinced that the legitimate struggle of the oppressed peoples in southern Africa against *apartheid*, racism and colonialism and for the effective exercise 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 in accordance with Chapter VII of the Charter of the United Nations,

Underlining that ratification of or accession to the Convention on a universal basis and the implementation of its provisions without delay are necessary for its effectiveness, and therefore will contribute to the eradication of the crime 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*;⁴²

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, in particular those States that have jurisdiction over transnational corporations operating in South Africa and Namibia and without whose co-operation such operations cannot be halted;

4. Takes note with appreciation of the report of the Group of Three of the Commission on Human Rights, established in accordance with article IX of the Convention,

and, in particular, of the conclusions and recommendations contained in that report;⁴³

5. Draws the attention of all States to the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of *apartheid*, in accordance with article III (b) of the Convention;

6. Requests the Commission on Human Rights 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 legal proceedings have been undertaken;

7. Requests the Secretary-General to circulate the above-mentioned list to all States parties to the Convention and all Member States and to bring such facts to the attention of the public by all means of mass communication;

8. Requests the Secretary-General to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the forms of the crime of *apartheid*, as described in article II of the Convention, committed by transnational corporations operating in South Africa;

9. Notes the importance of measures to be taken by States parties in the field of teaching and education for fuller implementation of the Convention;

10. Appeals to all States, United Nations organs, the 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;

11. 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;

12. 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.

97th plenary meeting
4 December 1986

41/104. Status of the International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its relevant resolutions, including resolution 40/26 of 29 November 1985,

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 receive and consider communications from individuals or groups of individuals under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination,³

⁴² A/41/512.

⁴³ E/CN.4/1986/30, sect. V.

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;⁴⁴

2. *Expresses its satisfaction* at 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 Second Decade to Combat Racism and Racial Discrimination;⁴⁵

4. *Requests* those States that have not yet become parties to the Convention to ratify it or accede thereto;

5. *Calls upon* the 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 submit to the General Assembly at its forty-third session a report concerning the status of the Convention, in accordance with Assembly resolution 2106 A (XX) of 21 December 1965.

*97th plenary meeting
4 December 1986*

41/105. Committee on the Elimination of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and resolution 41/104 of 4 December 1986 on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,³ as well as its other relevant resolutions on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination,⁴⁶

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

Aware of the importance of the contribution of the Committee to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and to the elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin,

Further aware of the need to intensify the struggle for the elimination of racism and racial discrimination throughout the world, especially the elimination of *apartheid* in South Africa and Namibia,

Having considered the note by the Secretary-General concerning the work of the Committee,⁴⁷ which states, *inter alia*, that the Committee was unable to hold its thirty-fourth session in August 1986 as planned because of the lack of financial means, as a consequence of the failure of many States parties to the Convention to pay their contributions under article 8, paragraph 6, of the Convention,

Recalling the appeal made at the tenth meeting of the States parties to the Convention⁴⁸ to States parties to honour their financial obligations under the Convention, as well as other appeals on the same subject,

1. *Expresses its grave concern* that, for the above reason, the Committee on the Elimination of Racial Dis-

crimination was unable to hold its thirty-fourth session and to carry out its obligations in the course of 1986 and that, consequently, it could not submit an annual report to the General Assembly at its forty-first session;

2. *Commends* the Committee for its work in the past with regard to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination;

3. *Calls upon* States parties to comply fully with their obligation under article 9, paragraph 1, of the Convention and to submit in due time their periodic reports on measures taken to implement the Convention;

4. *Appeals urgently* to States parties to fulfil their financial obligations under article 8, paragraph 6, of the Convention so as to enable the Committee to resume its work;

5. *Requests* the Secretary-General:

(a) To consider making an urgent appeal, by telex, to States parties to fulfil their financial obligations with regard to the Committee in order to enable it to resume its work;

(b) To transmit notices of assessment for 1987 to States parties as soon as possible, urging them to pay their contributions;

(c) To explore all appropriate avenues to enable the Committee to meet in 1987, even if for a shorter duration and at a reduced cost;

(d) To consider convoking, if necessary and within available resources, a meeting of States parties during the first regular session of 1987 of the Economic and Social Council, so that they can take stock of the level of assessed contributions and make recommendations on the future work of the Committee;

(e) To report on the situation to the General Assembly at its forty-second session.

*97th plenary meeting
4 December 1986*

41/106. Implementation of the World Programme of Action concerning Disabled Persons and United Nations Decade of Disabled Persons

The General Assembly,

Recalling all its pertinent resolutions, including resolution 37/52 of 3 December 1982, by which it adopted the World Programme of Action concerning Disabled Persons,⁴⁹ and resolution 37/53 of 3 December 1982, by which, *inter alia*, it proclaimed the period 1983-1992 the United Nations Decade of Disabled Persons,

Recalling its resolution 40/31 of 29 November 1985 and reaffirming all of its relevant provisions,

Noting with satisfaction the concrete measures already carried out by the Governments of Member States, the bodies and organizations of the United Nations system and non-governmental organizations to implement the objectives of the World Programme of Action within the framework of the United Nations Decade of Disabled Persons,

Noting with appreciation the steps taken by the United Nations system and by non-governmental organizations

⁴⁴ A/41/508.

⁴⁵ Resolution 38/14.

⁴⁶ *Ibid.*, annex.

⁴⁷ A/41/561 and Add.1.

⁴⁸ See CERD/SP/24.

⁴⁹ A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII, recommendation 1 (IV).