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ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Status of the International Convention on the Suppression  
and Punishment of the Crime of Apartheid

Report of the Secretary-General

I. INTRODUCTION

1. The General Assembly, by its resolution 3068 (XXVIII) of 30 November 1973, adopted and opened for signature and ratification the International Convention on the Suppression and Punishment of the Crime of Apartheid and appealed to all States to sign and ratify it as soon as possible.
2. By its resolution 3380 (XXX) of 10 November 1975, the General Assembly, being convinced that ratification of or accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid on a universal basis and implementation of its provisions were necessary for the achievement of the goals of the Decade for Action to Combat Racism and Racial Discrimination, appealed to the Governments of all States to sign, ratify and implement without delay the International Convention and requested the Secretary-General to submit to it annual reports on the status of the Convention.
3. By its resolution 31/80 of 13 December 1976, the General Assembly welcomed the entry into force on 18 July 1976 of the Convention; appealed to all States which had not yet become parties to the Convention to accede to it; and decided to consider annually, starting with its thirty-second session, the question entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid".
4. By its resolution 34/27 of 15 November 1979, the General Assembly expressed its satisfaction with the increase in the number of States which had ratified the

\* A/35/150.

Convention or acceded thereto and appealed once again to all States which had not yet become parties to the Convention to ratify it or accede to it without delay.

## II. STATUS OF THE CONVENTION

5. In accordance with the provisions of its article XV, paragraph 1, the International Convention on the Suppression and Punishment of the Crime of Apartheid entered into force on 18 July 1976.

6. As at 1 September 1980, the Convention had received 35 signatures, 27 of which had been followed by ratification. In addition, 31 States had acceded to the Convention, bringing the total of ratifications and accessions to the Convention to 58. A list of States which have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, appear in annex I below.

7. In paragraph 5 of its resolution 34/27, the General Assembly requested the Secretary-General to take measures through appropriate channels on the dissemination of information on the Convention with the aim of promoting further ratification or accession thereto. In this connexion, reference is made to the action taken by the Secretary-General under resolution 1 B (XXXII) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 5 September 1979.

8. By that resolution, the Sub-Commission decided to establish each year a sessional working group composed of five members of the Sub-Commission with due regard to equitable geographical distribution, to meet during the sessions of the Sub-Commission in order to consider ways and means of encouraging Governments which had not yet done so to ratify or adhere to international human rights instruments, including the International Convention on the Suppression and Punishment of the Crime of Apartheid; and requested the Secretary-General to write to governments which had not yet accepted the instruments mentioned in the resolution, requesting them to inform the Sub-Commission of the circumstances which so far had not enabled them to ratify or adhere to those instruments and to explain any particular difficulties which they might face, in respect of which the United Nations could offer any assistance.

9. In a note verbale dated 12 December 1979, the Secretary-General brought to the attention of the Governments of Member States the provisions of Sub-Commission resolution 1 B (XXXII) and invited them to forward to him, if possible by 31 May 1980, any relevant information requested by that resolution. A summary of information received from Governments up to 30 June 1980 appears in document E/CN.4/Sub.2/452 and Add.1 prepared by the Secretary-General for the thirty-third session of the Sub-Commission.

## III. IMPLEMENTATION OF THE CONVENTION

10. Under article VII of the Convention, the States parties undertake to submit to the group established under article IX periodic reports on the legislative,

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judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention. Copies of the reports shall be transmitted through the Secretary-General to the Special Committee against Apartheid.

11. In accordance with article IX, paragraphs 1 and 3, of the Convention, the Chairman of the Commission on Human Rights is authorized to appoint a group consisting of three members of the Commission, who are also representatives of States parties to the Convention, to consider reports submitted by States parties in accordance with article VII. The group may meet for a period of not more than five days, either before the opening or after the closing date of the session of the Commission, to consider the reports submitted in accordance with article VII.

12. Under article X of the Convention, the States parties to the Convention empower the Commission on Human Rights to undertake a number of tasks enumerated therein and, inter alia, to prepare, on the basis of reports from competent organs of the United Nations and periodic reports from States parties, a list of individuals, organizations, institutions and representatives of States which are alleged to be responsible for the crimes enumerated in article II of the Convention, as well as those against whom legal proceedings have been undertaken by States parties to the Convention.

13. By its resolution 34/27, the General Assembly commended States parties to the Convention that had submitted their reports under article VII of the Convention and urged other States to do so as soon as possible, taking fully into account the guidelines prepared by the Working Group on the Implementation of the Convention; and called upon States parties to implement fully article IV of the Convention 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 defined in article II of the Convention. In paragraph 7 of the same resolution, the General Assembly called upon all States parties to the Convention and the competent United Nations organs to consider the conclusions and recommendations of the Working Group contained in the report on its 1979 session (E/CN.4/1328) and to submit their views and comments to the Secretary-General; in paragraph 12 of the resolution, the General Assembly requested the Secretary-General to include in his next annual report under General Assembly resolution 3380 (XXX) a special section concerning the implementation of the Convention, taking into account the views and comments of States parties to the Convention called for in paragraph 7 above.

14. The group of three established under article IX of the Convention, composed of the representatives of Bulgaria, Cuba and Senegal appointed by the Chairman of the Commission on Human Rights at its thirty-fifth session, met at the United Nations Office at Geneva from 28 January to 1 February 1980. It had before it reports submitted since its 1979 session by six States parties.

15. In its report to the Commission on Human Rights at its thirty-sixth session (E/CN.4/1358), the Group, inter alia, called upon States parties to provide in their reports more comprehensive information on the national and international measures

they had taken to implement fully article IV of the Convention, or on the difficulties which they might have encountered in the implementation of that article; and reiterated its recommendation that the general guidelines regarding the form and contents of reports should be fully taken into account by all States parties in submitting their reports. It also decided once again to draw attention of States parties, through the Commission on Human Rights, to the desirability of suggesting ideas in relation to the modalities for the establishment of the international penal tribunal referred to in article V of the Convention and, in this connexion, recommended to the Commission on Human Rights to request the Secretary-General to study the possibility of convening a diplomatic conference of States parties for the purpose of considering the modalities of the establishment of such a tribunal as well as measures of implementation of the Convention. In addition, the Group appealed to States parties, through the Commission on Human Rights, to strengthen their co-operation at the international level to implement fully the decisions taken by the Security Council and other competent organs of the United Nations aimed at the prevention, suppression and punishment of the crime of apartheid, in accordance with article VI of the Convention.

16. In its resolution 12 (XXXVI) of 26 February 1980 entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", the Commission on Human Rights, inter alia, urged the States parties to adopt the measures prescribed by the Convention, particularly those referred to in its articles IV and V; it further requested the Ad Hoc Group of Experts on Southern Africa, established in 1967 under Commission resolution 2 (XXIII), in co-operation with the Special Committee against Apartheid and in accordance with paragraph 20 of the annex to General Assembly resolution 34/24 entitled "Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination", to undertake a study on ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the said Convention; and decided to maintain on its agenda as a standing item the question entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

17. By its resolution 13 (XXXVI) of 26 February 1980, also entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid", the Commission on Human Rights took note with appreciation of the report of the group of three, and in particular its recommendations contained therein; requested the Secretary-General to renew his invitation to the States parties to the Convention which had not yet done so to suggest ways and means for the establishment of the international penal tribunal referred to in article V of the Convention, and to transmit such suggestions to the Ad Hoc Working Group of Experts responsible for investigating violations of human rights in southern Africa in order that it might undertake a study on the establishment of the aforesaid international penal tribunal, in accordance with the mandate entrusted to it under resolution 12 (XXXVI); again urged the States parties to the Convention to take into consideration, when submitting their reports, the guidelines laid down by the group of three members of the Commission in 1978 for

the submission of their reports; and decided that the group of three members of the Commission appointed in accordance with article IX of the Convention should meet for a period of no more than five days before the thirty-seventh session of the Commission to consider the reports submitted by States parties under article VII of the Convention.

18. In accordance with article IX of the Convention and General Assembly resolution 31/80, the Chairman of the Commission, at the thirty-sixth session, appointed the representatives of Bulgaria, Cuba and Nigeria as members of the Group.

19. In pursuance of paragraphs 7 and 12 of General Assembly resolution 34/27, the Secretary-General has taken steps to bring to the attention of the States parties to the Convention and the competent United Nations organs the report of the group of three members of the Commission on its 1979 session, requesting, in particular, the States parties to submit their views and comments on the conclusions and recommendations of the Group, if possible by 15 July 1980, in order for the Secretary-General to take them into account in the preparation of his annual report on the status and the implementation of the Convention to the General Assembly at its thirty-fifth session. The text of the conclusions and recommendations of the Group at its 1979 session as well as views and comments on them received from States parties up to 31 August 1980 may be found in annex II below.

20. In a note verbale dated 15 May 1980, the Secretary-General also brought to the attention of the States parties the relevant provisions of the Convention and Commission resolutions 12 (XXXVI) and 13 (XXXVI), and requested them to submit their reports within the time-limits indicated in Commission resolution 7 (XXXIV) and in time for appropriate transmission to the group of three established by the Commission.

21. As regards the implementation of the provisions of article X of the Convention, the General Assembly, by its resolution 34/27, welcomed the efforts of the Commission on Human Rights to undertake the functions set out in article X of the Convention and invited the Commission to continue its efforts, especially with a view to preparing periodically a list of individuals, organizations, institutions and representatives of States which were alleged to be responsible for crimes enumerated in article II of the Convention, as well as of those against which legal proceedings had been undertaken; called upon the competent United Nations organs to continue to provide the Commission on Human Rights, through the Secretary-General, with information relevant to the periodic compilation of the above-mentioned list as well as with information concerning the obstacles which prevented the effective suppression and punishment of the crime of apartheid; requested the Commission on Human Rights to take into account, in preparing the above-mentioned list, General Assembly resolution 33/23 of 29 November 1978, entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa", as well as all the documents on the subject prepared by the Commission and its suborgans; and requested the Secretary-General to distribute the above-mentioned list among all States parties to the Convention and all States Members of the United Nations.

22. By its resolution 12 (XXXVI), the Commission on Human Rights requested the Ad Hoc Group of Experts on Southern Africa to continue, in co-operation with the Special Committee against Apartheid as appropriate, its compilation of the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention and of individuals, organizations, institutions, and representatives of States against whom or which legal proceedings had been undertaken; requested the Secretary-General to arrange for the publication, in the largest possible number of newspapers, of an account of each case in the list of persons allegedly guilty of the crime of apartheid under the Convention, stating the individuals involved, the victim, the culpable deed and its legal definition, and to bring such accounts to the attention of the public by all other communication media; welcomed the active campaign by the Special Committee against Apartheid in co-operation with the Commission, to give effect to the provisions of the Convention, in response to the Commission's request, under article X of the Convention; and reiterated the request addressed to competent United Nations organs in paragraphs 6 and 7 of its resolution 10 (XXXV) concerning submission of information relevant to the periodic compilation of the list.

23. The Secretary-General has taken steps to bring to the attention of the competent bodies and organs of the United Nations the relevant provisions of Commission resolution 12 (XXXVI), so that the information requested from them may be transmitted to the Commission on Human Rights at its thirty-seventh session.

ANNEX I

List of States which have signed, ratified or acceded to the  
 International Convention on the Suppression and Punishment  
 of the Crime of Apartheid

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Algeria	23 January 1974	
Argentina	6 June 1975	
Barbados		7 February 1979 <u>a/</u>
Benin	7 October 1974	30 December 1974
Bulgaria	27 June 1974	18 July 1974
Burundi		12 July 1978 <u>a/</u>
Byelorussian Soviet Socialist Republic	4 March 1974	2 December 1975
Cape Verde		12 June 1979 <u>a/</u>
Chad	23 October 1974	23 October 1974
Cuba		1 February 1977 <u>a/</u>
Czechoslovakia	29 August 1975	25 March 1976
Democratic Yemen	31 July 1974	
Ecuador	12 March 1975	12 May 1975
Egypt		13 June 1977 <u>a/</u>
El Salvador		30 November 1979 <u>a/</u>
Ethiopia		19 September 1978 <u>a/</u>
Gabon		29 February 1980 <u>a/</u>
Gambia		29 December 1978 <u>a/</u>
German Democratic Republic	2 May 1974	12 August 1974
Ghana		1 August 1978 <u>a/</u>
Guinea	1 March 1974	3 March 1975
Guyana		30 September 1977 <u>a/</u>
Haiti		19 December 1977 <u>a/</u>
Hungary	26 April 1974	20 June 1974
India		22 September 1977 <u>a/</u>

a/ Accession.

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<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Iraq	1 July 1975	9 July 1975
Jamaica	30 March 1976	18 February 1977
Jordan	5 June 1974	
Kenya	2 October 1974	
Kuwait		23 February 1977 <u>a/</u>
Liberia		5 November 1976 <u>a/</u>
Libyan Arab Jamahiriya		8 July 1976 <u>a/</u>
Madagascar		26 May 1977 <u>a/</u>
Mali		19 August 1977 <u>a/</u>
Mexico		4 March 1980 <u>a/</u>
Mongolia	17 May 1974	8 August 1975
Nepal		12 July 1977 <u>a/</u>
Nicaragua		28 March 1980 <u>a/</u>
Niger		28 June 1978 <u>a/</u>
Nigeria	26 June 1974	31 March 1977
Oman	3 April 1974	
Panama	7 May 1976	16 March 1977
Peru		1 November 1978 <u>a/</u>
Philippines	2 May 1974	24 January 1978
Poland	7 June 1974	15 March 1976
Qatar	18 March 1975	19 March 1975
Romania	6 September 1974	15 August 1978
Rwanda	15 October 1974	
Sao Tome and Principe		5 October 1979 <u>a/</u>
Senegal		18 February 1977 <u>a/</u>
Seychelles		13 February 1978 <u>a/</u>
Somalia	2 August 1974	28 January 1975
Sudan	10 October 1974	21 March 1977
Suriname		3 June 1980 <u>a/</u>
Syrian Arab Republic	17 January 1974	18 June 1976



<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the of instrument ratification or accession</u>
Trinidad and Tobago	7 April 1975	29 October 1979
Tunisia		21 January 1977 <u>a/</u>
Uganda	11 March 1975	
Ukrainian Soviet Socialist Republic	20 February 1974	10 November 1975
Union of Soviet Socialist Republics	12 February 1974	26 November 1975
United Arab Emirates	9 September 1975	15 October 1975
United Republic of Cameroon		1 November 1976 <u>a/</u>
United Republic of Tanzania		11 June 1976 <u>a/</u>
Upper Volta	3 February 1976	24 October 1978
Yugoslavia	17 October 1974	1 July 1975
Zaire		11 July 1978 <u>a/</u>

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ANNEX II

Report of the Group of Three

A. Conclusions and recommendations of the Group of Three, established under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid, at its 1979 session a/

18. The Group recommends that the Commission on Human Rights should appeal to all States which have not yet done so to ratify or accede to the Convention.
19. The Group also recommends to all States parties that have not submitted their reports under article VII of the Convention to do so as soon as possible. In this connexion, the Group reiterates its recommendation that the general guidelines regarding the form and contents of reports to be submitted by States parties should be brought once more to the attention of all States parties, requesting them to take those guidelines fully into account in submitting their reports under article VII of the Convention.
20. The Group considers that a constructive dialogue with the representatives of States parties whose reports are to be discussed is useful for the discharge of its mandate under the Convention. It therefore wishes to invite the States parties concerned, through the Commission on Human Rights, to consider the possibility of sending representatives to be present at future sessions of the Group when reports submitted by them are considered, and requests the Secretary-General to inform the States parties concerned accordingly in advance of its future sessions.
21. The Group, as the only body which consists exclusively of representatives of States parties to the Convention, considers itself duty-bound to express opinions on the situation in connexion with the implementation of the Convention and, therefore, draws the attention of States parties, through the Commission on Human Rights, to the desirability of expressing their views and ideas concerning the terms of reference of the Group under the Convention.
22. The Group wishes once again to draw the attention of States parties, through the Commission on Human Rights, to the desirability of suggesting ideas in relation to the modalities for the establishment of the international penal tribunal referred to in article V of the Convention.

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a/ Chapter IV, paragraphs 18 to 22, of the report of the Group to the Commission on Human Rights at its thirty-fifth session (E/CN.4/1328).

B. Views and comments of States parties to the Convention on the conclusions and recommendations of the Group of Three

CUBA

/Original: Spanish/

/30 August 1980/

The Government of Cuba supports the ideas of the Group of Three as set out in paragraph 15 of document E/CN.4/1328 of the thirty-fifth session of the Commission on Human Rights.

IRAQ

/Original: Arabic/

/11 July 1980/

The Republic of Iraq has the honour to point out that, as a member of the Commission on Human Rights and an original party to the said Convention, it has already declared its support in principle for the establishment of this tribunal. The question of the legal structure of this tribunal, the procedures for hearings before it and the implications of judgements pronounced by it are still being studied by the competent Iraqi authorities.

PHILIPPINES

/Original: English/

/24 June 1980/

1. In respect of paragraphs 18, 19 and 20 of the report of the Group of Three, the Philippines concurs in the Group's conclusions and recommendations;
2. With respect to the terms of reference of the Group, i.e., article IX of the International Convention on the Suppression and Punishment of Apartheid, the Philippines suggests the possibility of either expanding the size of the Group from three to four or six members with a view to creating a more balanced representation, or to apportioning the Group membership on a more permanent basis; paragraphs 1 and 2 of article IX of the Convention effectively limit the membership of the Group to States parties which are also members of the Commission on Human Rights. The Philippines would appreciate a positive modification of article IX towards this end;
3. With respect to the establishment of the International Penal Tribunal, the Philippines believes that the electoral procedures as embodied in article 17 of the Convention on the Elimination of All Forms of Discrimination against Women and also in article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination could be appropriately used as a basis for establishing the Tribunal.

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POLAND

/Original: English/

/26 June 1980/

The Government of Poland is in agreement with the conclusions of the Group of Three contained in the report on its 1979 session.

SYRIAN ARAB REPUBLIC

/Original: English/

/30 June 1980/

The views of the Government of the Syrian Arab Republic have been clearly expressed in its second report to the Group of Three contained in document E/CN.4/1353/Add.2. These views were reiterated during the discussion of the report of the Group of Three at the thirty-sixth session of the Commission on Human Rights.