

REPORT
OF THE *AD HOC* COMMITTEE
ON THE DRAFTING
OF AN INTERNATIONAL CONVENTION
AGAINST *APARTHEID* IN SPORTS

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FOURTH SESSION

SUPPLEMENT No. 36 (A/34/36)



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New York, 1980

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LETTER OF TRANSMITTAL

5 November 1979

Sir,

I have the honour to send you herewith the report adopted on 31 October 1979 by the Ad Hoc Committee on the Drafting of an International Convention against Apartheid in Sports.

This report is submitted to the General Assembly in accordance with the relevant provisions of Assembly resolutions 31/6 F of 9 November 1976 and 33/183 N of 24 January 1979.

Accept, Sir, the assurances of my highest consideration.

(Signed) Sebastian CHALE
Chairman of the Ad Hoc Committee
on the Drafting of an International
Convention against Apartheid in Sports

His Excellency
Mr. Kurt Waldheim
Secretary-General of the United Nations
New York

REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN
INTERNATIONAL CONVENTION AGAINST APARTHEID IN SPORTS

1. The Ad Hoc Committee on the Drafting of an International Convention against Apartheid in Sports was established by the General Assembly under resolution 31/6 F of 9 November 1976 in which the Assembly, inter alia, requested the Ad Hoc Committee:

(a) To prepare a draft declaration on apartheid in sports, as an interim measure, and to submit it to the Assembly at its thirty-second session;

(b) To undertake preparatory steps towards the drafting of an international convention against apartheid in sports and to report thereon to the Assembly at its thirty-second session.

2. The General Assembly, in resolution 32/105 M of 14 December 1977, adopted and proclaimed the International Declaration against Apartheid in Sports recommended by the Ad Hoc Committee and requested the Ad Hoc Committee to draft an international convention against apartheid in sports for submission to the Assembly at its thirty-third session.

3. In resolution 33/183 N of 24 January 1979, the General Assembly requested the Ad Hoc Committee to continue its work with a view to completing a draft international convention against apartheid in sports for submission to the Assembly at its thirty-fourth session.

4. The Ad Hoc Committee is now composed of the following 24 Member States:

Algeria	Malaysia
Barbados	Nepal
Canada	Nigeria
Congo	Peru
German Democratic Republic	Philippines
Ghana	Somalia
Guinea	Sudan
Haiti	Syrian Arab Republic
Hungary	Trinidad and Tobago
India	Ukrainian Soviet Socialist Republic
Indonesia	United Republic of Tanzania
Jamaica	Yugoslavia

In accordance with the decision of the Ad Hoc Committee at its 1st meeting, on 4 May 1977, the representatives of the Organization of African Unity (OAU), and the two South African liberation movements recognized by OAU - the African National Congress and the Pan Africanist Congress of Azania - are also observers in the Ad Hoc Committee.

5. At its 7th meeting, on 9 March 1979, the Ad Hoc Committee unanirously elected the following officers:

Chairman: Mr. Sebastian Chale (United Republic of Tanzania)

Vice-Chairmen: Mr. Laszlo Hadas (Hungary)
Mr. Mohan Lohani (Nepal)
Mr. Ernest Besley Maycock (Barbados)

Rapporteur: Mr. Stafford Neil (Jamaica)

6. At that meeting, the Ad Hoc Committee set up a Working Group to prepare a draft convention for the consideration of the Committee. The Working Group was composed of the following members: Barbados, Hungary, Jamaica, Nepal, Nigeria, Philippines, Somalia, Ukrainian Soviet Socialist Republic and United Republic of Tanzania. The Working Group held nine meetings and submitted its report to the Ad Hoc Committee on 31 October 1979.

7. In accordance with paragraph 3 of resolution 33/183 N, the Ad Hoc Committee, at its 8th meeting, on 6 August, held consultations with a delegation from the Tripartite Commission of the International Olympic Committee.

8. The Ad Hoc Committee considered the report of the Working Group (see annex) at its 9th meeting, on 31 October. It decided to transmit the report of the Working Group to the General Assembly and to recommend that the mandate of the Ad Hoc Committee should be extended to enable it to continue its work with a view to submitting a draft convention to the Assembly at its thirty-fifth session.

ANNEX

Report of the Working Group

Rapporteur: Mr. Stafford NEIL (Jamaica)

1. The Ad Hoc Committee on the Drafting of an International Convention against Apartheid in Sports, at its 7th meeting held on 9 March 1979, decided to establish a Working Group to work on the draft convention for consideration by the Ad Hoc Committee. The Working Group was composed of the following members: Barbados, Hungary, Jamaica, Nepal, Nigeria, Philippines, Somalia, Ukrainian Soviet Socialist Republic and United Republic of Tanzania. A representative of the Organization of African Unity also attended the meetings of the Working Group as an observer. A number of other delegations attended the meetings of the Working Group from time to time. The Working Group held nine meetings between March and October 1979.
2. Following the decision of the Ad Hoc Committee at its 7th meeting, on 9 March 1979, the Working Group also held a series of consultations with representatives of organizations concerned and experts on apartheid in sports.
3. On 23 April 1979, a delegation from the Working Group held consultations with the Tripartite Commission of the International Olympic Committee in Brussels. The delegation consisted of Mr. Sebastian Chale (United Republic of Tanzania), Chairman; Mr. Stafford Neil (Jamaica), Rapporteur; Mr. Boris Korneyenko (Ukrainian Soviet Socialist Republic); and Mr. Olayinka Fisher (Nigeria). It reported to the Working Group on 8 May 1979.
4. On 21 June 1979, the Working Group held consultations with the President of the Supreme Council for Sport in Africa, Mr. Abraham Ordia.
5. The Rapporteur, on behalf of the Working Group, made a progress report to the Ad Hoc Committee at its 8th meeting, on 6 August 1979.
6. In continuing its work on the preparation of a draft convention, the Working Group used as a basis the draft International Convention against Apartheid in Sports appended to the report of the Ad Hoc Committee to the General Assembly at its thirty-third session. a/ It also took into consideration proposals submitted to it by the Tripartite Commission of the International Olympic Committee, the consultations it had with the President of the Supreme Council for Sport in Africa and informal consultations with several experts.
7. In this connexion, the Working Group wishes to report it has made significant progress in the preparation of a draft Convention, and reached agreement on the following revisions to the draft International Convention:

a/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 36 (A/33/36).

(a) That article 1 should contain definitions of the expressions "national sports facilities", "Olympic principle", "sports contract" and "sportsmen";

(b) That throughout the text the word "sporting" should be replaced by the word "sports";

(c) That in article 6, subparagraph (c), the term "non-recognition" should be replaced by the term "non-enforceability";

(d) That article 8 be deleted;

(e) That in article 12 (now art. 11), the "International Commission against Apartheid in Sports" should consist of representatives of "five" States Parties;

(f) That article 13 (now art. 12) be redrafted to read as follows:

"1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Commission, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of this Convention within one year of the entry into force of the Convention and thereafter every two years. The Commission may request further information from the States Parties;

"2. The Commission shall report annually through the Secretary-General to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and recommendations shall be reported to the General Assembly together with comments, if any, from States Parties concerned."

(g) That article 14 (now art. 13) be deleted and replaced by the following:

"1. Any State Party to the Convention may at any time declare that it recognizes the competence of the Commission to receive and examine the complaints concerning breaches of the provisions of this Convention submitted by States Parties which have also made such a declaration. The Commission may decide on the appropriate measures to be taken in respect of breaches.

"2. States Parties against whom a complaint has been made, in accordance with paragraph 1 of this article, shall be entitled to send a representative to take part in the proceedings of the Commission."

(h) That the following sentence be added to article 15 (now art. 14)
"The Commission shall meet at least once a year".

8. As regards article 11 (now art. 10) of the draft International Convention, the Working Group had before it the following two alternative formulations: b/

b/ Ibid., para. 5.

Article 10 A

States Parties shall use their best endeavours to ensure compliance with the Olympic principle of non-discrimination and the provisions of this Convention and, to this end, they shall take all necessary action to ensure that their nationals refrain from participating in all sports events which include individuals or teams from a country practising apartheid.

Article 10 B

States Parties shall use their best endeavours to ensure compliance with the Olympic principle of non-discrimination and the provisions of this Convention and, to this end, they shall take all necessary action to ensure that their nationals refrain from participating in all sports events which include individuals or teams that engage in sports activities with teams and individuals from a country practising apartheid.

9. It considers that further consultations are essential on this matter in the light of the views expressed by organizations and experts it consulted. Accordingly, the Working Group decided to recommend to the Ad Hoc Committee that it should submit a progress report to the General Assembly at its thirty-fourth session and request once again the renewal of its mandate in order to continue its work with a view to submitting a draft convention to the Assembly at its thirty-fifth session.

APPENDIX

Revised draft of the International Convention against Apartheid in Sports

Article 1

For this Convention:

(a) The expression "apartheid" means a system of institutionalized racial segregation and discrimination for the purpose of establishing and maintaining domination by one racial group of persons over another racial group of persons and systematically oppressing them, such as that pursued in southern Africa; "apartheid in sports" is the application of the policies and practices of such a system in sports activities, whether organized on a professional or an amateur basis;

(b) The expression "national sports facilities" means any sports facility operated within the framework of a sports programme conducted under the auspices of a national government;

(c) The expression "Olympic principle" refers to the principle that no discrimination be allowed on the grounds of race, religion or political affiliation;

(d) The expression "sports contract" means any contract concluded for the organization, promotion, performance or derivative rights, including servicing, of any sports activity;

(e) The expression "sportsmen" means sportsmen and sportswomen.

Article 2

States Parties condemn apartheid and undertake to pursue by all appropriate means and without delay a policy of eliminating the practice of apartheid in all its forms from the field of sports.

Article 3

States Parties shall not permit sports contact with a country practising apartheid and shall take appropriate action to ensure that their sports teams, sports bodies and individual sportsmen do not have such contact.

Article 4

States Parties shall establish national regulations and guidelines against sports contact with a country practising apartheid and shall ensure that effective means exist for bringing about compliance with such regulations and guidelines.

Article 5

States Parties shall refuse to provide financial or other assistance to enable their sports bodies, teams or individual sportsmen to participate in sports activities in a country practising apartheid or with teams or individual sportsmen selected on the basis of apartheid.

Article 6

Each State Party shall take appropriate action against its sports teams, sports bodies and individual sportsmen that participate in sports activities in a country practising apartheid or with teams from a country practising apartheid, which in particular shall include:

- (a) Refusal to provide financial or other assistance for any purpose to such sports bodies, teams and individual sportsmen;
- (b) Withdrawal of access to national sports facilities to such sports bodies, teams or individual sportsmen;
- (c) Non-enforceability by States of all professional sports contracts which involve sports activities in a country practising apartheid, or with teams or individual sportsmen selected on the basis of apartheid;
- (d) Denial and withdrawal of national honours or awards in the field of sports to such teams or individual sportsmen;
- (e) Denial of official receptions in honour of such teams or sportsmen.

Article 7

States Parties shall deny visas and/or entry to representatives of sports bodies, members of teams or individual sportsmen from a country practising apartheid.

Article 8

States Parties shall take all appropriate action to secure the expulsion of a country practising apartheid from international and regional sports bodies.

Article 9

States Parties shall use their best endeavours to prevent international sports bodies from imposing financial or other penalties on affiliated bodies which, in accordance with United Nations resolutions, the provisions of this Convention and the spirit of the Olympic principle, refuse to participate in sports with a country practising apartheid.

Article 10 A

/See paragraph 8 of the present report/

Article 10 B

/See paragraph 8 of the present report/

Article 11

1. There shall be established an International Commission against Apartheid in Sports (hereinafter referred to as the Commission) consisting of representatives of five States Parties appointed by the Secretary-General of the United Nations in consultation with the States Parties and on the basis of equitable geographical distribution.

2. The initial appointment of the members of the Commission shall be made within six months of the entry into force of this Convention.

3. The members of the Commission shall be appointed for a term of three years. They shall be eligible for reappointment. Appointments at the expiry of office shall be in accordance with the provision of this article.

Article 12

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Commission, a report on the legislative, judicial, administrative or other measures which they have adopted to give effect to the provisions of this Convention within one year of the entry into force of the Convention and thereafter every two years. The Commission may request further information from the States Parties.

2. The Commission shall report annually through the Secretary-General to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and recommendations shall be reported to the General Assembly together with comments, if any, from States Parties concerned.

Article 13

1. Any State Party to this Convention may at any time declare that it recognizes the competence of the Commission to receive and examine the complaints concerning breaches of the provisions of the Convention submitted by States Parties which have also made such a declaration. The Commission may decide on the appropriate measures to be taken in respect of breaches.

2. States Parties against which a complaint has been made, in accordance with paragraph 1 of this article, shall be entitled to send a representative to take part in the proceedings of the Commission.

Article 14

1. The Commission shall meet at least once a year.
2. The Commission shall adopt its own rules of procedure.
3. The secretariat of the Commission shall be provided by the Secretary-General of the United Nations.
4. The meetings of the Commission shall normally be held at United Nations Headquarters.
5. The Secretary-General shall convene the initial meeting of the Commission.

Article 15

Disputes between States Parties arising out of the interpretation, application or implementation of this Convention which have not been settled by negotiation shall be brought before the International Court of Justice at the request and with the mutual consent of the States Parties to the disputes, save where the parties to the disputes have agreed on some other form of settlement.

Article 16

This Convention is open for signature by all States. Any State which does not sign the Convention before its entry into force may accede to it.

Article 17

1. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General.

Article 18

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 19

A State Party may withdraw from this Convention by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 20

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such request.

Article 21

The Secretary-General of the United Nations shall inform all States of the following particulars:

- (a) Signatures, ratifications and accessions under articles 16 and 17;
- (b) Date of entry into force of this Convention under article 18;
- (c) Withdrawals under article 19;
- (d) Notifications under article 20.

Article 22

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

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