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

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FIFTH SESSION

SUPPLEMENT No. 36 (A/35/36)



UNITED NATIONS

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New York, 1980

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LETTER OF TRANSMITTAL

10 September 1980

Sir,

I have the honour to send you herewith the report adopted on 10 September 1980 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 34/93 N of 12 December 1979.

Accept, Sir, the assurances of my highest consideration.

(Signed) Bosley MAYCOCK
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.

3. In resolution 34/93 N of 12 December 1979, the General Assembly requested the Ad Hoc Committee to continue its work with a view to completing a draft convention in 1980. The revised draft of the International Convention against Apartheid in Sports is reproduced in annex I.

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

The representatives of the Organization of African Unity (OAU) and the two South African liberation movements recognized by OAU - the African National Congress of South Africa and the Pan Africanist Congress of Azania - attend the meetings of the Ad Hoc Committee as observers.

5. At its 10th meeting, on 11 August 1980, the Ad Hoc Committee unanimously elected Mr. B. Maycock (Barbados) as its Chairman, Mr. L. Hadas (Hungary) and Mr. M. P. Lohani (Nepal) as Vice-Chairmen, and Mr. Stafford Neil (Jamaica) as Rapporteur.

6. At that meeting, the Ad Hoc Committee set up a working group and requested it to begin consultations on the draft convention and to report back to the Ad Hoc Committee for consideration. 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.

7. At its 11th meeting, on 3 September 1980, the Ad Hoc Committee held consultations with Mr. Abraham Ordia and Mr. Amadou Lamine Ba, respectively President and Secretary-General of the Supreme Council for Sport in Africa. The text of a letter submitted by the President, explaining the views of the Supreme Council, is reproduced in annex II.

8. In the working group, several members stressed that sports in South Africa could not conform to the Olympic principle of non-discrimination so long as apartheid was imposed in that country. For the problem was not only the laws and regulations governing sport, and the direct or indirect interference of the racist régime to enforce apartheid in sport, but a complex of laws on racial discrimination and segregation which made the practice of truly non-racial sport impossible. Moreover, the racist régime continued to persecute non-racial sports organizations and leaders for their opposition to apartheid in sport. In this connexion, the Committee strongly condemned the action of the racist régime of South Africa in seizing the passport of Mr. M. N. Pather, Secretary-General of South African Council for Sport, on the eve of his departure for consultations with the Ad Hoc Committee. This act is further evidence that its propaganda concerning elimination of discrimination in sport is devoid of truth.

9. Members of the Committee expressed grave concern over the actions of a number of sport bodies in several countries in continuing exchanges with South Africa in flagrant violation of the International Declaration against Apartheid in Sports and the failure of the Governments concerned to take firm action to prevent such exchanges. In this connexion, they made particular reference to the visit of the Barbarians rugby team from South Africa to the United Kingdom and of the British and Irish Lions Rugby team to South Africa. They stressed that the international community must take concerted action against such violations of the International Declaration without delay, in the light of the decisions of the General Assembly and of the Supreme Council for Sport in Africa, and expressed the hope that the General Assembly will consider the matter at its thirty-fifth session.

10. Several members of the Committee also expressed deep concern and dismay at the attempts by some national sports organizations to admit South African athletes to membership of international sports organizations from which they were formerly barred and considered that such attempts constitute a negation of the spirit of relevant United Nations resolutions. Members of the Committee saw in this encroaching erosion of the decision to isolate the South African racist régime and its athletes as an attempt by certain countries to help the South African racist régime in weakening the opposition to the evil and inhuman system of apartheid. A partial list of recent sport contacts with South Africa is given in annex III.

11. Some members suggested that, in the light of the progress in the drafting of the Convention, the Ad Hoc Committee should widen consultations to include more sports bodies, as well as Ministers of Sport and Recreation, in 1981 before finalizing the draft of the Convention.

12. As regards article 10 of the draft International Convention, the Ad Hoc

Committee had before it two alternative formulations. 1/ However, after consultations among proponents of article 10 B, both at the working group level and at the Committee level, the article was revised as follows:

"State 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 with or which include individuals or teams from a Country practising apartheid or from a Country which include individuals or teams that engage in sports activities with teams and individuals from a Country practising apartheid."

The Committee has not concluded consideration of this article.

13. The Committee agreed that further consultations are essential on article 10. It recommends that its mandate should be extended in order to continue its work with a view to submitting a draft convention to the General Assembly at its thirty-sixth session.

14. It further recommends that the General Assembly should request the Secretary-General to send the revised draft of the International Convention against Apartheid in Sports to all Member States for their comments and views by 30 April 1981 so that the Committee may take them into account in preparing the final text.

1/ The two formulations are as follows:

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 nations 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.

ANNEX I

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 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

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 nations refrain from participating in all sports events which include individuals or teams from a country practising apartheid.

Article 10 B

State 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 with or which include individuals or teams from a Country practising apartheid or from a Country which include individuals or teams that engage in sports activities with teams and individuals from a Country practising apartheid.

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 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 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.

ANNEX II

Letter dated 4 September 1980 from the President of the Supreme Council for Sport in Africa to the Chairman of the Ad Hoc Committee

While being appreciative for the opportunity to consult with your Committee and being grateful for the hard work already done, we must express our deep concern and dismay about the outcome of the draft Convention, in particular we must stress the belief that without the retention of what is now generally referred to as the "Third Party Principle", the Convention will have no meaning for Africa.

In this connexion, I draw your attention to resolution No. 10/9GA/79 on the fight against racial discrimination in sport, unanimously adopted by the General Assembly of the Supreme Council for Sport in Africa on 17 December 1979. It clearly states the conviction of Africa that all sporting links with the racist régime of South Africa must be stopped and that the only effective means to accomplish this is to provide for sanctions against those countries that chose to collaborate with the racists in South Africa as stated in paragraph 3 of the resolution.

It is with distress that we must note the increased sporting ties with South Africa by the United Kingdom of Great Britain and Northern Ireland, France, New Zealand and the United States of America. Without international sanctions even after the recent controversial British "Lions" tour of South Africa the prospect is for ever increasing links in the year ahead. As Africans we find it rather strange that the very countries which accused us yesterday of mixing sport with politics are themselves today using sport to fight political battles. We feel that there is only one political battle where the mixing of sport and politics is justified and that is the war against apartheid.

It is the uncompromising conviction of all of Africa that the meaning of the Convention in the struggle against apartheid will be totally lost unless the so-called Third Party Principle is adopted as an integral part of the final formation of the Convention.

We strongly request that this statement on the position of the Supreme Council for Sport in Africa be reflected in the report of the Ad Hoc Committee to the General Assembly at its thirty-fifth session.

(Signed) Abraham ORDIA
President of the
Supreme Council for Sport in Africa

APPENDIX

Supreme Council for Sport in Africa

Ninth General Assembly, held at Yaoundé, from
14 to 17 December 1979

Resolution No. 10/9GA/79 on the fight against
racial discrimination in sport

The General Assembly of the Supreme Council for Sport in Africa meeting in its
ninth ordinary session in Yaoundé from 14 to 17 December 1979,

Recalling Organization of African Unity resolutions 526/XXIII and 585/XXIX
of 1977 on sporting links with South Africa,

Recalling the resolutions of Commonwealth Heads of State of June 1977
(London) and August 1979 (Lusaka),

Recalling the pledge of the Supreme Council for Sport in Africa to fight and
eliminate apartheid in all its forms in accordance with what was written in the
Charter of the Organization of African Unity,

Conscious of the fact that the maintenance of sporting links with the régimes
of South Africa, which is a violation of the principles of Olympic Movement, is a
provocative manoeuvre to Africa intending to sabotage its full participation in
the Olympic Games,

Considering the defying attitude of the sports institutions of certain
countries notably that of Great Britain,

HEREBY RECOMMENDS THAT:

1. The fight against racial discrimination in sport should be intensified by all means.
2. All Governments of independent States that are members of the Organization of African Unity should support this fight by all means with a view to rapidly and totally eradicating apartheid and racial discrimination in all its forms.
3. All Member States should stop having bilateral sporting links with all countries having sporting relations with South Africa, including athletes and sports officials of their countries irrespective of their rank.
4. All sporting meets organized in South Africa should be condemned. This includes most particularly the next tour of the British Rugby team "The Lions".
5. The South African Council for Sport should be congratulated and encouraged for its fight against racial discrimination in South Africa.

YAOUNDE, 17 December 1979

ANNEX III

Partial list of recent sports contacts with South Africa

Boxing

In September 1979, a delegation from the South African Boxing Board attended the annual congress of the Association held in Miami, United States of America, and a South African, Mr. Justice H. W. O. Kloppe was re-elected Vice-President of the World Boxing Association.

In October 1979, the John Tate-Gerrie Coetzee fight was held in South Africa, and was widely publicized by the mass media in the western countries, in particular in the United States and the United Kingdom.

Tennis

South African, Yvonne Vermack, played at the Florida Federal Open Tennis tournament in October 1979. South Africans Schalk van der Merwe and Christo Steyn won two titles in the Orange Bowl Junior Tennis in Miami Beach, in December 1979. In November 1979, South African tennis player Frew McMillan was invited to participate in the doubles of the Benson and Hedges tournament which took place in London in November 1979.

Tennis players from Spain and the United Kingdom participated at the South African Airlines-Pepsi Cola International Junior Championships at Ellis Park, Johannesburg, in November 1979.

South Africa participated in an international junior tennis tournament which was held in Port Washington, New York, in January 1980.

The South Africans were the winners of four double championships.

Soccer

South African University soccer teams toured Uruguay and Argentina in January, in spite of the expulsion of South Africa from the Federation of International Football Association (FIFA).

Golf

South African, Dale Hayes, won the fourteenth Bogota International Open Golf tournament. In addition to the Colombians and South Africans, golfers from the United States of America, Argentina and other countries participated in the event in September 1979.

When South African golfers were barred from participating in the Golf World Cup tournament which took place in Athens, in November 1979, the American golfers in the tournament protested against the barring.

Other sports

The Cape Town Yacht Archangel participated in the World one-ton sailing championship which took place off Rhode Island, United States of America, in September 1979.

A Swiss angling team visited South Africa for two weeks in October 1979 and had matches in different parts of the country.

An international car racing was staged in South Africa in October 1979. Jochen Mass of the Federal Republic of Germany and Marc Lurer of Switzerland participated in the event.

Jockeys from Australia, Canada, France, United Kingdom, United States of America and South Africa were scheduled to compete in the jockeys world championship which would take place in the six countries by the end of this year.

Eleven South African junior gymnasts visited the United States of America in November 1979 to participate in two major competitions.

The South African women's darts team toured Britain for the first time and participated in the British Open Championships in London in January 1980.

At the Rothmans International show-jumping competition which took place in Dusseldorf, Federal Republic of Germany, in January 1980, a South African equestrian champion, Gonda Betric, won second place. The following countries also competed: Australia, Costa Rica, Denmark, Netherlands, Norway, South Africa, Spain and Sweden.

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