



General Assembly

675
13E.C.
Distr.
GENERAL

A/40/606
11 September 1985

ORIGINAL: ENGLISH

Fortieth session
Item 94 (c) of the provisional agenda*

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/40/150.

4. By its resolution 39/19 of 23 November 1984, 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 which had jurisdiction over transnational corporations operating in South Africa and Namibia.

II. STATUS OF THE CONVENTION

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

6. As at 1 September 1985, the Convention had received 35 signatures, 29 of which had been followed by ratification. In addition, 52 States had acceded to the Convention, bringing the total of ratifications and accessions to the Convention to 81. 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 39/19, the General Assembly 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. In this connection, reference is made to the further action taken by the Secretary-General under resolution 1 B (XXXII) adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on 5 September 1979.

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

9. A summary of information received so far from Governments appears in documents E/CN.4/Sub.2/452 and Add.1-5, E/CN.4/Sub.2/1982/30, E/CN.4/Sub.2/1983/33 and Add.1-2, E/CN.4/Sub.2/1983/34, E/CN.4/Sub.2/1984/27, E/CN.4/Sub.2/1984/39, E/CN.4/Sub.2/1985/27 and E/CN.4/Sub.2/1985/37, which were prepared by the Secretary-General for the Sub-Commission.

III. IMPLEMENTATION OF THE CONVENTION

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

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

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

13. By resolution 39/19 the General Assembly commended those States parties to the Convention that had submitted their reports under article VII thereof; called upon all States parties to the Convention 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 enumerated in article II of the Convention; and further called upon States parties to the Convention to submit their opinions on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa and on the application of article III of the Convention to the activities of those corporations.

14. The Group of Three on the Implementation of the Convention, appointed by the Chairman of the Commission on Human Rights at its fortieth session under article IX of the Convention, was composed of the representatives of Mexico, Senegal and the Ukrainian Soviet Socialist Republic. It met at the United Nations Office at Geneva from 28 January to 1 February 1985 and had before it reports submitted since its 1984 session by eight States parties.

15. In its report to the Commission on Human Rights at its forty-first session (E/CN.4/1985/27), the Group, inter alia, noted with concern that more than half of the States parties to the Convention had not submitted any report 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. It reiterated its recommendation that the general guidelines regarding the form and content of reports should be fully taken into account by all States parties when

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preparing their reports and called upon States parties to provide more information in their reports 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 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.

16. By its resolution 1985/10 of 26 February 1985, 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; 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-second session; and decided that the Group of Three should meet for a period of not more than five days before the forty-second session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention.

17. In accordance with article IX of the Convention and General Assembly resolution 31/80, the Chairman of the Commission at its forty-first session appointed the representatives of the German Democratic Republic, Nicaragua and Senegal as members of the Group of Three.

18. In notes verbales dated 6 May 1985, the Secretary-General brought to the attention of the States parties the relevant provisions of the Convention and Commission resolution 1985/10 as well as the conclusions and recommendations of the

Group of Three in the report on its 1985 session, and requested them to submit their reports within the time-limits indicated in Commission resolution 7 (XXXIV) of 22 February 1978 for transmission to the Group of Three at its 1986 session.

19. In another note, also dated 6 May 1985, the Secretary-General brought to the attention of all States the provisions of Commission resolution 1985/10 and the recommendations of the Group of Three.

20. As regards the implementation of the provisions of article X of the Convention, the General Assembly, in resolution 39/19, 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.

21. In connection with the request by the General Assembly contained in paragraph 8 of resolution 39/19, the Secretary-General wishes to refer to part 2, chapter IV of the progress report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1984/8, paras. 464 to 469), containing a consolidated list of persons deemed responsible for the crime of apartheid or a serious violation of human rights, copies of which were transmitted to all States parties to the Convention and all Member States on 3 May 1984. In a note verbale dated 6 March 1985, the Secretary-General drew the attention of all States to the provisions of General Assembly resolution 39/19 relevant to the implementation of article X of the Convention.

Notes

1/ Official Records of the Economic and Social Council, Forty-first Session, Supplement No. 2 (E/CN.4/1985/66).

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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	
Bahamas		31 March 1981 <u>a/</u>
Bangladesh		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 1983 <u>a/</u>
Congo		5 October 1983 <u>a/</u>
Cuba		1 February 1977 <u>a/</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>

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<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Gabon		29 February 1980 a/
Gambia		29 December 1978 a/
German Democratic Republic	2 May 1974	12 August 1974
Ghana		1 August 1978 a/
Guinea	1 March 1974	3 March 1975
Guyana		30 September 1977 a/
Haiti		19 December 1977 a/
Hungary	26 April 1974	20 June 1974
India		22 September 1977 a/
Iran (Islamic Republic of)		18 April 1985 a/
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 a/
Lao People's Democratic Republic		5 October 1981 a/
Lesotho		4 November 1983 a/
Liberia		5 November 1976 a/
Libyan Arab Jamahiriya		8 July 1976 a/
Madagascar		26 May 1977 a/
Maldives		24 April 1984 a/
Mali		19 August 1977 a/
Mexico		4 March 1980 a/
Mongolia	17 May 1974	8 August 1975
Mozambique		18 April 1983 a/
Namibia		11 November 1982 a/
Nepal		12 July 1977 a/
Nicaragua		28 March 1980 a/
Niger		28 June 1978 a/
Nigeria	26 June 1974	31 March 1977
Oman	3 April 1974	
Panama	7 May 1976	16 March 1977
Peru		1 November 1978 a/

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<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</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>
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	
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.
