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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION
AND PUNISHMENT OF THE CRIME OF APARTHEID

Note by the Secretary-General

1. 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, on the thirtieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification.
2. As at 15 November 1989, the Convention had been ratified or acceded to by 88 States. A list of States parties to the Convention, as well as the dates of entry into force of the Convention for the States concerned, appears in the annex to the present note.
3. 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.
4. In accordance with article IX 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.

5. The Group of Three appointed by the Chairman of the Commission at its forty-fourth session held its twelfth (1989) session at the United Nations Office at Geneva from 23 to 27 January 1989. It had before it a note by the Secretary-General (E/CN.4/1989/31) concerning the status of the Convention and the submission of reports by States parties under article VII of the Convention, as well as reports submitted by 11 States parties since its eleventh (1988) session. A list indicating the status of submission of reports by States parties since the entry into force of the Convention and the sessions at which those reports were considered by the Group of Three appears in the annex below.

6. In its report to the Commission on Human Rights at its forty-fifth session (E/CN.4/1989/33), the Group of Three, inter alia, expressed its appreciation to the representatives of the reporting States for their presence at its meetings and for their participation in its work. Having commended those States parties which had submitted periodic reports, the Group of Three noted with concern that some States parties to the Convention had not submitted any reports and urged in particular those States parties which had not yet submitted their initial reports to do so as soon as possible, as required under article VII of the Convention. The Group decided to authorize its Chairman to address communications to the Governments of the 38 States parties which had not yet submitted their initial reports, requesting them to submit their overdue reports as soon as possible for consideration by the Group at its 1990 session. The Group of Three also noted with concern that, as at 31 December 1988, more than 190 reports were overdue under the International Convention on the Suppression and Punishment of the Crime of Apartheid, and strongly urged the States parties concerned to fulfil their reporting obligations. The Group called upon States parties to provide in their reports all relevant information on the legislative, judicial and administrative measures they had 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 this article.

7. By its resolution 1989/8, the Commission on Human Rights, inter alia, took note with appreciation of the report of the Group of Three, 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 (E/CN.4/1286, annex), requested the States parties to the Convention to continue to submit their initial reports not later than two years after the entry into force of the Convention for the States parties concerned and their periodic reports at four-year intervals, on the understanding that they may submit additional information to the Group at any time in the intervening period if they wish to do so; the Commission also drew the attention of all States to the opinion expressed by the Group of Three in its reports that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention, and called on all States whose transnational corporations continued to do business with South Africa and Namibia to take all appropriate steps to terminate their dealings with South Africa and Namibia. It also requested the Secretary-General 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 action 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-sixth session; finally, the Commission decided that the Group of Three should meet for a period of not more than five days before the forty-sixth session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

8. At its forty-fourth session, in December 1989, the General Assembly, inter alia, took note with appreciation of the report of the Group of Three and, in particular of the conclusions and recommendations contained in that report; commended those States parties to the Convention that had submitted their reports under article VII of the Convention and underlined the importance of the universal ratification of the Convention, which would be an effective contribution to fulfilling the ideals of the Universal Declaration of Human Rights and other human rights instruments. It appealed once again to the States that had not yet done so to ratify or to accede to the Convention without further delay, in particular those States which had jurisdiction over transnational corporations operating in South Africa and Namibia, and without whose co-operation such operations could not be halted; called upon all States whose transnational corporations continued to do business with South Africa to take appropriate steps to terminate their dealings with South Africa, and drew the attention of all States to the opinion expressed by the Group of Three in its report that transnational corporations operating in South Africa and Namibia must be considered accomplices in the crime of apartheid, in accordance with article III (b) of the Convention. The Assembly also 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. Furthermore, the Assembly requested the Secretary-General to circulate 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; to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission with relevant information concerning the forms of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa; and 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.

9. By his notes dated 16 June 1989, the Secretary-General brought to the attention of the States parties the relevant provisions of the Convention and of Commission resolution 1989/8 and General Assembly resolution 43/97 as well as the conclusions and recommendations of the Group of Three contained in the report on its 1989 session, and requested them to submit their reports within the time-limits indicated in Commission resolution 1989/8 of 23 February 1989 for transmission to the Group of Three at its 1990 session. By another note, dated 12 June 1989, the attention of specialized agencies and non-governmental organizations was drawn to the provisions of Commission resolution 1989/8 by which they were invited to provide the Commission 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.

10. Since the forty-fifth session of the Commission, the following States parties to the Convention have submitted their reports: Czechoslovakia (E/CN.4/1989/31/Add.10); */ Philippines (E/CN.4/1990/32/Add.1); India (E/CN.4/1990/32/Add.2); Pakistan (E/CN.4/1990/32/Add.3); China (E/CN.4/1990/32/Add.4); Burundi (E/CN.4/1990/32/Add.5). These reports will be available to the Group of Three for examination at its thirteenth (1990) session, which is scheduled to be held in Geneva from 22 to 26 January 1990, and to the Commission on Human Rights at its forty-sixth session.

11. Any other reports which may be received by the Secretary-General in time for consideration by the Group of Three will be issued in further addenda to the present document.

*/ Submitted before the forty-fifth session of the Commission. Consideration was postponed to the thirteenth (1990) session of the Group of Three at the request of the Government.

Annex

STATES PARTIES TO THE CONVENTION AND STATUS OF SUBMISSION
OF REPORTS IN ACCORDANCE WITH COMMISSION ON HUMAN RIGHTS
RESOLUTION 1989/8 a/

<u>State party</u>	<u>Date of entry into force</u>	<u>Date of submission of report(s)</u>	<u>Session at which the report was considered</u>	<u>Documents containing initial and periodic reports, if any</u>
Afghanistan	5 August 1983	-	-	-
Algeria	25 June 1982	6 August 1984 28 October 1987	1985 session 1988 session	E/CN.4/1985/26/Add.3 E/CN.4/1988/30/Add.5
Antigua and Barbuda	6 November 1982	-	-	-
Argentina	7 December 1985	23 December 1987	1988 session	E/CN.4/1988/30/Add.6
Bahamas	30 April 1981	-	-	-
Bangladesh	7 March 1985	4 January 1988	1988 session	E/CN.4/1988/30/Add.7
Barbados	9 March 1979	17 July 1981	1982 session	E/CN.4/1505/Add.1
Benin	18 July 1976	-	-	-
Bolivia	5 November 1983	-	-	-
Bulgaria	18 July 1976	4 January 1978 5 February 1980 15 December 1982 28 December 1985 26 January 1988	1978 session 1981 session 1983 session 1985 session 1989 session	E/CN.4/1277/Add.7 E/CN.4/1353/Add.10 E/CN.4/1983/24/Add.8 E/CN.4/1985/26/Add.6 E/CN.4/1989/31/Add.1
Burkina Faso	23 November 1978	-	-	-
Burundi	11 August 1978	12 November 1980 2 September 1989	1981 session -	E/CN.4/1415/Add.8 E/CN.4/1990/32/Add.5 <u>b/</u>

<u>State party</u>	<u>Date of entry into force</u>	<u>Date of submission of report(s)</u>	<u>Session at which the report was considered</u>	<u>Documents containing initial and periodic reports, if any</u>
Byelorussian Soviet Socialist Republic	18 July 1976	8 February 1978	1979 session	E/CN.4/1277/Add.14
		6 October 1980	1981 session	E/CN.4/1415/Add.4
		25 January 1983	1984 session	E/CN.4/1983/24/Add.13
		14 May 1984	1985 session	E/CN.4/1985/26/Add.1
		21 May 1987	1988 session	E/CN.4/1988/30/Add.4
Cameroon	1 December 1976	6 October 1977	1978 session	E/CN.4/1277/Add.3
		24 January 1986	1987 session	E/CN.4/1987/26/Add.1
Cape Verde	12 July 1979	25 June 1982	1983 session	E/CN.4/1983/24/Add.3
		4 August 1983	1984 session	E/CN.4/1984/36/Add.4
Central African Republic	7 June 1981	-	-	-
Chad	18 July 1976	11 September 1986	1987 session	E/CN.4/1987/26/Add.13
China	18 May 1983	6 May 1986	1987 session	E/CN.4/1987/26/Add.5
		3 July 1989	-	E/CN.4/1990/32/Add.4 <u>b/</u>
Colombia	22 June 1988	-	-	-
Congo	4 November 1983	-	-	-
Costa Rica	14 November 1986	-	-	-
Cuba	3 March 1977	3 January 1978	1978 session	E/CN.4/1277/Add.8
		28 January 1980	1981 session	E/CN.4/1353/Add.7
		15 March 1982	1983 session	E/CN.4/1983/24/Add.1
		2 February 1984	1985 session	E/CN.4/1984/36/Add.9
		7 February 1986	1987 session	E/CN.4/1987/26/Add.2
		26 February 1988	1989 session	E/CN.4/1989/31/Add.4

<u>State party</u>	<u>Date of entry into force</u>	<u>Date of submission of report(s)</u>	<u>Session at which the report was considered</u>	<u>Documents containing initial and periodic reports, if any</u>
Czechoslovakia	18 July 1976	20 December 1977 20 August 1982 25 November 1985 11 January 1989	1978 session 1983 session 1986 session -	E/CN.4/1277/Add.6 E/CN.4/1983/24/Add.5 E/CN.4/1986/29/Add.8 E/CN.4/1989/31/Add.10 <u>b/</u>
Democratic Kampuchea	27 August 1981	-	-	-
Ecuador	18 July 1976	30 April 1982 2 September 1985	1983 session 1986 session	E/CN.4/1983/24/Add.2 E/CN.4/1986/29/Add.3
Egypt	13 July 1977	12 November 1980 20 December 1983	1981 session 1984 session	E/CN.4/1415/Add.7/Rev.1 E/CN.4/1984/36/Add.8
El Salvador	30 December 1979	8 March 1983	1984 session	E/CN.4/1984/36/Add.2
Ethiopia	19 October 1978	2 July 1986	1987 session	E/CN.4/1987/26/Add.9
Gabon	30 March 1980	23 September 1985	1986 session	E/CN.4/1986/29/Add.4
Gambia	28 January 1979	-	-	-
German Democratic Republic	18 July 1976	29 November 1977 7 January 1980 7 December 1981 25 September 1985 3 November 1988	1978 session 1980 session 1982 session 1986 session 1989 session	E/CN.4/1277/Add.4 E/CN.4/1353/Add.4 E/CN.4/1505/Add.8 E/CN.4/1986/29/Add.5 E/CN.4/1989/31/Add.8
Ghana	31 August 1978	17 October 1986	1987 session	E/CN.4/1987/26/Add.12
Guinea	18 July 1976	-	-	-
Guyana	30 October 1977	-	-	-
Haiti	18 January 1978	-	-	-

<u>State party</u>	<u>Date of entry into force</u>	<u>Date of submission of report(s)</u>	<u>Session at which the report was considered</u>	<u>Documents containing initial and periodic reports, if any</u>
Hungary	18 July 1976	14 February 1978 15 January 1980 6 October 1981 16 November 1983 26 January 1987	1979 session 1980 session 1982 session 1984 session 1988 session	E/CN.4/1277/Add.16 E/CN.4/1353/Add.6 E/CN.4/1505/Add.6 E/CN.4/1984/36/Add.7 E/CN.4/1988/30/Add.2
India	22 October 1977	14 January 1980 7 October 1982 30 May 1989	1980 session 1983 session -	E/CN.4/1353/Add.5 E/CN.4/1983/24/Add.6 E/CN.4/1990/32/Add.2 <u>b/</u>
Iran (Islamic Republic of)	18 May 1985	-	-	-
Iraq	18 July 1976	28 December 1979 18 September 1981 30 December 1982 11 November 1985	1980 session 1982 session 1983 session 1986 session	E/CN.4/1353/Add.3 E/CN.4/1505/Add.5 E/CN.4/1983/24/Add.10 E/CN.4/1986/29/Add.6
Jamaica	20 March 1977	10 July 1986	1987 session	E/CN.4/1987/26/Add.10
Kuwait	25 March 1977	16 August 1977	1978 session	E/CN.4/1277/Add.1
Lao People's Democratic Republic	4 November 1981	-	-	-
Lesotho	4 December 1983	-	-	-
Liberia	5 December 1976	-	-	-
Libyan Arab Jamahiriya	7 August 1976	-	-	-
Madagascar	25 June 1977	31 January 1978 20 September 1984	1979 session 1985 session	E/CN.4/1277/Add.13 E/CN.4/1985/26/Add.4

<u>State party</u>	<u>Date of entry into force</u>	<u>Date of submission of report(s)</u>	<u>Session at which the report was considered</u>	<u>Documents containing initial and periodic reports, if any</u>
Maldives	24 May 1984	25 September 1986	1987 session	E/CN.4/1987/26/Add.11
Mali	18 September 1977	5 September 1980	1981 session	E/CN.4/1415/Add.3
Mauritania	12 January 1989	-	-	-
Mexico	3 April 1980	24 August 1981 5 November 1986	1982 session 1987 session	E/CN.4/1505/Add.3 E/CN.4/1987/26/Add.14
Mongolia	18 July 1976	27 October 1981 5 August 1983 28 January 1987	1982 session 1984 session 1988 session	E/CN.4/1505/Add.7 E/CN.4/1984/36/Add.5 E/CN.4/1988/30/Add.3
Mozambique	18 May 1983	-	-	-
Namibia	11 December 1982	-	-	-
Nepal	11 August 1977	-	-	-
Nicaragua	27 April 1980	-	-	-
Niger	28 July 1978	-	-	-
Nigeria	30 April 1977	1 February 1978 22 January 1981	1978 session 1981 session	E/CN.4/1277/Add.12 E/CN.4/1415/Add.9
Pakistan	29 March 1986	20 June 1989	-	E/CN.4/1990/32/Add.3 <u>b/</u>
Panama	15 April 1977	31 August 1977	1978 session	E/CN.4/1277/Add.2
Peru	1 December 1978	31 December 1982 15 July 1985 12 December 1988	1983 session 1986 session 1989 session	E/CN.4/1983/24/Add.12 E/CN.4/1986/29/Add.1 E/CN.4/1989/31/Add.11
Philippines	25 February 1978	9 February 1983 17 January 1989	1984 session -	E/CN.4/1984/36/Add.1 E/CN.4/1990/32/Add.1 <u>b/</u>

<u>State party</u>	<u>Date of entry into force</u>	<u>Date of submission of report(s)</u>	<u>Session at which the report was considered</u>	<u>Documents containing initial and periodic reports, if any</u>
Poland	18 July 1976	10 February 1978 10 March 1980 17 December 1982 9 December 1986	1979 session 1981 session 1983 session 1987 session	E/CN.4/1277/Add.15 E/CN.4/1353/Add.11 E/CN.4/1983/24/Add.9 E/CN.4/1987/26/Add.15
Qatar	18 July 1976	25 June 1980 15 September 1981 22 July 1983 2 June 1986 10 June 1988	1981 session 1982 session 1984 session 1987 session 1989 session	E/CN.4/1415/Add.1 E/CN.4/1505/Add.4 E/CN.4/1984/36/Add.3 E/CN.4/1987/26/Add.7 E/CN.4/1989/31/Add.6
Romania	14 September 1978	3 November 1980 25 May 1988	1981 session 1989 session	E/CN.4/1415/Add.6 E/CN.4/1989/31/Add.5
Rwanda	22 February 1981	14 October 1983 27 May 1986 10 October 1988	1984 session 1987 session 1989 session	E/CN.4/1984/36/Add.6 E/CN.4/1987/26/Add.6 E/CN.4/1989/31/Add.7
Saint Vincent and the Grenadines	9 December 1981	30 June 1982	1983 session	E/CN.4/1983/24/Add.4
Sao Tome and Principe	4 November 1979	-	-	-
Senegal	20 March 1977	11 January 1978	1978 session	E/CN.4/1277/Add.10
Seychelles	15 March 1978	6 March 1986	1987 session	E/CN.4/1987/26/Add.4
Somalia	18 July 1976	-	-	-
Sri Lanka	20 March 1982	19 January 1988	1988 session	E/CN.4/1988/30/Add.8
Sudan	20 April 1977	-	-	-
Suriname	3 July 1980	21 August 1985	1986 session	E/CN.4/1986/29/Add.2

<u>State party</u>	<u>Date of entry into force</u>	<u>Date of submission of report(s)</u>	<u>Session at which the report was considered</u>	<u>Documents containing initial and periodic reports, if any</u>
Syrian Arab Republic	18 July 1976	9 January 1978	1978 session	E/CN.4/1277/Add.9
		18 December 1979	1980 session	E/CN.4/1353/Add.2
		18 January 1982	1982 session	E/CN.4/1505/Add.10
		8 November 1985	1986 session	E/CN.4/1986/29/Add.7
Togo	23 June 1984	-	-	-
Trinidad and Tobago	25 November 1979	29 January 1988	1989 session	E/CN.4/1989/31/Add.3
Tunisia	20 February 1977	30 January 1980	1981 session	E/CN.4/1353/Add.9
		14 February 1983	1984 session	E/CN.4/1983/24/Add.14
Uganda	10 July 1986	-	-	-
Ukrainian Soviet Socialist Republic	18 July 1976	17 March 1978	1979 session	E/CN.4/1277/Add.17
		28 October 1980	1981 session	E/CN.4/1415/Add.5
		10 January 1983	1983 session	E/CN.4/1983/24/Add.11
		20 December 1984	1985 session	E/CN.4/1985/26/Add.5
		5 January 1987	1988 session	E/CN.4/1988/30/Add.1
Union of Soviet Socialist Republics	18 July 1976	20 January 1978	1978 session	E/CN.4/1277/Add.11
		25 August 1980	1981 session	E/CN.4/1415/Add.2
		17 December 1981	1982 session	E/CN.4/1505/Add.9
		13 February 1984	1985 session	E/CN.4/1984/36/Add.10
		5 March 1986	1987 session	E/CN.4/1987/26/Add.3
		6 December 1988	1989 session	E/CN.4/1989/31/Add.9
United Arab Emirates	18 July 1976	9 December 1977	1978 session	E/CN.4/1277/Add.5
		23 July 1979	1980 session	E/CN.4/1353/Add.1
		5 August 1981	1982 session	E/CN.4/1505/Add.2
United Republic of Tanzania	18 July 1976	-	-	-

<u>State party</u>	<u>Date of entry into force</u>	<u>Date of submission of report(s)</u>	<u>Session at which the report was considered</u>	<u>Documents containing initial and periodic reports, if any</u>
Venezuela	27 February 1983	30 June 1986	1987 session	E/CN.4/1987/26/Add.8
Viet Nam	9 July 1981	-	-	-
Yemen	17 September 1987	-	-	-
Yugoslavia	18 July 1976	28 January 1980 14 December 1982 24 July 1984 27 January 1988	1981 session 1983 session 1985 session 1989 session	E/CN.4/1353/Add.8 E/CN.4/1983/24/Add.7 E/CN.4/1985/26/Add.2 E/CN.4/1989/31/Add.2
Zaire	10 August 1978	-	-	-
Zambia	15 March 1983	-	-	-

a/ The Commission on Human Rights called upon the States parties to submit their first report under article VII of the Convention not later than two years after becoming parties to the Convention and their periodic reports at four-yearly intervals, with the understanding that they might submit additional information to the group at any time they wished in the intervening period.

b/ Scheduled for consideration by the Group of Three at its twelfth (1990) session.
