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ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Draft Convention on the Suppression and Punishment of the  
Crime of Apartheid

Report of the Third Committee (Part II)

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CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION . . . . .	1 - 5	2
II. CONSIDERATION OF THE DRAFT CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF <u>APARTHEID</u> . . . . .	6 - 60	2
III. CONSIDERATION OF THE DRAFT RESOLUTION RELATING TO THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF <u>APARTHEID</u> . . . . .	61 - 62	10
IV. RECOMMENDATION OF THE THIRD COMMITTEE . . . . .	63	10

## I. INTRODUCTION

1. The Third Committee decided, at its 1977th meeting on 24 September 1973, to consider agenda item 53 (b) entitled "Draft Convention on the Suppression and Punishment of the Crime of Apartheid" as the fourth item on its agenda.
2. The Committee considered this subitem at its 2002nd to 2008th meetings, from 19 to 26 October 1973. The summary records of these meetings (A/C.3/SR.2002-2008) contain the views expressed by representatives of Member States on the draft Convention.
3. The Committee had before it a note by the Secretary-General (A/9095 and Add.1) outlining the action taken previously on the question by United Nations organs. The text of the draft Convention on the Suppression and Punishment of the Crime of Apartheid was approved by the Commission on Human Rights and the Economic and Social Council (A/9095, annex), with the exception of article VIII. At its twenty-ninth session, the Commission had not taken a final decision with regard to article VIII, the text of which (A/9095/Add.1) corresponds to article VII of the revised draft Convention transmitted by the General Assembly at its twenty-seventh session to the Commission on Human Rights for consideration. 1/
4. The Third Committee also had before it the relevant part of the report of the Economic and Social Council. 2/
5. A statement of the administrative and financial implications of draft article VIII was submitted to the Third Committee (A/C.3/L.2023). No immediate costs were foreseen as the three members of the group envisaged in paragraph 1 of the draft article would be serving in their capacity as representatives of States parties to the Convention. The Secretary-General would initially endeavour to provide the conference-servicing requirements for the five-day meeting from within the resources available to him. However, should requirements exceed available capacity, the Secretary-General would then be obliged to seek legislative approval for the expenditures involved.

## II. CONSIDERATION OF THE DRAFT CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

6. At its 2002nd meeting, on 19 October, the Third Committee decided that the draft Convention should be discussed article by article, but that representatives wishing to do so would be permitted to address themselves to the draft Convention as a whole.

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1/ Official Records of the General Assembly, Twenty-seventh Session, Annexes, agenda item 50, document A/8880, para. 42.

2/ Ibid., Twenty-eighth Session, Supplement No. 3 (A/9003 and Corr.1), chap. XXIII, sect. A.2.

7. Amendments to the draft Convention (A/9095, annex, and A/9095/Add.1) were submitted as follows:

(a) Amendment to the third preambular paragraph submitted by Ghana (A/C.3/L.2016);

(b) Amendment to article IV, subparagraph (a), submitted by Egypt (A/C.3/L.2017), as orally revised by the sponsor at the 2007th meeting;

(c) Amendments to article IV, subparagraph (b), and article XII submitted by Guyana (A/C.3/L.2018/Rev.1);

(d) Insertion of a new paragraph after article VII proposed by the Union of Soviet Socialist Republics (A/C.3/L.2019/Rev.1);

(e) Amendment to article II submitted by Morocco (A/C.3/L.2020), later joined by the Niger and Pakistan;

(f) Amendments to the first, second, third, eighth and ninth preambular paragraphs and articles I, II, III, V and XIV submitted by Mali (A/C.3/L.2021);

(g) Amendment to the eighth preambular paragraph submitted by Burundi (A/C.3/L.2024), as orally revised by the sponsor at the 2007th meeting;

(h) Amendments to articles III and X submitted by Ecuador, Honduras, Panama, Peru, Uruguay and Venezuela (A/C.3/L.2026), later joined by Chile, Colombia, Costa Rica, Haiti and Paraguay, as orally revised by the sponsors at the suggestion of Iraq and Morocco.

8. The Third Committee voted on the draft Convention on the Suppression and Punishment of the Crime of Apartheid (A/9095 and Add.1), and the amendments thereto, at its 2008th meeting, on 26 October. The voting was as follows:

#### Preamble

##### First paragraph

9. The amendment submitted by Mali (A/C.3/L.2021) to replace the words "Guided by" by the words "Recalling the provisions of" was adopted by 86 votes to none, with 16 abstentions. The paragraph as amended was adopted by 86 votes to none, with 13 abstentions.

##### Second paragraph

10. The amendment submitted by Mali (A/C.3/L.2021) to replace the word "Recalling" by "Considering" was adopted by 86 votes to none, with 17 abstentions. The paragraph as amended was adopted by 93 votes to none, with 14 abstentions.

Third paragraph

11. The amendment submitted by Mali (A/C.3/L.2021) to replace the word "Recalling" by "Considering" was adopted by 90 votes to none, with 15 abstentions.
12. The amendment submitted by Ghana (A/C.3/L.2016) to replace the words "in order to avoid serious crises" by "in the interest of human dignity, progress and justice" was adopted by 89 votes to none, with 15 abstentions.
13. The third paragraph as a whole, as amended, was adopted by 90 votes to none, with 14 abstentions.

Fourth to seventh paragraphs

14. The paragraphs were adopted by 87 votes to none, with 20 abstentions.

Eighth paragraph

15. The text approved by the Commission on Human Rights (A/9095, annex) read as follows:

"Observing also that the Security Council has emphasized that the continued intensification and expansion of the policies of apartheid seriously disturb international peace and security,"

16. The amendment submitted by Burundi (A/C.3/L.2024), as orally revised, was to replace the paragraph by the following text:

"Observing that the Security Council has emphasized that apartheid, its continued intensification and expansion, seriously disturbs and threatens international peace and security,"

17. The new text was adopted by 84 votes to none, with 21 abstentions.

Ninth paragraph

18. The text approved by the Commission on Human Rights (A/9095, annex) read as follows:

"Convinced of the need further to take more effective measures at the international and national levels, with a view to the suppression and punishment of the crime of apartheid,"

19. The amendment submitted by Mali (A/C.3/L.2021) to insert, after the word "Convinced", the words "that an International Convention on the Suppression and Punishment of the Crime of Apartheid would make it possible", and to delete the words "of the need further", was adopted by 87 votes to none, with 20 abstentions.

## Article I

20. The amendment submitted by Mali (A/C.3/L.2021) to replace the words in paragraph 1 "as set out" by the words "as defined" was adopted by 88 votes to none, with 18 abstentions.

21. The article, as amended, was adopted by 91 votes to 3, with 18 abstentions.

## Article II

22. The text approved by the Commission on Human Rights (A/9095, annex) of the introductory phrase read as follows:

"In this Convention, the term 'the crime of apartheid', which shall include for the purposes of this Convention similar policies and practices of racial segregation and apartheid, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:"

23. The amendment submitted by Mali (A/C.3/L.2021) to replace the first word "In" by the words "for the purpose of" and, after the word "include", to delete the words "for the purposes of this Convention", was adopted by 90 votes to none, with 19 abstentions.

24. The amendment submitted by Morocco, later joined by the Niger and Pakistan (A/C.3/L.2020), to add in paragraph 1, after the words "segregation and apartheid", the words "as practised in southern Africa", was adopted by 89 votes to 3, with 19 abstentions.

25. The text of subparagraph (a) approved by the Commission on Human Rights (A/9095, annex) read as follows:

"(a) Denial to a member or members of a racial group or groups of the right to life, liberty and security of person:

"(i) By murder of members of a racial group or groups;

"(ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;

"(iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;"

26. The amendment submitted by Mali (A/C.3/L.2021) to delete the words "and security" in the introductory phrase of subparagraph (a) was adopted by 82 votes to none, with 22 abstentions.

27. The amendment submitted by Mali (A/C.3/L.2021) to insert, after the word "harm" in subparagraph (a) (ii), the words "by the infringement of their freedom or dignity", was adopted by 89 votes to none, with 21 abstentions.

28. Article II as a whole, as amended, was adopted by 88 votes to 3, with 21 abstentions.

### Article III

29. The amendment submitted by Chile, Colombia, Costa Rica, Ecuador, Haiti, Honduras, Panama, Paraguay, Peru, Uruguay and Venezuela (A/C.3/L.2026) to begin the article by the words "Without prejudice to the commitments entered into by States in other international instruments, international criminal responsibility ..." was rejected by a recorded vote of 48 to 20, with 40 abstentions. The voting was as follows:

In favour: Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, Costa Rica, Ecuador, Guatemala, Haiti, Honduras, Iran, Netherlands, New Zealand, Peru, Sri Lanka, Turkey, Uruguay, Venezuela.

Against: Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroon, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Hungary, India, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritania, Mongolia, Nepal, Niger, Nigeria, Poland, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

Abstaining: Argentina, Austria, Bahamas, Bahrain, Barbados, Bhutan, Burundi, Central African Republic, Colombia, Cyprus, Denmark, Fiji, Finland, France, Germany (Federal Republic of), Guyana, Iceland, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Laos, Malaysia, Mexico, Morocco, Norway, Oman, Pakistan, Philippines, Saudi Arabia, Singapore, Spain, Sweden, Thailand, Trinidad and Tobago, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America.

30. The amendment submitted by Mali (A/C.3/L.2021) to insert, after the word "apply", the words "irrespective of the motive involved" was adopted by 72 votes to none, with 36 abstentions.

31. Article III as a whole, as amended, was adopted by 80 votes to 3, with 28 abstentions.

#### Article IV

32. The text of subparagraph (a) approved by the Commission on Human Rights (A/9095, annex) read as follows:

"To adopt legislative or other measures necessary to combat all manifestations of the crime of apartheid and to prevent the encouragement and commission of the crime;"

33. The amendment submitted by Egypt (A/C.3/L.2017) as orally revised, was to replace subparagraph (a) by the following:

"To adopt any legislative or other measures necessary to suppress as well as to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations and to punish persons guilty of that crime;"

34. The new text was adopted by 88 votes to none, with 22 abstentions.

35. The text of subparagraph (b) approved by the Commission on Human Rights (A/9095, annex) read as follows:

"To adopt 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 this Convention, whether residing in the territory of the State in which the acts are perpetrated or in some other State, and whether they be nationals of that State or of any other, or stateless persons."

36. The amendment submitted by Guyana (A/C.3/L.2018/Rev.1) to replace in subparagraph (b) the words "whether residing in the territory of the State in which the acts are perpetrated or in some other State, and whether they be nationals of that State or of any other, or stateless persons" by the words "whether or not such persons reside in the territory of the State in which the acts are committed or are nationals of that State or of some other State or are stateless persons", was adopted by 78 votes to none, with 31 abstentions.

37. Article IV as a whole, as amended, was adopted by 84 votes to 3, with 25 abstentions.

#### Article V

38. The amendment submitted by Mali (A/C.3/L.2021) to replace the words "such international penal tribunal as may have" by the words "an international penal tribunal having" was adopted by 80 votes to none, with 24 abstentions.

39. The article, as amended, was adopted by 85 votes to 3, with 23 abstentions.

/...

Article VI

40. The article was adopted by 90 votes to 1, with 21 abstentions.

Article VII

41. The text of paragraph 1 approved by the Commission on Human Rights (A/9095, annex) read as follows:

"1. The States Parties undertake to submit periodic reports according to a scheme to be established by ... on the legislative, judicial, administrative, or other measures that they have adopted and that give effect to the provisions of the present Convention."

42. The paragraph, as orally amended by the Union of Soviet Socialist Republics at the 2005th meeting, read as follows:

"1. The States Parties undertake to submit periodic reports to the group established under article IX on the legislative, judicial, administrative, or other measures that they have adopted and that give effect to the provisions of the present Convention."

43. Article VII, as amended, was adopted by 90 votes to none, with 22 abstentions.

New article VIII

44. The amendment submitted by the Union of Soviet Socialist Republics (A/C.3/L.2019/Rev.1) was to insert, after article VII, a new article to read as follows:

"Any State Party may call upon any competent organ of the United Nations to take such action under the Charter of the United Nations as it considers appropriate for prevention and suppression of the crime of apartheid."

45. The new text was adopted by 83 votes to 3, with 25 abstentions.

Article IX (article VIII of the draft Convention)

46. The article contained in document A/9095/Add.1 was adopted by 89 votes to 3, with 20 abstentions.

Article X (article IX of the draft Convention)

47. The text of the introductory phrase approved by the Commission on Human Rights (A/9095, annex) read as follows:

"The States Parties to the present Convention empower the ... to:"

48. The article was orally amended by the Union of Soviet Socialist Republics at the 2005th meeting to read as follows:

"The States Parties to the present Convention empower the Commission on Human Rights to:"

49. The article, as amended, was adopted by 89 votes to 3, with 20 abstentions.

/...



Article XI (article X of the draft Convention)

50. The amendment submitted by Chile, Colombia, Costa Rica, Ecuador, Haiti, Honduras, Panama, Paraguay, Peru, Uruguay and Venezuela (A/C.3/L.2026), as orally revised, was to add a new paragraph at the end of the article, to read as follows:

"The States Parties undertake in such cases to grant extradition in accordance with their legislation and with the treaties in force."

51. The new text was adopted by 63 votes to 3, with 43 abstentions.

52. Article XI, as amended, was adopted by 84 votes to 1, with 28 abstentions.

Article XII (article XI of the draft Convention)

53. The article was adopted by 88 votes to 1, with 24 abstentions.

Article XIII (article XII of the draft Convention)

54. The amendment submitted by Guyana (A/C.3/L.2018/Rev.1) to delete at the end of the article the words "subsequently at any time" was adopted by 92 votes to none, with 17 abstentions.

55. The article, as amended, was adopted by 89 votes to 3, with 20 abstentions.

Article XIV (article XIII of the draft Convention)

56. The article was adopted by 94 votes to none, with 20 abstentions.

Article XV (article XIV of the draft Convention)

57. The amendment submitted by Mali (A/C.3/L.2021) to replace in both paragraphs the words "tenth instrument" by "twentieth instrument" was adopted by 94 votes to none, with 18 abstentions.

58. The article, as amended, was adopted by 91 votes to none, with 22 abstentions.

Articles XVI to XIX (articles XV to XVIII of the draft Convention)

59. The articles were adopted by 94 votes to none, with 20 abstentions.

Draft Convention as a whole

60. The draft Convention on the Suppression and Punishment of the Crime of Apartheid (A/9095, annex, and A/9095/Add.1), as a whole, as amended, was adopted by a recorded vote of 93 to 1, with 24 abstentions. The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen,

Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Kenya, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal.

Abstaining: Australia, Austria, Belgium, Botswana, Brazil, Canada, Colombia, Denmark, Finland, France, Germany (Federal Republic of), Greece, Iceland, Ireland, Italy, Japan, Lesotho, Netherlands, New Zealand, Norway, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

### III. CONSIDERATION OF THE DRAFT RESOLUTION RELATING TO THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

61. At the 2006th meeting, on 25 October, a draft resolution (A/C.3/L.2022) relating to the draft Convention on the Suppression and Punishment of the Crime of Apartheid was introduced by Ghana on behalf of Afghanistan, Burundi, the Congo, Cuba, Democratic Yemen, the German Democratic Republic, Ghana, Guinea, India, Mauritius, Nigeria, the Philippines, Poland, Somalia, Uganda, the Union of Soviet Socialist Republics, the United Republic of Tanzania and Zaire. Subsequently, Algeria, Czechoslovakia, Dahomey, Egypt, Gabon, the Gambia, Guyana, Jamaica, Kenya, Madagascar, Mali, Mauritania, the Niger, Romania, Yugoslavia and Zambia joined the list of sponsors. The draft resolution was orally revised by the sponsors by inserting in operative paragraph 5 after the word "Requests" the words "the Economic and Social Council to invite".

62. At the 2008th meeting, on 26 October, the Committee adopted the draft resolution, as orally revised, by 90 votes to 1, with 21 abstentions (see paragraph 63 below).

### IV. RECOMMENDATION OF THE THIRD COMMITTEE

63. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

/...

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

The General Assembly,

Recalling resolution 2922 (XXVII) of 15 November 1972, in which it reaffirmed its conviction that apartheid constitutes a total negation of the purposes and principles of the Charter of the United Nations and is a crime against humanity,

Recognizing the urgent need to take further effective measures with a view to the suppression and punishment of apartheid,

Mindful of the need to conclude, under the auspices of the United Nations, the International Convention on the Suppression and Punishment of the Crime of Apartheid,

Convinced that the Convention would be an important step towards the eradication of the policy and practices of apartheid, and that it should be signed and ratified by States at the earliest possible date and its provisions implemented without delay,

Considering also that the text of the Convention should be made known throughout the world,

1. Adopts and opens for signature and ratification the International Convention on the Suppression and Punishment of the Crime of Apartheid, annexed to the present resolution;

2. Appeals to all States to sign and ratify the Convention as soon as possible;

3. Requests all Governments and intergovernmental and non-governmental organizations to acquaint the public as widely as possible with the text of the Convention using all the information media at their disposal;

4. Requests the Secretary-General to ensure the urgent and wide dissemination of the Convention and, for that purpose, to publish and circulate its text;

5. Requests the Economic and Social Council to invite the Commission on Human Rights to undertake the functions set out under article X of the Convention.

ANNEX

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

The States Parties to this Convention,

Recalling the provisions of the Charter of the United Nations, in which all Members pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion,

Considering the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

Considering the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which the General Assembly stated that the process of liberation is irresistible and irreversible and that, in the interest of human dignity, progress and justice, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Observing that, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, States particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction,

Observing that, in the Convention on the Prevention and Punishment of the Crime of Genocide certain acts which may also be qualified as acts of apartheid constitute a crime under international law,

Observing that, in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, "inhuman acts resulting from the policy of apartheid" are qualified as crimes against humanity,

Observing that the United Nations General Assembly has adopted a number of resolutions in which the policy and practices of apartheid are condemned as a crime against humanity,

Observing that the Security Council has emphasized that apartheid, its continued intensification and expansion, seriously disturbs and threatens international peace and security,

Convinced that an International Convention on the Suppression and Punishment of the Crime of Apartheid would make it possible to take more effective measures at

the international and national levels with a view to the suppression and punishment of the crime of apartheid,

Have agreed as follows:

#### Article I

1. The States Parties to this Convention declare that apartheid is a crime against humanity and that inhuman acts resulting from the policies and practices of apartheid and similar policies and practices of racial segregation and discrimination, as defined in article II of this Convention, are crimes violating the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituting a serious threat to international peace and security.

2. The States Parties to this Convention declare criminal those organizations, institutions and individuals committing the crime of apartheid.

#### Article II

For the purpose of this Convention, the term "the crime of apartheid", which shall include similar policies and practices of racial segregation and apartheid, as practised in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

(a) Denial to a member or members of a racial group or groups of the right to life and liberty of person:

- (i) By murder of members of a racial group or groups;
- (ii) By the infliction upon the members of a racial group or groups of serious bodily or mental harm by the infringement of their freedom or dignity or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;
- (iii) By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;

(b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;

(c) Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing

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the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to education, the right to leave and to return to their country, the right to nationality, freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;

(d) Any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;

(e) Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;

(f) Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.

### Article III

International criminal responsibility shall apply, irrespective of the motive involved, to individuals, members of organizations and institutions and representatives of the State, whether residing in the territory of the State in which the acts are perpetrated or in some other State, whenever they:

(a) Commit, participate in, directly incite or conspire in the commission of the acts mentioned in article II of this Convention;

(b) Directly abet, encourage or co-operate in the commission of the crime of apartheid.

### Article IV

The States Parties to this Convention undertake:

(a) To adopt any legislative or other measures necessary to suppress as well as to prevent any encouragement of the crime of apartheid and similar segregationist policies or their manifestations and to punish persons guilty of that crime;

(b) To adopt 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 this Convention, whether or not such persons reside in the territory of the State in which the acts are committed or are nationals of that State or of some other State or are stateless persons.

#### Article V

Persons charged with the acts enumerated in article II of this Convention may be tried by a competent tribunal of any State Party to this Convention which may acquire jurisdiction over the person of the accused or by an international penal tribunal having jurisdiction with respect to those States Parties which shall have accepted its jurisdiction.

#### Article VI

The States Parties to this Convention undertake to accept and carry out in accordance with the Charter of the United Nations the decisions taken by the Security Council aimed at the prevention, suppression and punishment of the crime of apartheid, and to co-operate in the implementation of decisions adopted by other competent organs of the United Nations with a view to achieving the purposes of this Convention.

#### Article VII

1. The States Parties undertake to submit periodic reports to the group established under article IX on the legislative, judicial, administrative, or other measures that they have adopted and that give effect to the provisions of the present Convention.

2. Copies of the reports shall be transmitted through the Secretary-General to the Special Committee on Apartheid.

#### Article VIII

Any State Party may call upon any competent organ of the United Nations to take such action under the Charter of the United Nations as it considers appropriate for the prevention and suppression of the crime of apartheid.

#### Article IX

1. The Chairman of the Commission on Human Rights shall appoint a group consisting of three members of the Commission on Human Rights, who are also representatives of States Parties to this Convention, to consider reports submitted by States Parties in accordance with article VII.

2. If, among the members of the Commission on Human Rights, there are no representatives of States Parties to this Convention or if there are fewer than three such representatives, the Secretary-General shall, after consulting all States Parties to the Convention, designate a representative of the State Party or

representatives of the States Parties which are not members of the Commission on Human Rights to take part in the work of the group established in accordance with paragraph 1 above, until such time as representatives of the States Parties to the Convention are elected to the Commission on Human Rights.

3. The group may meet for a period of not more than five days, either before the opening or after the closing of the session of the Commission on Human Rights, to consider the reports submitted in accordance with article VII.

#### Article X

1. The States Parties to the present Convention empower the Commission on Human Rights to:

(a) Request United Nations organs, when transmitting copies of petitions under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination, to draw its attention to complaints concerning acts which are enumerated in article II of the present Convention;

(b) Prepare, on the basis of reports from competent organs of the United Nations and periodic reports from States Parties to the present Convention, a list of individuals, organizations, institutions and representatives of States who are alleged to be responsible for the crimes enumerated in article II of this Convention, as well as those against whom legal proceedings have been undertaken by States Parties to this Convention;

(c) Request information from the competent United Nations bodies concerning measures taken by the authorities responsible for the administration of Trust and Non-Self-Governing Territories, and all other Territories to which General Assembly resolution 1514 (XV) applies, with regard to such individuals alleged to be responsible for crimes under article II of this Convention who are believed to be under their territorial and administrative jurisdiction.

2. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

#### Article XI

1. Acts enumerated in article II of this Convention shall not be considered as political crimes for the purpose of extradition.



2. The States Parties undertake in such cases to grant extradition in accordance with their legislation and with the treaties in force.

#### Article XII

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

#### Article XIII

The present 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 XIV

1. The present 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 of the United Nations.

#### Article XV

1. The present 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 the present Convention or acceding to it after the deposit of the twentieth instrument of ratification or instrument of accession, the present Convention shall enter into force on the thirtieth day after the day of the deposit of its own instrument of ratification or instrument of accession.

#### Article XVI

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

Article XVII

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

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

Article XVIII

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

- (a) Signatures, ratifications and accessions under articles XIII and XIV;
- (b) The date of entry into force of the present Convention under article XV;
- (c) Denunciations under article XVI;
- (d) Notifications under article XVII.

Article XIX

1. The present Convention, of which the 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 the present Convention to all States.

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