

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

At the twenty-sixth session of the General Assembly, during the discussion of the item entitled “International Year for Action to Combat Racism and racial discrimination”, Guinea and the Union of Soviet Socialist Republics (USSR) submitted a draft convention on the suppression and punishment of the crime of apartheid (A/C.3/L.1871) to the Assembly’s Third (Social, Humanitarian and Cultural) Committee, on 5 November 1971. Following the debate in the Third Committee (A/C.3/SR.1859-1863), the General Assembly, by resolution 2786 (XXVI) of 6 December 1971, invited the Secretary-General to transmit the draft convention, together with the relevant records of the debate, to the Commission on Human Rights. It also recommended that the Commission and the Economic and Social Council should consider this item as a matter of priority, in cooperation with the Special Committee of Apartheid (which had been established by resolution 1761 (XVII) of the General Assembly on 6 November 1962 to keep racial policies of the Government of South Africa under review when the Assembly is not in session).

The Economic and Social Council decided, on 6 January 1972, to transmit the above-mentioned resolution of the General Assembly to the Commission on Human Rights. The Commission considered the item at its twenty-eighth session, during the same year, and, following a discussion on different draft resolutions proposed by Member States, adopted resolution 4 (XXVIII) on 23 March 1972, by which it requested the Secretary-General to circulate inter alia the text of the draft convention to Governments for their views, invited the Special Committee on Apartheid to consider the draft and requested the Economic and Social Council to invite the General Assembly to give priority to the question of the adoption of an international instrument on the topic at its following session. The Economic and Social Council, by resolution 1696 (LII) of 2 June 1972, requested the General Assembly to consider this question.

At the twenty-seventh session, in 1972, the item was again referred to the Third Committee of the General Assembly for consideration. On 24 October 1972, a revised draft convention was submitted to the Third Committee by Guinea, Nigeria and the USSR (A/C.3/L.1942/Rev.1). Following the discussion at the Third Committee, the General Assembly adopted resolution 2922 (XXVII) of 15 November 1972, by which it requested the Secretary-General to transmit to the Special Committee on Apartheid and to States the revised draft convention submitted by Guinea, Nigeria and the USSR, and the amendments thereto submitted by Egypt, as reproduced in the report of the Third Committee (A/8880, paras. 42 and 43) for their comments and views. It also invited the Economic and Social Council to ask the Commission on Human Rights to consider at its following session, as a matter of priority, the revised version of the draft convention.

On 10 January 1973, the Economic and Social Council decided to transmit the Assembly’s request to the Commission on Human Rights, asking it to submit the results of its consideration to the Assembly.

The Commission on Human Rights examined the revised draft convention, together with amendments thereto and comments received from 29 Governments (A/8768 and Add.1; E/CN.4/1123 and Add.1-6), at its twenty-ninth session in February-April 1973. After a debate held from 5 to 7 March of the same year, the Commission agreed to set up a working group composed of Bulgaria, Chile, Ecuador, Egypt, India, the Philippines, Senegal, the USSR and Zaire to consider the revised draft convention. On 2 April 1973, having heard the report of the working group (E/CN.4/L.1252), the Commission adopted resolution 16 (XXIX), by which it approved a preamble and the articles, excluding article VIII, of the draft convention

and recommended that the Economic and Social Council also approve it and, in turn, recommend its approval by the General Assembly.

On 10 May 1973, the Economic and Social Council's Social Committee approved the draft resolution and recommended the Council to approve it as well. The Council did so on 18 May 1973, by resolution 1784 (LIV), in which it recommended that the General Assembly approve the draft text proposed by the Commission on Human Rights at its following session.

Pursuant to the General Assembly's request contained in resolution 2922 (XXVII), the Special Committee on Apartheid gave its comments on the draft convention on the suppression and punishment of the crime of apartheid in its annual report submitted to the Assembly (A/9022, p. 27).

At the twenty-eighth session of the General Assembly, the item "Draft Convention on the Suppression and Punishment of the Crime of Apartheid" was allocated to the Third Committee, which considered it from 22 to 26 October 1973. The Committee approved the draft convention as a whole on 26 October 1973 (A/9095 and Add.1) and submitted a report to the General Assembly (A/9233 and Add.1 to 3) by which it recommended to the Assembly a draft resolution, to which was annexed the draft international convention.

As recommended by the Third Committee, on 30 November 1973, the General Assembly adopted, by a vote of 91 to 4, with 26 abstentions, resolution 3068 (XXVIII), by which it adopted and opened for signature the International Convention on the Suppression and Punishment of the Crime of Apartheid, the text of which was annexed to the resolution. The Convention entered into force, in accordance with its article XV, on 18 July 1976, following the deposit of the twentieth instrument of ratification.