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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 the Convention without delay 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 thereto; requested the Secretary-General to include in his annual report under General Assembly resolution 3380 (XXX) a special part concerning the implementation of the Convention; and decided to consider annually, starting with its thirty-second session, the item entitled "Status of the International Convention on the Suppression and Punishment of the Crime of Apartheid".

* A/41/150.

4. By its resolution 40/27 of 29 November 1985, the General Assembly appealed once again to those States that had 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.

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 August 1986, the Convention had received 35 signatures, 31 of which had been followed by ratification. In addition, 53 States had acceded to the Convention, bringing the total of ratifications and accessions to the Convention to 84. A list of States which have signed, ratified or acceded to the Convention and the dates of their signature, ratification or accession appears in the annex to this report.

7. In paragraph 10 of resolution 40/27, the General Assembly once again requested 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.

III. IMPLEMENTATION OF THE CONVENTION

8. Under article VII of the Convention, the States parties undertake to submit to the group established under article IX periodic reports on the legislative, judicial, administrative or other measures that they have adopted and that give effect to the provisions of the Convention. Copies of the reports are transmitted through the Secretary-General to the Special Committee against Apartheid.

9. 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.

10. 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.

11. By resolution 40/27 the General Assembly commended those States parties to the Convention that had submitted their reports under article VII thereof; requested the Secretary-General to invite the States parties to the Convention, specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa.

12. The Group of Three on the Implementation of the Convention, appointed by the Chairman of the Commission on Human Rights at its forty-first session under article IX of the Convention, was composed of the representatives of the German Democratic Republic, Nicaragua and Senegal. It met at the United Nations Office at Geneva from 27 to 31 January 1986 and had before it reports submitted since its 1985 session by eight States parties.

13. In its report to the Commission on Human Rights at its forty-second session (E/CN.4/1986/30), the Group, inter alia, noted with concern that, as at 1 February 1986, 136 reports were overdue under the Convention, and strongly urged the States parties concerned to fulfil their reporting obligations. In accordance with General Assembly resolution 40/116, the Group requested the Secretary-General, through the Commission on Human Rights, to invite States parties concerned to indicate, if they so wish, the reasons for their difficulties in complying with their reporting obligations, and their interest, if any, in technical advice and assistance with a view to better fulfilling their reporting obligations. The Group reiterated its recommendation that the general guidelines regarding the form and contents of reports should be fully taken into account by all States parties when preparing their reports and called upon States parties to provide in their reports all relevant information on the legislative, judicial and administrative measures they have adopted to give effect to the provisions of article IV of the Convention, or on the difficulties which they may have encountered in the implementation of that article, as well as on concrete cases in which measures to prosecute, bring to trial and punish persons responsible for, or accused of, the acts enumerated in article II of the Convention had been applied under their jurisdiction. Moreover, the Group appealed once again to States parties, through the Commission on Human Rights, to strengthen their co-operation at the international level to implement fully, in accordance with the Charter of the United Nations, 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; emphasized, in particular, the importance of measures to be taken in the field of teaching and education for fuller implementation of the Convention and invited States parties to include ample information on those measures in their reports. The Group drew attention once again to the importance of strengthening the assistance given to the national liberation movements in southern Africa.

14. By its resolution 1986/7 of 28 February 1986, entitled "Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid" 1/ the Commission on Human Rights took note with appreciation of the report of the Group of Three, and in particular the conclusions and recommendations contained therein; recommended once again that all States parties should take full account of the general guidelines laid down by the Group of Three in 1978 for the submission of reports; drew the attention of all States to the opinion expressed by the Group in its report, that article III of the Convention could apply to the

actions of transnational corporations operating in South Africa and Namibia; drew the attention of the States parties to the desirability of disseminating further information on the Convention, the implementation of its provisions and the work of the Group of Three; requested the Secretary-General once more to invite States parties to the Convention to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa; requested the Group to continue, in the light of the views expressed by States parties, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal actions that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-third session; and decided that the Group of Three should meet for a period of not more than five days before the forty-third session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

15. In accordance with article IX of the Convention and General Assembly resolution 31/80, the Chairman of the Commission at its forty-second session appointed the representatives of Algeria, Nicaragua and the Syrian Arab Republic as members of the Group of Three.

16. In notes verbales dated 12 May 1986, the Secretary-General brought to the attention of the States parties the relevant provisions of the Convention and Commission resolution 1986/7 as well as the conclusions and recommendations of the Group of Three in the report on its 1986 session, and requested them to submit their reports within the time-limits indicated in Commission resolution 7 (XXXIV) of 22 February 1978 or transmission to the Group of Three at its 1987 session.

17. In another note, also dated 12 May 1986, the attention of non-governmental organizations and specialized agencies was drawn to the provisions of Commission resolution 1986/7 by which the Commission appealed to them to step up their activities in enhancing public awareness by denouncing the crimes committed by the racist régime of South Africa and invited them to provide the Commission with relevant information concerning the type of the crime of apartheid committed by transnational corporations operating in South Africa.

18. As regards the implementation of the provisions of article X of the Convention, the General Assembly, in resolution 40/27, requested 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 or which legal proceedings had been undertaken; requested 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 the attention of the public by all means of mass communication; and appealed 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.

19. In connection with the request by the General Assembly contained in paragraphs 6 and 7 of resolution 40/27, the Secretary-General wishes to refer to part 2, chapter IV of the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1985/8, paras. 511-515) and to part 2, chapter IX of the progress report of the Group of Experts (E/CN.4/1986/9, paras. 414-416) containing a consolidated list of persons deemed responsible for the crime of apartheid or for serious violations of human rights. The list will be published in the next issue of the Bulletin of Human Rights, with a view to giving it wide publicity.

Notes

1/ Official Records of the Economic and Social Council, Commission on Human Rights, Forty-second Session, Supplement No. 2 (E/CN.4/1986/65).

ANNEX

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>
Afghanistan		6 July 1983 <u>a/</u>
Algeria	23 January 1974	26 May 1982
Antigua and Barbuda		7 October 1982 <u>a/</u>
Argentina	6 June 1975	7 November 1985
Bahamas		31 March 1981 <u>a/</u>
Banladesh		5 February 1985 <u>a/</u>
Barbados		7 February 1979 <u>a/</u>
Benin	7 October 1974	30 December 1974
Bolivia		6 October 1983 <u>a/</u>
Bulgaria	27 June 1974	18 July 1974
Burkina Faso	3 February 1976	24 October 1978
Burundi		12 July 1978 <u>a/</u>
Byelorussian Soviet Socialist Republic	4 March 1974	2 December 1975
Cameroon		1 November 1976 <u>a/</u>
Cape Verde		12 June 1979 <u>a/</u>
Central African Republic		8 May 1981 <u>a/</u>
Chad	23 October 1974	23 October 1974
China		18 April 1933 <u>a/</u>
Congo		5 October 1983 <u>a/</u>
Cuba		1 February 1977 <u>a/</u>

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Czechoslovakia	29 August 1975	25 March 1976
Democratic Kampuchea		28 July 1981 <u>a/</u>
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	25 April 1974	20 June 1974
India		22 September 1977 <u>a/</u>
Iran (Islamic Republic of)		18 April 1985 <u>a/</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>
Lao People's Democratic Republic		5 October 1981 <u>a/</u>
Lesotho		4 November 1983 <u>a/</u>

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Liberia		5 November 1976 <u>a/</u>
Libyan Arab Jamahiriya		8 July 1976 <u>a/</u>
Madagascar		26 May 1977 <u>a/</u>
Maldives		24 April 1984 <u>a/</u>
Mali		19 August 1977 <u>a/</u>
Mexico		4 March 1980 <u>a/</u>
Monqolia	17 May 1974	8 August 1975
Mozambique		18 April 1983 <u>a/</u>
Namibia		11 November 1982 <u>a/</u>
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
Pakistan		27 February 1986 <u>a/</u>
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	23 January 1981
Saint Vincent and the Grenadines		9 November 1981 <u>a/</u>

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
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
Sri Lanka		18 February 1982 <u>a/</u>
Sudan	10 October 1974	21 March 1977
Suriname		3 June 1980 <u>a/</u>
Syrian Arab Republic	17 January 1974	18 June 1976
Togo		24 May 1984 <u>a/</u>
Trinidad and Tobago	7 April 1975	29 October 1979
Tunisia		21 January 1977 <u>a/</u>
Uganda	11 March 1975	10 June 1986
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 Tanzania		11 June 1976 <u>a/</u>
Venezuela		28 January 1983 <u>a/</u>
Viet Nam		9 June 1981 <u>a/</u>
Yugoslavia	17 October 1974	1 July 1975
Zaire		11 July 1978 <u>a/</u>
Zambia		14 February 1983 <u>a/</u>

a/ Accession.
