



REPORT
OF THE
COMMITTEE
ON THE ELIMINATION
OF RACIAL DISCRIMINATION

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY - FIRST SESSION

SUPPLEMENT No. 18 (A/31/18)

UNITED NATIONS



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New York, 1976

NOTE

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LETTER OF TRANSMITTAL

20 August 1976

Sir,

I have the honour to refer to article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination according to which the Committee on the Elimination of Racial Discrimination, established pursuant to the Convention, "shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Racial Discrimination held two sessions in 1976 and, at its 315th meeting held today, unanimously adopted the attached report in fulfilment of its obligations under the Convention; it is submitted to you for transmission to the General Assembly.

I should like to draw attention to the fact that, during the discussions at the Committee's seventh session on the item relating to action by the General Assembly on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention (General Assembly resolution 2921 (XXVII)), the view was expressed that the General Assembly should consider the Committee's report separately from other items.

You may recall that the General Assembly, having been unable for lack of time to consider the report of the Committee on the Elimination of Racial Discrimination which was submitted to the Assembly at its thirtieth session, decided to include that report in the provisional agenda of its thirty-first session, and to consider it with appropriate priority. In this connexion, I wish to express a hope on behalf of the Committee, that the General Assembly at its thirty-first session will be able to consider jointly that report and the present one.

I wish also to draw attention once again to decision 3 (XII), adopted by the Committee at its 261st meeting on 15 August 1975, in which the Committee recommended to the General Assembly that a member appointed by the Committee be invited to participate in meetings of the Third Committee of the General Assembly at which the report of the Committee on the Elimination of Racial Discrimination is considered.

Accept, Sir, the assurances of my highest consideration.

(Signed) Paul Joan George KAPTEYN
Chairman of the
Committee on the Elimination of
Racial Discrimination

His Excellency
Mr. Kurt Waldheim
Secretary-General of the United Nations
New York

I. INTRODUCTION

A. States parties to the Convention

1. On 20 August 1976, the closing date of the fourteenth session of the Committee on the Elimination of Racial Discrimination, there were 90 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provision of its article 19. By the closing date of the fourteenth session, five of the States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. (For the list of States parties, and an indication of those which made the declaration envisaged in article 14, paragraph 1, of the Convention, see annex 1 below.

B. Sessions

2. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1976. The thirteenth session was held at the United Nations Office at Geneva from 29 March to 16 April 1976 and the fourteenth session was held at United Nations Headquarters from 2 to 20 August 1976.

C. Membership of the Committee

3. In accordance with the provisions of article 8 of the Convention, representatives of the States parties held their fifth meeting at United Nations Headquarters on 8 January 1976, 1/ and elected nine members of the Committee on the Elimination of Racial Discrimination, to replace those whose terms were due to expire on 19 January 1976. The names of the members of the Committee for 1976-1977, including those elected or re-elected on 8 January 1976, are as follows:

1/ For decisions of the States parties at their fifth meeting, see International Convention on the Elimination of All Forms of Racial Discrimination, Official Records: Fifth Meeting of States Parties (CERD/SP/7).

<u>Name of member</u>	<u>Country of nationality</u>	<u>Term expires on 19 January</u>
Mr. Mahmoud ABOUL-NASR	Egypt	1978
Mr. Yuli BAHNEV <u>2/</u>	Bulgaria	1980
Mr. Igor Pavlovich BLISHCHENKO <u>2/</u>	Union of Soviet Socialist Republics	1980
Mr. Pedro BRIN MARTINEZ <u>2/</u>	Panama	1980
Mr. Rajeshwar DAYAL <u>3/</u>	India	1980
Mr. André DECHEZELLES <u>2/</u>	France	1980
Mr. Silvo DEVETAK <u>2/</u>	Yugoslavia	1980
Mr. Christopher O. HOLLIST <u>4/</u>	Nigeria	1978
Mr. José D. INGLES	Philippines	1978
Mr. Paul Joan George KAPTEYN	Netherlands	1978
Mr. George O. LAMPTEY	Ghana	1978
Mr. Mohied-Din NABAVI <u>2/</u>	Iran	1980
Mr. Willibald P. PAHR <u>2/</u>	Austria	1980
Mr. Karl Josef PARTSCH	Germany, Federal Republic of	1978
Mr. Arturo Enrique SAMPAY <u>2/</u>	Argentina	1980
Mr. Fayez A. SAYEGH	Kuwait	1978
Mr. Luis VALENCIA RODRIGUEZ	Ecuador	1978
Mrs. Halima Embarek WARZAZI	Morocco	1978

D. Attendance

4. All members attended the thirteenth session of the Committee. All members, except Mr. Aboul-Nasr, Mr. Dechezelles, Mr. Lamptey and Mr. Sampay, attended the fourteenth session.

E. Solemn declaration

5. At the opening of the thirteenth session, the nine members of the Committee who were elected or re-elected by the meeting of the States parties to the Convention on 8 January 1976, made a solemn declaration in accordance with rule 14 of the provisional rules of procedure of the Committee. Mr. Hollist made that declaration at the fourteenth session of the Committee.

2/ Elected on 8 January 1976.

3/ Re-elected on 8 January 1976.

4/ Acting in accordance with article 8, para. 5 (b) of the Convention and rule 13 of its provisional rules of procedure, the Committee on the Elimination of Racial Discrimination, at its 291st meeting held on 14 April 1976, approved the appointment of Mr. Christopher O. Hollist to serve as a member of the Committee for the remainder of Mr. Adedokun A. Haastrup's term. See chap. II below.

F. Election of officers

6. At its 268th meeting, held on 29 March 1976, the Committee elected the following officers for a term of two years in accordance with article 10, paragraph 2, of the Convention:

Chairman: Mr. Paul Joan George KAPTEYN

Vice-Chairmen: Mr. Igor Pavlovich BLISHCHENKO
Mr. George O. LAMPTEY
Mr. Arturo Enrique SAMPAY

Rapporteur: Mr. Fayez A. SAYEGH

G. Agenda

Thirteenth session

7. At its 268th meeting, on 29 March 1976, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its thirteenth session, with the understanding that item 5, entitled "Action by the General Assembly at its thirtieth session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2 of the Convention", should be placed after item 8, entitled "Decade for Action to Combat Racism and Racial Discrimination". At its 291st meeting, on 14 April 1976, the Committee decided to incorporate agenda item 5 in agenda item 8.

8. At its 291st meeting, the Committee also agreed to add the following item as item 10 of its agenda for the thirteenth session:

"Filling of a casual vacancy in the Committee in accordance with article 8, paragraph 5 (b) of the Convention and rule 13 of the provisional rules of procedure."

9. The agenda of the thirteenth session reads as follows:

1. Opening of the session by the representative of the Secretary-General.
2. Solemn declaration by the new members of the Committee, under rule 14 of the provisional rules of procedure.
3. Election of Officers of the Committee.
4. Adoption of the agenda.
5. Action by the General Assembly at its thirtieth session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention. 5/

5/ See para. 7 above.

6. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention:
 - (a) Initial reports of States parties due in 1972;
 - (b) Initial reports of States parties due in 1973;
 - (c) Initial reports of States parties due in 1974;
 - (d) Second periodic reports of States parties due in 1974;
 - (e) Third periodic reports of States parties due in 1974;
 - (f) Initial reports of States parties due in 1975;
 - (g) Second periodic reports of States parties due in 1975;
 - (h) Third periodic reports of States parties due in 1975;
 - (i) Initial reports of States parties due in 1976;
 - (j) Second periodic reports of States parties due in 1976;
 - (k) Third periodic reports of States parties due in 1976;
 - (l) Fourth periodic reports of States parties due in 1976;
 - (m) Information from States parties concerning their obligations under article 4 of the Convention.
7. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
8. Decade for Action to Combat Racism and Racial Discrimination.
9. Meetings of the Committee in 1977 and 1978.
10. Filling of a casual vacancy in the Committee in accordance with article 8, paragraph 5 (b) of the Convention and rule 13 of the provisional rules of procedure.

Fourteenth session

10. At its 293rd meeting, held on 2 August 1976, the Committee adopted the provisional agenda submitted by the Secretary-General as the agenda of its fourteenth session. It read as follows:

1. Adoption of the agenda.
2. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention:
 - (a) Initial reports of States parties due in 1973;
 - (b) Initial reports of States parties due in 1974;
 - (c) Second periodic reports of States parties due in 1974;
 - (d) Initial reports of States parties due in 1975;
 - (e) Second periodic reports of States parties due in 1975;
 - (f) Third periodic reports of States parties due in 1975;
 - (g) Initial reports of States parties due in 1976;
 - (h) Second periodic reports of States parties due in 1976;
 - (i) Third periodic reports of States parties due in 1976;
 - (j) Fourth periodic reports of States parties due in 1976;
 - (k) Information from States parties concerning their obligations under article 4 of the Convention.
3. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the the Convention.
4. Reservations, declarations and statements of interpretation made by States parties to the Convention. 6/
5. Decade for Action to Combat Racism and Racial Discrimination.
6. Meetings of the Committee in 1977 and 1978. 7/
7. Report of the Committee to the General Assembly at its thirty-first session under article 9, paragraph 2, of the Convention.

6/ At its 295th meeting, on 3 August 1976, the Committee decided to defer consideration of this item to its fifteenth session.

7/ At its 293rd meeting, on 2 August 1976, the Committee agreed to take up under this item the questions of its summary records for the current and future sessions and the question of changes in the venue and the dates of the future sessions of the Committee (see chap. VI, sects. B and C below).

H. Participation of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization

11. In accordance with decision 2 (VI) of 21 August 1972 of the Committee concerning co-operation with the ILO and UNESCO, representatives of both organizations attended the thirteenth and fourteenth sessions of the Committee.

12. At the thirteenth session, the representative of the ILO made a general statement, at the 289th meeting, concerning co-operation between the ILO Committee of Experts on the Application of Conventions and Recommendations and the Committee on the Elimination of Racial Discrimination on matters of mutual concern. The representative of UNESCO, at the 202nd meeting, made a statement concerning the activities envisaged by his organization in connexion with the Programme of the Decade for Action to Combat Racism and Racial Discrimination.

II. FILLING OF A CASUAL VACANCY IN THE COMMITTEE IN ACCORDANCE WITH ARTICLE 8, PARAGRAPH 5 (b) OF THE CONVENTION AND RULE 13 OF THE PROVISIONAL RULES OF PROCEDURE

13. In a letter dated 30 March 1976, Mr. Adedokun A. Haastrup, expert from Nigeria, informed the Secretary-General and, through him, the Committee of his intention to withdraw from the membership of the Committee on the Elimination of Racial Discrimination. He also confirmed his decision personally to the Committee at its 275th meeting on 2 April 1976.

14. Consequently, in accordance with article 8, paragraph 5 (b), of the Convention and the procedure set out in rule 13 of the Committee's provisional rules of procedure, the Secretary-General, in a note verbale dated 7 April 1976, informed the Government of Nigeria of Mr. Haastrup's resignation and requested it to nominate within two months, for the approval of the Committee, another expert from among its nationals to serve for the remainder of Mr. Haastrup's term due to expire on 19 January 1978.

15. In a letter dated 13 April 1976, the Permanent Representative of Nigeria to the United Nations Office at Geneva informed the Secretary-General and, through him, the Committee, of his Government's decision to nominate Mr. Christopher Olayiwola Hollist to serve for the unexpired term of Mr. Haastrup on the Committee, submitted a copy of Mr. Hollist's curriculum vitae and expressed the hope that the Committee would approve his nomination.

16. Acting in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of its provisional rules of procedure, the Committee on the Elimination of Racial Discrimination, at its 291st meeting held on 14 April 1976, approved the appointment of Mr. Christopher O. Hollist to serve as a member of the Committee for the remainder of his predecessor's term.

III. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED
BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

A. Receipt of reports 8/

Reports received by the Committee

17. From the establishment of the Committee until the closing date of its fourteenth session (20 August 1976), 244 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 84 initial reports, 74 second periodic reports, 50 third periodic reports and 36 fourth periodic reports. By the end of the fourteenth session, 220 of those reports had been received as follows: 79 initial reports, 68 second periodic reports, 47 third periodic reports and 26 fourth periodic reports. During the year under review (that is, between the end of the twelfth session and the end of the fourteenth session), 59 reports were received consisting of six initial reports, 16 second periodic reports, 11 third periodic reports and 26 fourth periodic reports. In addition, two States parties whose third periodic reports would fall due after the fourteenth session of the Committee, submitted those reports before that session.

18. Supplementary reports from eight States parties, requested by the Committee in accordance with article 9, paragraph 1, of the Convention, were due by the end of the fourteenth session, three of which were submitted during the year under review. Three other supplementary reports were submitted at the initiative of the States parties concerned.

19. The relevant information concerning all reports received during the year is contained in table 1 below:

^{8/} The dates on which all reports (initial, second, third and fourth periodic reports and supplementary information) were due, or submitted during the year under review and reminders, if any, sent in accordance with rule 66 of the provisional rules of procedure and decisions of the Committee, may be found in annex II below.

Table 1. Reports received during the year under review

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent to the State party
Central African Republic	Initial report	14 April 1972	27 February 1976	7
Jordan		30 June 1975	29 March 1976	1
Lesotho		4 December 1972	19 January 1976	6
Mexico		22 March 1976	21 June 1976	1
Rwanda		16 May 1976	16 March 1976	-
United Republic of Tanzania		26 November 1973	22 March 1976	4
Barbados	Second periodic report	10 December 1975	10 December 1975	-
Central African Republic		14 April 1974	27 February 1976	1
Cuba		16 March 1975	21 May 1975	-
Democratic Yemen		19 November 1975	9 August 1976	1
France		28 August 1974	17 June 1976	2
German Democratic Republic		26 April 1976	5 May 1976	-
Haiti		18 January 1976	5 July 1976	1
Jamaica		5 July 1974	20 August 1975	2
Lesotho		4 December 1974	19 January 1976	1
Malta		26 June 1974	5 April 1976	3
Mauritius		29 June 1975	21 July 1976	2
New Zealand		22 December 1975	24 February 1976	-
Peru		30 October 1974	6 October 1975	2
Senegal		18 May 1975	12 July 1976	2
Tonga		17 March 1975	28 October 1975	2
United Republic of Tanzania	26 November 1975	22 March 1976	-	

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent to the State party
Bolivia	Third periodic report	21 October 1975	5 December 1975	-
Canada		12 November 1975	23 March 1976	-
Central African Republic		14 April 1976	27 February 1976	-
Chile		20 November 1976	21 June 1976	-
Finland		16 August 1975	8 January 1976	-
France		28 August 1976	17 June 1976	-
Greece		19 July 1975	16 January 1976	-
Iraq		15 February 1975	2 September 1975	1
Malta		26 June 1976	5 April 1976	-
Norway		6 September 1975	12 May 1976	1
Romania		14 October 1975	8 October 1975	-
Tunisia		5 January 1974	19 December 1975	4
United Republic of Cameroon		24 July 1976	13 May 1976	-
Argentina	Fourth periodic report	5 January 1976	22 December 1975	-
Bulgaria		5 January 1976	8 March 1976	-
Byelorussian Soviet Socialist Republic		7 May 1976	18 May 1976	-
Cyprus		5 January 1976	13 January 1976	-
Ecuador		5 January 1976	4 June 1976	1
Germany, Federal Republic of		14 June 1976	11 August 1976	-
Holy See		1 June 1976	6 August 1976	-
Hungary		5 January 1976	20 January 1976	-
Iceland		5 January 1976	14 July 1976	1
Iran		5 January 1976	17 December 1975	-
Kuwait		5 January 1976	17 February 1976	-
Libyan Arab Republic		5 January 1976	22 June 1976	1
Madagascar		8 March 1976	25 March 1976	-

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent to the State party
Niger	Fourth periodic report (continued)	5 January 1976	17 September 1975	-
Pakistan		5 January 1976	26 July 1976	1
Panama		5 January 1976	10 August 1976	1
Philippines		5 January 1976	23 July 1976	1
Poland		5 January 1976	22 March 1976	-
Spain		5 January 1976	26 March 1976	-
Syrian Arab Republic		20 May 1976	30 July 1976	-
Tunisia		5 January 1976	19 December 1975	-
Ukrainian Soviet Socialist Republic		5 April 1976	20 April 1976	-
Union of Soviet Socialist Republics		5 March 1976	12 April 1976	-
Uruguay		5 January 1976	3 August 1976	1
Venezuela		5 January 1976	24 March 1976	-
Yugoslavia		5 January 1976	19 February 1976	-
Tonga		Supplementary	12 August 1974	28 October 1975
Peru	31 March 1975		6 October 1975	1
Haiti	29 March 1976		5 July 1976	1

20. As the information contained in table 1 shows, only 11 of the reports received during the year under review were submitted on time or before the deadline provided for under article 9, paragraph 1, of the Convention; the rest were submitted after some delay, ranging from a few days to three and a half years. In the case of 26 of the reports received during the year, one to seven reminders had been sent to the State party concerned before the report was submitted.

Reports not yet received by the Committee

21. By the end of the fourteenth session of the Committee, 24 reports due before then had not yet been received: five initial reports, six second periodic reports, three third periodic reports and 10 fourth periodic reports. Table 2 below provides the relevant information on these reports.

Table 2. Reports which were due before the closing date of the fourteenth session, but had not yet been received

State party	Type of report	Date on which the report was due	Number of reminders sent before the fourteenth session
Togo	Initial	1 October 1973	5
	Second	1 October 1975	1
Lao People's Democratic Republic	Initial	24 March 1975	3
United Arab Emirates	Initial	21 July 1975	2
Upper Volta	Initial	18 August 1975	1
Bahamas	Initial	5 August 1976	-
Algeria	Second	15 March 1975	3
Zambia	Second	5 March 1975	3
Lebanon	Second	12 December 1974	2
	Supplementary	29 March 1976	-
Fiji	Second	11 January 1976	1
Ivory Coast	Second	4 February 1976	1
Morocco	Third	17 January 1976	1
Nepal	Third	1 March 1976	1
Jamaica	Third	5 July 1976	-
	Supplementary	2 August 1976	-
Brazil	Fourth	5 January 1976	-
Costa Rica	Fourth	5 January 1976	1
Czechoslovakia	Fourth	5 January 1976	1
Egypt	Fourth	5 January 1976	1
Ghana	Fourth	5 January 1976	1
India	Fourth	5 January 1976	1
Nigeria	Fourth	5 January 1976	1
Sierra Leone	Fourth	5 January 1976	1
	Supplementary	31 March 1975	1
Swaziland	Fourth	6 May 1976	-
United Kingdom of Great Britain and Northern Ireland	Fourth	5 April 1976	-
Bolivia	Supplementary	2 August 1976	-
Venezuela	Supplementary	2 August 1976	-

Action taken by the Committee to ensure submission by States parties of reports under article 9 of the Convention

22. In accordance with rule 66, paragraph 1, of its provisional rules of procedure, the Committee at its thirteenth session requested the Secretary-General to send reminders to all States parties whose reports were due before the closing date of that session but had not been received. Accordingly, the Secretary-General sent a fifth reminder to the Government of Togo, third reminders to the Governments of Algeria, the Lao People's Democratic Republic and Zambia, second reminders to the Governments of Lebanon and the United Arab Emirates and first reminders to the Governments of Costa Rica, Czechoslovakia, Democratic Yemen, Egypt, Fiji, Ghana, India, the Ivory Coast, Morocco, Nepal, Nigeria, Panama, Sierra Leone, the Upper Volta and Uruguay, requesting them to submit their respective reports by 30 June 1976 for consideration by the Committee at its fourteenth session.

23. At its 306th meeting (fourteenth session), held on 11 August 1976, the Committee - taking into account the number of previous reminders sent to each of the States parties concerned, the reports which were still due and the dates on which their next report should be submitted - decided that reminders should be sent by the Secretary-General to 20 States parties concerned, in accordance with rule 66, paragraph 1, of the provisional rules of procedure, as follows:

- (a) A sixth reminder to the Government of Togo, requesting it to submit its initial and second periodic reports in one document by 1 January 1977;
- (b) A fourth reminder to the Government of the Lao People's Democratic Republic, requesting it to submit its initial and second periodic reports in one document by 24 March 1977, the date on which its second periodic report will be due;
- (c) A fourth reminder to the Government of Algeria, requesting it to submit its second and third periodic reports in one document by 15 March 1977, the date on which its third periodic report will be due;
- (d) A fourth reminder to the Government of Zambia, requesting it to submit its second and third periodic reports in one document by 5 March 1977, the date on which its third periodic report will be due;
- (e) A third reminder to the Government of the United Arab Emirates, requesting it to submit its initial report by 1 January 1977;
- (f) A second reminder to the Government of the Upper Volta, requesting it to submit its initial report by 1 January 1977;
- (g) Second reminders to the Governments of Fiji and the Ivory Coast, requesting them to submit their second periodic reports by 1 January 1977;
- (h) Second reminders to the Governments of Morocco and Nepal, requesting them to submit their third periodic reports by 1 January 1977;
- (i) Second reminders to the Governments of Costa Rica, Czechoslovakia, Egypt, Ghana, India and Nigeria, requesting them to submit their fourth periodic reports by 1 January 1977;

(j) A second reminder to the Government of Sierra Leone, requesting it to submit its fourth periodic report and the supplementary information previously requested by the Committee, in one document, by 1 January 1977;

(k) A first reminder to the Government of the Bahamas, requesting it to submit its initial report by 1 January 1977.

(l) A first reminder to the Government of Jamaica, requesting it to submit its third periodic report and the supplementary information requested by the Committee at its thirteenth session, in one document, by 1 January 1977;

(m) A first reminder to the Government of Swaziland, requesting it to submit its fourth periodic report by 1 January 1977.

The Committee also decided that no reminder should be sent to the Government of Lebanon (which informed the Committee, through the Secretary-General, that, in view of the actual situation in Lebanon and the state of postal services with that country, it would not be possible for the Lebanese authorities to submit the report or to furnish the required information, as requested by the Committee) or to the Governments of Brazil and the United Kingdom of Great Britain and Northern Ireland (which informed the Committee that their fourth periodic reports were under preparation and would be submitted shortly).

24. It will be recalled that rule 66 of the provisional rules of procedure of the Committee provides that:

"1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State Party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

2. If even after the reminder, referred to in paragraph 1 of this rule, the State Party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly." 9/

In accordance with paragraph 2 of rule 66, the Committee wishes to draw the attention of the General Assembly to the relevant information contained in table 2 above (para. 21).

25. In this connexion, the Committee repeats once again a statement which it made at its first session and which it has communicated to all States parties and to the General Assembly:

"The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting

9/ Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027), annex II.

to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention." 10/

The Committee still holds that view.

B. Consideration of reports

26. At its thirteenth and fourteenth sessions, the Committee completed the consideration of all the reports submitted to it before the opening of its fourteenth session by States parties in accordance with article 9, paragraph 1, of the Convention - except for the second and third periodic reports of France, submitted in one document, which had not been made available to the Committee in all its working languages, and the third periodic report of Chile, which was deferred until the fifteenth session at the request of the Government of the reporting State. 11/ In addition, the Committee considered the second periodic report of Cuba, which had been deferred from the twelfth session. 12/

27. At the thirteenth and fourteenth sessions, 50 reports submitted by 44 States parties were considered by the Committee (see annex III).

28. The Committee devoted 32 of the 48 meetings it held in 1976 to the discharge of its obligations under article 9 of the Convention.

29. In accordance with rule 64 A of its provisional rules of procedure, the Committee followed the practice, inaugurated at its sixth session, 13/ of requesting the Secretary-General to notify the States parties concerned of the dates on which their respective reports would be considered. At the thirteenth session, which was held at the United Nations Office at Geneva, 19 of the 28 States parties whose reports were considered by the Committee sent representatives to participate in the consideration of their respective reports; at the fourteenth session, held at United Nations Headquarters in New York, 15 of the 16 States parties concerned were represented during the consideration of their reports by the Committee.

30. The following summaries record the comments made by members of the Committee, during the examination of reports of States parties, regarding the scope and organization of those reports; the observations made by members regarding the measures adopted - or not adopted - by Governments to give effect to the provisions of the Convention; the questions raised by members, regarding the information on the implementation by States parties of the provisions of articles 1, 2, 4, 5, 6, and 7 of the Convention, as well as the subject-matter of

10/ Ibid., annex III, sect. A.

11/ At the fourteenth session, one member objected to the consideration of the report of Chile. However, inasmuch as the Chairman informed the Committee that the Government of Chile had requested that the consideration of its report be postponed until the following session, the question was not discussed any further.

12/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 18 (A/10018), para. 74.

13/ Ibid., Twenty-seventh Session, Supplement No. 18 (A/8718), paras. 55 and 56.

general recommendations III and IV and decisions 3 (VII) and 2 (XI) of the Committee; and the observations made and answers given by the representatives of the States parties. However, with regard to article 3 of the Convention, some members of the Committee asked all States parties whose reports did not include the relevant information for information on the implementation of the provisions of that article and expressed the hope that the next reports would contain such information; but some other members were of the opinion that the provisions of article 3 of the Convention were self-executing; and some members expressed the view that, in any case, information relating to the implementation of article 3 was already envisaged in general recommendation III.

31. The following paragraphs are arranged on a country-by-country basis according to the sequence followed by the Committee at its thirteenth and fourteenth sessions in its consideration of the reports of States parties.

Bolivia

32. The third periodic report of Bolivia consisted of the statement that "no provisions of any kind have been enacted, since no racial problems exist or ever existed in Bolivia".

33. The Committee recalled that, during its consideration of the second periodic report of Bolivia, it had noted that the Government of the reporting State had not provided in that report (or in its initial report) any information on the implementation of articles 2 (paras. 1 (c) and 2), 4, 5, 6 and 7 of the Convention nor the information envisaged in general recommendations III and IV. The Committee also recalled that, on that occasion, the representative of the Government of Bolivia had stated that her Government "would have no objection to submitting fuller information in subsequent reports". The Committee therefore regretted that the third periodic report of Bolivia did not contain any information required under article 9 of the Convention or envisaged in the relevant general recommendations of the Committee, particularly since such information had already been requested by the Committee during its consideration of the previous reports of Bolivia.

34. The Committee once again requested the Government of Bolivia to supply it with detailed and specific information on legislative, judicial, administrative and other measures giving effect to the provisions of articles 2, 4, 5, 6 and 7 of the Convention as well as the information referred to in general recommendations III and IV. In addition, some members expressed the wish that the next report of Bolivia would contain information concerning measures to solve the economic problems creating inequality among Bolivian citizens.

35. It was suggested that the Government of Bolivia should be asked to prepare a supplementary report for consideration by the Committee at its fourteenth session containing - in addition to the information already requested - replies to questions raised by members of the Committee during the consideration of Bolivia's successive reports.

36. In his statement before the Committee, the representative of the Government of Bolivia made general comments regarding the application of articles 2 (para. 1 (c)), 4, 5 and 6 of the Convention in his country. Regarding the demographic information envisaged in general recommendation IV, he informed the Committee that there was shortly to be a general census which would make it

possible for his Government to obtain, and to transmit to the Committee, information on the ethnic composition of the population. He reaffirmed the statement contained in his Government's report, to the effect that there was no racial discrimination in his country, and added that - as a consequence of great poverty - there was social inequality, which his Government was trying to combat with measures accelerating development and ensuring better distribution of wealth.

37. The representative of the Government of Bolivia said that "he accepted that his Government had not fulfilled all its obligations and must submit a more detailed report". He undertook "to recommend to his Government that an additional report should be prepared before the Committee's following session".

38. The Committee decided to take note of the intention of the representative of the Government of Bolivia to recommend to his Government that it should prepare an additional report for the following (fourteenth) session.

39. By the end of the fourteenth session, however, the expected report had not been received.

Greece

40. The Committee took note with appreciation of the information, contained in the third periodic report of Greece and supplemented by the representative of the Government of Greece in his introductory statement, regarding (a) the relevant provisions of the new Constitution of 1975, particularly those relating to the undertakings in accordance with article 5 of the Convention; (b) the draft legislation prepared by the Government of Greece, designed to give effect to the provisions of article 4 of the Convention, still awaiting enactment by the legislature; and (c) the measures implementing the resolutions of the competent organs of the United Nations regarding relations with the racist régime in Rhodesia. The Committee took note also of the assurance, made by the representative of the reporting State, that the full text of the 1975 Constitution and the text of the legislation implementing the provisions of article 4 of the Convention would be supplied to the Committee along with the next report.

41. The Committee regretted, however, that (a) the report did not contain any information on the demographic situation in the reporting State, as envisaged in general recommendation IV; (b) that the information on the implementation of relevant United Nations resolutions concerning relations with South Africa was neither as detailed nor as specific as the information relating to the implementation of resolutions on relations with the racist régime in Rhodesia; and (c) that little information was supplied regarding the implementation of article 7 of the Convention. Specific questions were raised by members of the Committee regarding the following: (1) whether the term "race", used in article 5 of the Constitution, was interpreted as embracing "colour, descent or national or ethnic origin" as well as "race", as required by article 1, paragraph 1, of the Convention; (2) whether the information contained in the second periodic report of Greece but not reaffirmed in the third report, concerning the implementation of the provisions of article 6 of the Convention, continued to apply; (3) whether, inasmuch as the Convention had become an integral part of the Greek legal system its provisions could be invoked by a litigant or by a judge in judicial proceedings and decisions; (4) whether the new Constitution contained any provisions similar to those contained in article 136 of the former Greek Constitution; (5) whether all

the articles of the 1975 Constitution cited in the report under consideration were in force and enforceable; and (6) whether any penal sanctions, in pursuance of Security Council resolution 253 (1968), had been instituted in Greece for any violation of the ban placed on economic and trade relations with the illegal racist régime in Rhodesia. Members of the Committee asked also for clarifications regarding the meaning, import or scope of the provisions of articles 5 (paras. 2 and 4) and 25 (paras. 1 and 3) of the new Greek Constitution.

42. The representative of the Government of Greece commented on the meaning of articles 5 and 25 of the 1975 Constitution. Regarding the specific questions mentioned in the preceding paragraph, he replied in the negative to question 4, and in the affirmative to all other questions. He supplied the following additional information, in response to the inquiries mentioned in paragraph 41 above: (a) the Greek population was homogeneous; a small minority of about 120,000 - all of whom were Greek citizens, assured equal rights under the Constitution - lived in a northern province; (b) Greece, which had had diplomatic relations with South Africa long before apartheid had become an established policy of the South African régime, had maintained those relations, but had joined in all United Nations action against apartheid; and (c) the school curriculum in Greece included a subject called "the education of the citizen", in which children learned about the United Nations principles relating to action to combat racism and racial discrimination. He denied the assertion made by a member of the Committee that there was a Macedonian national minority in Greece.

Finland

43. The Committee noted that the third periodic report of Finland dealt only with certain legislative and administrative measures - as envisaged in article 1, paragraph 4, and required by article 2, paragraph 2, of the Convention - relating to the Lapps and the gipsies; all Committee members who participated in the consideration of the report welcomed those measures.

44. The Committee noted with regret (a) that the report under consideration furnished no information on the outcome of judicial proceedings relating to cases of alleged racial discrimination mentioned in the previous report, although such information had been requested by the Committee; and (b) that the information envisaged in general recommendation III was not supplied.

45. The following questions were asked by members of the Committee: (a) Was the Lapp delegation, described in the report under consideration, the same body as the projected Lapp Parliament, mentioned in the preceding report? (b) What was the mandate and competence of the Gipsy Association, mentioned in the initial report of Finland, and what were its activities? (c) Why were the gipsies opposed to the publication of an elementary manual in the gipsy language? (d) What measures, particularly in education, had the Finnish Government taken - as envisaged in article 7 of the Convention - to promote feelings of tolerance towards gipsies and their way of life among other members of the population? (e) Were there any "integrationist multiracial organizations and movements", as envisaged in article 2, paragraph 1 (e), of the Convention, aimed at integrating the Lapps and the gipsies in Finnish society? And, if so, were they receiving assistance from the Government?

46. The representative of the Government of Finland informed the Committee that her Government did maintain diplomatic relations with South Africa but that it

condemned the practice of apartheid and contributed to the United Nations Trust Fund for South Africa, the United Nations Fund for Namibia and similar institutions. She confirmed that the Lapp delegation performed the same functions as the projected Lapp Parliament mentioned in her Government's second report. She assured the Committee that the other inquiries and questions, mentioned in the two preceding paragraphs, would be forwarded to her Government.

Barbados

47. The Committee noted with appreciation that the second periodic report of Barbados - which was considered without the participation of a representative of the reporting State - contained relevant information which had been lacking in the initial report, and in particular information regarding the measures giving effect to the provisions of articles 5 and 6 of the Convention and the information envisaged in general recommendations III and IV. However, it was observed that some of the information contained in the report had not been placed under the appropriate headings.

48. Some members of the Committee, commenting on the tables of population statistics appearing in annex I to the report, expressed surprise at finding that the term "white" was used for a population group distinct from certain other groups described as "Portuguese" and "Syrian/Lebanese", and asked what was meant by the term "white". One member of the Committee, taking note of the statement contained in the first paragraph of the report that "it is considered that the judicial processes cannot go beyond those provided in the Constitution", expressed the view that there was a contradiction between that statement and the provisions of article 24, paragraph 6, of the Constitution of Barbados, which enabled Parliament to make provision with respect to the practice of any procedure of the High Court, the Court of Appeals and the subordinate courts. Several members of the Committee observed that no information had been supplied, in either the initial report or the second periodic report, regarding the implementation of the provisions of article 7 of the Convention, and expressed the hope that the next report of Barbados would contain such information. Many members also expressed the hope that the full text of the Constitution of Barbados would be made available to the Committee.

49. There was extensive discussion of the meaning and scope of the reservation made by the Government of Barbados at the time of its accession to the Convention. The opinion was expressed that that reservation, judging by its language, applied only to article 6 of the Convention; on the other hand, it was maintained that, in the absence of any explicit reference to that article, it must be presumed that the reservation applied to the Convention as a whole. This question had direct bearing on the statement, contained in the penultimate paragraph of the report, that "no legislative measures have been taken with regard to article 4 (b) of the Convention". One member viewed this statement as an admission of non-compliance with a mandatory provision of the Convention and proposed that the Committee should make an appropriate suggestion, in accordance with article 9, paragraph 2, of the Convention, calling for compliance; but some members of the Committee considered the position of the Government of Barbados to be within the purview of its reservation and also in conformity with its statement of interpretation relating to article 4 of the Convention. The Committee decided to request the Government of Barbados to include in its third periodic report a clarification of its views on the scope of its reservation and an explanation of its statement of interpretation relating to article 4, and to defer further discussion of this matter until it had received and considered the response of the Government of Barbados to this request.

Austria

50. The Committee noted with appreciation that the second periodic report of Austria covered a number of subjects which had not been dealt with in that country's initial report and on which the Committee had requested information, and that the comprehensive information contained in the report under consideration was organized in accordance with the guidelines laid down by the Committee at its first session.

51. Noting that the report provided a substantial amount of data on the demographic composition of the Austrian population, some members observed that the statistics given did not relate specifically to the criteria of "race, colour, descent, or national or ethnic origin" - to which article 1, paragraph 1, of the Convention and general recommendation IV refer - but mainly to the language criterion; that the legally recognized minorities were linguistic minorities; and that their right to equality appeared to be safeguarded by the provisions of the Peace Treaty of Saint-Germain-en-Laye of 10 September 1919 ^{14/} as well as the State Treaty for the Re-establishment of an Independent and Democratic Austria. ^{15/} However, one member of the Committee stressed that that Treaty referred to Slovene and Croat minorities, which he described as national minorities. He inferred from some of the information contained in the initial report of Austria that some of the rights safeguarded by those provisions (as well as by the provisions of article 2, paragraph 2, of the Convention) had been abridged by federal law, or had been limited as a result of the practice of making the enjoyment of some of their rights by national minorities contingent upon their relative numerical strength in the areas where they lived. He noted also that the data in the annexes to the second periodic report of Austria indicated a steady decline in the number of members of the national minorities. He therefore thought that the Committee should again urge the implementation, in the spirit of the Convention, of the relevant provisions of the State Treaty as it had done at its ninth session. Another member of the Committee stated that - since its competence did not extend beyond the Convention - the Committee could not consider the question of the implementation of the Austrian State Treaty; but a third member recalled that the second periodic report of Austria contained quotations from and comments on that Treaty and the Treaty of Saint-Germain-en-Laye.

52. The status and rights of aliens in Austria were considered by the Committee, in the light of article 1, paragraph 2, of the Federal Constitutional Act on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (which stated that the prohibition of discrimination laid down in paragraph 1 of that article did not prevent the granting of special rights to Austrian nationals or the imposition of special obligations on them), as well as in the light of the statement, contained in the report, that "in some cases, procedural laws impose special requirements on non-citizens". In this connexion, the information provided in the report concerning foreign workers and their rights was also carefully examined by several members of the Committee, as was the information that "only the privileged position accorded to German-speaking aliens in a number of laws introduced after the Second World War is likely to be inconsistent with the Convention".

^{14/} League of Nations, Treaty Series, No. 11 (1919).

^{15/} United Nations, Treaty Series, vol. 217, No. 2949, p. 223.

53. There was much discussion in the Committee of the following statement, contained in the report under consideration:

"On the assumption that it is the object of the Convention to rule out unequal treatment of people exclusively on account of their race, colour, etc., Article 5 of the Convention is interpreted not as an obligation for States Parties to grant the rights enumerated therein, but as a requirement to the effect that where these rights are safeguarded by a State's legal order, their enjoyment must be ensured without any discrimination. Certain rights enumerated in Article 5 of the Convention are not safeguarded by Austrian law, hence the question whether or not they are granted without any discrimination does not arise."

Several members of the Committee expressed their agreement with this statement, referring to the extensive discussion by the Committee at its eighth session of the meaning and scope of article 5 of the Convention; 16/ but some members expressed their disagreement with the position of the reporting State towards that question.

54. Several members noted that a new Criminal Code had entered into force in Austria on 1 January 1975, and that section 283 of that Code covered to some extent the obligations of the reporting State under article 4, paragraph (a), of the Convention. Doubt was expressed, however, as to whether the existing legislation satisfied all the requirements of paragraph (b) of that article, or the obligation contained in article 7, paragraph 5, of the State Treaty for the Re-establishment of an Independent and Democratic Austria (under which that country was obliged to prohibit the activity of organizations whose aim was to deprive the Croat or Slovene population of their minority character or rights). Some members stated in that connexion that they had been informed of the existence of organizations, including neo-Nazi organizations, which should be penalized under those provisions of the Convention or the State Treaty.

55. In addition to the questions raised in connexion with the comments summarized in the foregoing four paragraphs, the following questions were asked by members of the Committee: (a) Was the Convention regarded, in Austrian legal practice, as part of Austrian law? (b) What was the status of Austria's relations with the racist régimes in southern Africa? (c) What measures had been adopted to give effect to the obligations of the reporting State in accordance with the provisions of article 7 of the Convention?

56. The representative of the Government of Austria commented on many of the observations made by Committee members during the consideration of his Government's report. (a) Regarding minorities (para. 51 above), he said that the decrease in the size of some minorities was not a typically Austrian phenomenon; it was the result of the natural tendency of members of minorities to integrate. (b) Regarding the rights of aliens (para. 52 above), he recalled article 1, paragraph 2, of the Convention which declared that the Convention did not apply to distinctions between citizens and non-citizens; he gave some examples of special requirements which applied to non-citizens where no bilateral agreements existed between Austria and another State providing for reciprocal exemption of their citizens from those

16/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 18 (A/9018), chap. V, paras. 38-67.

requirements; and he expressed his readiness to recommend to his Government that its next report should include a list of the provisions which made a distinction between nationals and non-nationals in civil law. As for the privileged position accorded to German-speaking aliens, he explained that the persons concerned had been treated as Austrian nationals by virtue of a number of laws introduced after the Second World War, but that the laws in question - which were recognized to be in conflict with the Convention and which, in any case, applied to a group which had practically disappeared as a result of naturalization - would eventually be repealed. (c) Regarding the rights enumerated in article 5 of the Convention (para. 53, above), he said that his Government considered that so long as a given right was not guaranteed by law, there could be no guarantee in respect of non-discrimination in its enjoyment. (d) As for the provisions of article 4, paragraph (b), of the Convention (see para. 54, above), he stated that the new penal provisions, taken in conjunction with the Associations Act, 1951, which prohibited associations having illegal aims, enabled the Austrian Government to dissolve any such association and fully met the requirements of the Convention; he rejected the comment that there was neo-Nazi parties operating in Austria, and asserted that the "Kartner Heimat Dienst" - an organization in Carinthia whose ideas did not correspond to those of the minorities - had been under close scrutiny by the Austrian authorities for the purpose of determining whether its activities came under the provisions of section 283 of the Criminal Code, but that that scrutiny had so far failed to show that the organization's objective was to eliminate the Slovene or other minorities and, consequently, it had not been prohibited.

57. Regarding the specific questions mentioned in paragraph 55 above, the representative of the Government of Austria informed the Committee: (a) that, since not all the provisions of the Convention were self-executing, it had been necessary to implement certain articles (such as articles 2, 4 and 5) through the adoption of specific legislation; (b) that Austria condemned the policy of apartheid in South Africa, but continued to maintain diplomatic relations with that country; and (c) that the next report of Austria would enumerate the administrative measures taken to give effect to the provisions of article 7 of the Convention and would also give a list of the organizations which endeavoured to promote understanding and to combat racial prejudice.

Jamaica

58. The Committee considered the second periodic report of Jamaica together with the information supplied separately by the Government of Jamaica in response to the Committee's decision 3 (VII), concerning the implementation of the provisions of article 4, paragraphs (a) and (b), of the Convention.

59. The Committee noted that the contents of the two documents under consideration were almost identical. Inasmuch as the second periodic report of Jamaica was for the large part a repetition of that country's initial report, members of the Committee observed that the comments, inquiries and requests made during the consideration of the initial report were fully applicable to the two new documents currently under consideration.

60. The texts of sections 13 to 24, inclusive, of chapter 3 of the Constitution of the reporting State - which were crucial for the understanding of the meaning and import of some subsections of sections 24 and 25 - had been requested at an earlier session, but were not submitted along with the new report; and it was observed with regret that that report provided no clarifications concerning the comments made by members on the possible incompatibility between some provisions of section 24 of the Constitution and some provisions of the Convention. The Committee was unable to determine whether the reservation made by Jamaica at the time of its ratification of the Convention was confined to "judicial processes" only; nor had any of the questions raised at an earlier session of the Committee regarding that reservation been clarified by the reporting State. The Committee continued to be of the opinion that information on the implementation of provisions of articles 2, 3, 4, 5, 6 and 7 of the Convention by the Government of Jamaica was lacking; and it was regretted that the information envisaged in general recommendations III and IV had not been supplied.

61. The Committee observed that the only new elements contained in the second periodic report of Jamaica were a statement that no cases of racial discrimination had appeared before the Courts and extracts from two legislative enactments passed before Jamaica's ratification of the Convention. Of these, the extract from the Sound Broadcasting and Radio Rediffusion Regulations of 1963 appeared to give effect to some of the provisions of article 4, paragraph (a), of the Convention. On the other hand, the extract from the Disabilities Removal (Jews) Law of 1830, which was considered by some members of the Committee to deal with religious discrimination, was very brief and gave no idea of the conditions actually prevailing in the country. It was observed also that that law reserved special treatment for a particular religion, and it was asked whether similar laws had been enacted for each of the minority religions.

62. The representative of the Government of Jamaica, in his statement, asserted that the basic point was that Jamaica had no racial problem in its territory, that the provisions of the Constitution afforded members sufficient protection against racial discrimination, and that the Government of Jamaica was actively combating all forms of racial discrimination elsewhere. He assured the Committee that the reservation formulated by his Government on ratifying the Convention had not prevented it from complying with the provisions of the Convention. He foresaw no difficulty in reproducing in Jamaica's future reports the sections of the Jamaican Constitution requested by the Committee. He gave the Committee some data on the ethnic composition of the population of his country and some information on his

Government's international stand against racial discrimination and racist régimes. He assured the Committee that he would transmit the questions raised by its members to his Government and would recommend that an attempt to deal with them would be made in its next report.

Cyprus

63. The Committee considered the fourth periodic report of Cyprus, together with the oral report submitted by the representative of the Government of Cyprus in his introductory statement.

64. The Committee took note of the information contained in the fourth periodic report of Cyprus, to the effect that, during the period covered by that report, there had been no development concerning legislative, judicial, administrative or other measures giving effect to the provisions of the Convention.

65. With regard to the additional information supplied orally by the representative of the Government of Cyprus, it was observed that, while consideration of the political situation in that country was outside the competence of the Committee, the statement by the Government of a State party to the Convention that racial discrimination was being practised on a part of its national territory which was outside its effective control and the detailed information supplied by the reporting State on that situation were within the purview of article 9, paragraph 1, of the Convention; accordingly, the Committee was competent to consider such information under article 9, paragraph 2, of the Convention and to take appropriate action in accordance with those provisions. In that connexion, decisions 3 (XI) and 1 (XII) were recalled, as was the fact that the General Assembly had not had the opportunity to consider those decisions inasmuch as it had not taken up the sixth annual report of the Committee at its thirtieth session.

66. At its 275th meeting, held on 2 April 1976 (thirteenth session), the Committee decided:

"(1) To reaffirm the concern it had expressed at its eleventh and twelfth sessions;

(2) To state, as it had done in paragraph 2 of its decision 1 (XII), that it hoped that progress towards a settlement would continue, that the relevant United Nations resolutions would be implemented and that there would be a speedy normalization of the situation in Cyprus, so that all refugees and other human beings in Cyprus could enjoy fully their fundamental human rights without discrimination; and

(3) To keep open the invitation to the Government of Cyprus, first made in paragraph 2 of the Committee's decision 3 (XI), to provide all available information for consideration by the Committee at its next session."

67. At the fourteenth session, the representative of the Government of Cyprus, in a statement before the Committee, informed it that the situation described in previous statements concerning the practice of racial discrimination had deteriorated and that the talks mentioned in the Committee's decision 1 (XII) had been stalemated.

68. At the 306th meeting, held on 11 August 1976 (fourteenth session), the Committee decided to take note of the statement of the representative of the Government of Cyprus and to:

"(1) Express once more the concern it had voiced in paragraph 1 of its decision 3 (XI) and repeated at its twelfth and thirteenth sessions;

"(2) Express again its hope that the relevant resolutions adopted by the competent bodies of the United Nations would be implemented and that a speedy normalization of conditions in Cyprus would be effected, so that all refugees and other human beings in Cyprus suffering hardships because of their racial or ethnic origin would be enabled to enjoy fully their fundamental human rights without discrimination; and

"(3) Keep open the invitation to the Government of Cyprus, first made in paragraph 2 of the Committee's decision 3 (XI), to provide it with such additional information as might be available to it for consideration by the Committee at its next session."

Iraq

69. The Committee noted with satisfaction that the third periodic report of Iraq and the statement made by the representative of the Government of Iraq, which brought the information contained in that report up to date, supplied information not only on constitutional and legislative provisions, but also on judicial, administrative and other measures as well as on the subject-matter of general recommendations III and IV. It was noted also that, as requested by the Committee, the texts of relevant constitutional and legislative provisions cited in the successive reports of Iraq were supplied. Where official translations into one of the working languages of the Committee were not available, texts were furnished either in unofficial translations or in the original Arabic language.

70. Members of the Committee noted with satisfaction the amendment to the Constitution and other enactments relating to the status and rights of the Kurds. Some members wondered whether the Government of Iraq contemplated further steps to integrate the Kurds into Iraqi society (as envisaged in the final sentence of article 2, para. 2, of the Convention) or was taking steps in accordance with the provisions of article 2, paragraph 1 (e), of the Convention. Other members, however, were of the view that the recognition of a distinct Kurdish nationality and the establishment of autonomy in areas where the majority of the population were Kurds were fully in accord with the will of the Kurds themselves as well as the principles of the Convention.

71. The decision of the Revolutionary Command Council, dated 26 November 1975, permitting the return of Iraqi Jews who had left the country since 1948 was welcomed by most of the members of the Committee who participated in the consideration of the report. One member, however, expressed the view that that measure affected a religious group rather than a group which fell within the framework of the Convention. Another member inquired whether that decision meant that the right to return was generally recognized in Iraq, but that an exception had previously been made in the case of Iraqi Jews, and also whether Iraqi Jews who did return would be entitled to recover or to receive compensation for their property.

72. Recalling that Iraqi society was multinational and that education was of the utmost importance in overcoming or forestalling racial prejudice, one member inquired about the measures which the Iraqi Government was taking to give effect to article 7 of the Convention. Another member, noting that article 200 of the Iraqi Criminal Code penalized racial propaganda, inquired whether there were other legal texts which made other acts of racial discrimination punishable. A third member observed that, among the various headings under which the population of Iraq was classified, there appeared the heading "other", under which the relatively large figure of 28,406 was given. He suggested that that figure might be usefully broken down in Iraq's next periodic report.

73. The representative of the Government of Iraq confirmed that the distinct status recognized for the Kurds was in accord with their own will. He also confirmed that the right of return was generally recognized in Iraq. The recent decision regarding Iraqi Jews had been made necessary by the fact that legislation enacted in the early 1950s had empowered the Government to deprive of his Iraqi nationality any Iraqi Jew who chose to leave the country permanently. Under the recent decision of the Revolutionary Command Council, Iraqi Jews who returned to their country would enjoy all rights the law guaranteed to other Iraqi citizens, without discrimination. The representative of the Government of Iraq supplied the Committee with additional information on the implementation of article 7 of the Convention, as far as relations between the Kurds and other population groups were concerned. He stated that he would seek further information from his Government regarding the ethnic composition of the population.

Niger

74. The fourth periodic report of the Niger was considered by the Committee without the participation of a representative of the Government of the reporting State. The Committee took note of the statement that the Government of the Niger had not taken any new measures giving effect to the provisions of the Convention; the statement that the suspension of the 1960 Constitution in 1974 had caused no change in the application of the domestic laws in force; and the information about "linguistic groups of different ethnic origins" who inhabit the country.

75. Noting the statement that "all citizens, without discrimination, enjoy the rights enumerated in articles 5 and 6" of the Convention, some members of the Committee observed that the Government of the reporting State should make an effort to supply detailed information concerning the legal provisions on the basis of which those rights were accorded. Some Committee members referred to the statement that "foreigners are entitled to all the rights normally accorded to aliens" and wished to know what exactly those rights were. The statement that "the provisions of article 4 (a) of the Convention appear to be fully covered by article 102 of the Penal Code" (the text of which was transmitted to the Committee at its request) was questioned by some members, who thought that the first part of that article of the Penal Code gave effect to the provisions of article 2, paragraph 1 (d), of the Convention, while the second satisfied only in part the requirements of article 4, paragraph (a), of the Convention. It was observed also that the provisions of article 4, paragraph (b), of the Convention were not implemented by any of the legal texts supplied to the Committee in the successive reports of the Niger. Finally, it was regretted that the report under consideration did not provide the information envisaged in general recommendation III.

Peru

76. The second periodic report of Peru (incorporating, as suggested by the Committee at its twelfth session, the supplementary report requested at the tenth session), was considered together with a document entitled "Perfil de la Poblacion del Peru", made available to the Committee in the Spanish language. The Committee noted with satisfaction the extensive range of the information contained in those documents and the co-operativeness manifested in the submission of such a comprehensive volume of information. It noted also that the report contained valuable background analysis of the situation and the texts of many of the legislative provisions cited. Some members wondered, however, whether all the information contained in the report was relevant to the provisions of the Convention and to the direct concerns of the Committee; and it was noted regretfully that, despite its wide range, the report contained little information on the implementation of the provisions of articles 2 (para. 1 (e)), 3 and 7 of the Convention, or on the subject-matter of general recommendation III, and that far more emphasis was placed on constitutional and legislative provisions than on administrative and other measures which might have been adopted in order to implement those legislative provisions.

77. Members of the Committee took note of several positive features of the report. It was observed that - according to the information at hand - the various rights listed in article 5 of the Convention were guaranteed by the Constitution or other Peruvian laws; that the exercise of those rights was not impaired by racial discrimination; that a broad-ranging programme of economic, social and cultural reforms had been launched with the aim of creating a more dynamic society based on social equality and justice; and that that programme was being implemented without any racial discrimination. Note was taken also of the information showing that Peruvian legislation conferred equality of civil rights upon both nationals and non-nationals; and that any individual, whether or not a national of Peru, who was the victim of an act violating his constitutional rights, could appeal to the courts and obtain reparation on a completely equal basis, as required by article 6 of the Convention. Several members emphasized the importance of a decree promulgated in 1975 recognizing Quechua as an official language on the same footing as Spanish, making the teaching of Quechua compulsory at all levels of education, and requiring that "court cases the parties to which are able to speak only Quechua shall be conducted in that language" - and viewed that measure as a step in the direction of racial equality and as a fulfilment of some of the requirements of articles 1 (para. 4), 2 (para. 2) and 6 of the Convention.

78. On the other hand, some concern was expressed at the position of the Government of the reporting State towards the implementation of articles 2 (para. 1 (d)), 4 (paras. (a) and (b)) and 5 (para. (c)) of the Convention; and inquiries were made in relation to the implementation of the provisions of article 6 of that instrument. It was pointed out that the undertaking in accordance with article 2 (para. 1 (d)) of the Convention was not contingent upon the actual practice of racial discrimination in a given country, but was mandatory in all situations as a preventive measure against possible racial discrimination. The provisions of article 4, paragraphs (a) and (b), were viewed by all members of the Committee as mandatory, requiring positive legislation by all States parties whose existing legislation did not already give effect to those provisions. Article 86 of the Peruvian Constitution appeared to introduce discrimination between Peruvian citizens by granting the right to vote only to citizens able to read and write;

inasmuch as a large proportion of the Indian population in Peru did not meet that requirement, it was excluded from political life, contrary to the provisions of article 5 (para. (c)) of the Convention. And article 26 of the Peruvian Constitution, which provided that "complaints regarding violations of the Constitution may be submitted to Congress", was too narrow in its scope to constitute a discharge by the reporting State of all its obligations under article 6 of the Convention.

79. In addition to the questions raised by members of the Committee in connexion with the observations summarized in the foregoing paragraph, the following specific questions were asked: (a) Were the rights guaranteed by the labour legislation of Peru enjoyed by non-nationals also? (b) Was access to the public service guaranteed to all sectors of the population? (c) What were the "special laws" which, under article 23 of the Peruvian Constitution, "may be promulgated where required by the nature of things" and to which the report referred in a number of places? (d) What specific measures had the Peruvian Government taken to eliminate the vestigial prejudices, inherited from the colonial era, against large groups of inhabitants who were underprivileged and placed in a marginal situation? (e) Had the Government of the reporting State taken any measures - other than the recognition of Quechua as an official language - to protect the rich cultural heritage of the non-European element of the population, which constituted over 47 per cent of the total population? (f) Inasmuch as article 63 of the Peruvian Constitution referred to the author and the publisher of a publication "found guilty", were there provisions in the laws of Peru which included the acts mentioned in article 4 of the Convention among the offences punishable by law? (g) Inasmuch as article 236 of the Penal Code of Peru referred to a "lawful public meeting", were there provisions in the laws of Peru which declared meetings for the purposes mentioned in article 4 of the Convention among the categories of unlawful meetings?

80. The representative of the Government of Peru, referring to the observations summarized in paragraph 78 above, stated that his Government interpreted article 2 (para. 1 (d)) of the Convention to mean that it was for each State party, depending on the particular circumstances, to decide whether or not to enact legislation in pursuance of the Convention in general, and of article 4 in particular; that the fact that illiterates were not allowed to vote could not be regarded as racial discrimination; and that under article 133 of the Peruvian Constitution, individuals had access to the courts, without prejudice to the political responsibilities of ministers. He replied to some of the questions enumerated in the foregoing paragraph, as follows: Regarding question (a), he said that, except in the matter of political rights, foreigners in Peru enjoyed the same rights and duties as nationals. Regarding question (c), he mentioned as an example the institution of trial marriages among the rural population where a couple could cohabit for a certain period of time without being officially married; under a special law, the legal validity of de facto marriages was recognized by formally including the wives and children concerned in family legislation. Regarding question (d), he stressed that, while the report of his Government acknowledged the existence of certain prejudices which might be regarded as having racial overtones, the decisive factors in that respect were economic and cultural reasons and that it was those very factors that his Government was trying to combat through its current legislation and programmes of reform. He offered to transmit other questions to his Government to be considered for inclusion in the next periodic report.

Tonga

81. The second periodic report of Tonga, which incorporated, in accordance with the suggestion made by the Committee at its twelfth session, the additional report requested at the Committee's ninth session, was considered without the participation of a representative of the Government of the reporting State. The Committee noted with appreciation that the report was organized in accordance with the guidelines laid down by the Committee at its first session. It took note of the statements that the laws and government policies of the reporting State were being reviewed "to see whether there are any areas where amendments and changes are necessary to comply with the undertaking under articles 2 (1) (c), 2 (1) (d) and 3 of the Convention bearing in mind that racial discrimination does not exist in Tonga" and that "there has been no case brought in the courts of Tonga on the grounds of racial discrimination". It was noted with appreciation that the information envisaged in the Committee's general recommendation III was provided with respect to Southern Rhodesia; but it was regretted that no information was given with respect to South Africa. It was also regretted that no information was supplied regarding administrative or other measures giving effect to the provisions of the Convention and that the texts of constitutional or legislative provisions mentioned in the report were not furnished in all cases. While noting that the report contained information on the population groups, classified as "Tongans", "Europeans", "Part Europeans" and "others", it was observed that the figure given for the group described as "Tongans" - which comprised more than 98 per cent of the population - was not broken down into subgroups on the basis of "race, colour, descent or national or ethnic origin", as envisaged in general recommendation IV, although the report acknowledged the existence of different "racial groups" in the country.

82. Much of the discussion revolved around the scope and effect of the reservations and statements of interpretation made by Tonga at the time of accession to the Convention, to which the report referred on several occasions, particularly as they affected the implementation of articles 4 and 5 of the Convention. With regard to article 4 of the Convention, it was observed that the declaration made by Tonga at the time of accession was worded in such a manner as to warrant the conclusion that it was a statement of interpretation and not a reservation, and that it was classified by the Secretary-General as a statement of interpretation. It was emphasized that the Committee was unanimously of the opinion that the provisions of article 4 of the Convention were mandatory and that, contrary to the views of the Government of Tonga, every State party whose legislation did not already satisfy the requirements of paragraphs (a) and (b) of that article was under obligation to enact legislation expressly giving effect to the provisions of those paragraphs. The meaning and scope of the reservation made by the Government of Tonga relating to article 5 of the Convention needed to be clarified, since the report did not state how that reservation would affect the exercise of the rights to which it referred.

83. In the course of the consideration of other aspects of the report of Tonga, members of the Committee raised the following questions: (a) What specific provisions of the Act of Constitution of Tonga did the Government of the reporting State have in mind when it stated that such provisions guaranteed the "protection of racial groups of Tonga in social, economic, cultural and other fields"? (b) To what "other statutes" did the report refer when it asserted that "certain other statutes" implemented the undertaking in article 5 of the Convention? (c) Inasmuch

as the report stated that there were in Tonga certain population groups other than "Tongans" and "Europeans", were such groups implicitly subject to possible discrimination as a result of the provisions of article 4 of the Act of Constitution, which states that "there shall be but one law in Tonga ... for Europeans and Tongans"?

Iran

84. The Committee welcomed the information contained in the fourth periodic report of Iran to the effect that studies were under way "with a view to the preparation of a penal bill which would cover more fully the provisions" of article 4, paragraphs (a) and (b), of the Convention. It took note of the statement that, "on the judicial level, no cases of racial discrimination have been brought before the courts in Iran, so that there are no decisions to report in this regard". Some questions, raised at previous sessions during the consideration of earlier reports from Iran and not discussed in the current report, were raised again, particularly in relation to the implementation of article 7 of the Convention and the information envisaged in general recommendations III and IV.

85. The information previously given regarding the implementation of article 7 of the Convention had revolved around the activities of a non-governmental organization, and the question had been raised as to whether the Government of Iran had itself taken any measures to give effect to the provisions of that important article of the Convention. One member informed the Committee that such measures had in fact been taken in the past and that there was therefore no need for the Iranian Government to take additional measures for that purpose.

86. Noting that past reports and statements of the representatives of the Government of Iran, while indicating that that Government had condemned apartheid and had given active support to all United Nations resolutions on southern Africa, had not provided precise information on the implementation of the provisions of those resolutions regarding relations with the racist régimes in southern Africa, some members asked for information on the status of compliance by the reporting State with the resolutions under reference.

87. Several members felt that the information on the ethnic composition of the population of Iran, contained in earlier reports or conveyed orally to the Committee by the representatives of the Government of Iran, was somewhat ambiguous. Although those reports and statements had acknowledged the existence of "ethnic" minorities in Iran, all the information furnished thus far had referred only to "religious" minorities; the Kurds, for example, had not been mentioned at all. Nor had the current report contained any clarification or further information on the subject such as had been sought by members of the Committee in the past. One member of the Committee, however, stated during the current discussion that there were no ethnic minorities in Iran and that the Kurds were not an ethnic minority.

88. Members of the Committee asked the following additional questions: (a) Had there been, since the submission of the report, any progress in the preparation of the projected penal bill designed to cover more fully the provisions of article 4 of the Convention? (b) Regarding article 5 of the Convention, were such rights as the right to form and to join trade unions guaranteed in Iranian law? (c) Regarding the statement that no cases of racial discrimination had been brought before the

courts in Iran, were there special courts for dealing with cases of racial discrimination or were such cases, if they arose, dealt with by the regular courts?

89. The representative of the Government of Iran commented on the observations summarized in paragraphs 85, 86 and 87 above, as follows. He confirmed the information given by a member of the Committee regarding governmental measures giving effect to the provisions of article 7 of the Convention. Referring to the question on the implementation of United Nations resolutions dealing with relations with racist régimes, he said that "since certain questions which had been raised during the current discussion had been asked and answered at previous sessions, it would be a waste of the Committee's time for him to give the same answers again". Regarding the questions about minorities, he confirmed the statements made by a member of the Committee at the current meeting, to the effect that there were no ethnic minorities in Iran and that the Kurds were not an ethnic minority. And he assured the Committee that he would report to his Government the questions raised and the information and clarifications required.

Tunisia

90. The Committee noted that the third and fourth periodic reports of Tunisia, submitted in one document in accordance with the suggestion made by the Committee at its twelfth session, constituted substantially a repetition of the text of the second periodic report of that country.

91. Members of the Committee observed that, under the circumstances described in the foregoing paragraph, the various comments and questions to which the earlier reports had given rise remained valid. Accordingly, they repeated the requests for information on the implementation of articles 4, 6 and 7 of the Convention and for the information envisaged in general recommendations III and IV. There were also additional requests for information on the implementation of article 5 of the Convention and on the legislative and administrative measures which might have been adopted in order to give effect to the non-self-executing provisions of the Convention, which, in accordance with article 48 of the Constitution, had been incorporated into Tunisia's domestic legislation.

92. The representative of the Government of Tunisia informed the Committee that his Government maintained no relations with the racist régimes in Rhodesia and South Africa and had always strongly condemned their racist policies. He assured the Committee that he would transmit to his Government the comments and inquiries made during the discussion.

Kuwait

93. The Committee noted with satisfaction that the fourth periodic report of Kuwait, which was considered without the participation of a representative of the Government of the reporting State, contained the texts of all the legislative provisions which had been requested by the Committee at its previous sessions. It was noted that the information envisaged in general recommendation III was furnished in detail by the reporting State.

94. The degree to which existing legislation fulfilled the requirements of article 4 of the Convention was considered. Most members of the Committee who participated in the discussion agreed that, while the relevant legislation met

some of the requirements of paragraphs (a) and (b) of article 4 of the Convention, some other obligations under those two paragraphs were not fulfilled by the legislative provisions cited in the report.

95. Referring to the information contained in previous reports about the enjoyment of some of the rights enumerated in article 5 of the Convention - notably in paragraph (e), subparagraphs (iv) and (v), of that article - by the inhabitants of Kuwait, both nationals and non-nationals, some members reiterated the request, expressed at earlier sessions, for more details about the relevant laws and regulations as well as administrative measures including those which applied to foreign workers in the country.

96. The law of 1973 establishing a constitutional court was regarded by some members as a step in the direction of fuller implementation of articles 2 (para. 1 (c)) and 6 of the Convention. Information on other laws giving effect to the undertaking in article 6 of the Convention was again requested.

97. It was recalled that the Government of Kuwait had provided information to the Secretary-General on the application of article 7 of the Convention and it was regretted that such information was not furnished in the report under consideration.

98. The observation that census authorities in Kuwait were not allowed to base the distribution of the population on ethnic origin, when preparing statistical data, gave rise to some discussion in the Committee. The view was expressed that States parties must comply with general recommendation IV and supply information on the composition of their population; and a suggestion was made to request the Government of Kuwait to reconsider its policy in that regard. On the other hand, the opinion was expressed that the position of the Government of Kuwait - which was similar to the position taken by other States and reported to the Committee in the past - was understandable and it was denied that the relevant statement in the report under consideration constituted a refusal by the reporting State to provide statistical data about its population. It was recalled that nothing in the Convention required States parties to submit the demographic information in question to the Committee. It was also observed that the question at issue did not revolve around the willingness of a State party to furnish the Committee with certain data, but rather around the availability of such data to that State. The information available to the Government of Kuwait about the composition of the population of that country was related to the nationality of aliens residing in Kuwait (and such information could be requested by the Committee), but was not related to the ethnic or national origin of nationals of Kuwait. Finally, it was stated that it would be outside the competence of the Committee to request the Government of a State party to the Convention to alter its policy with respect to seeking and compiling information about the ethnic origin and ancestry of its citizens.

Argentina

99. While observing that the fourth periodic report of Argentina did not contain new information not already contained in earlier reports, members of the Committee took note of the replies to some of the questions raised at earlier sessions, and in particular, those relating to the rights enjoyed by migrant workers and other aliens, cases of racial discrimination brought before the courts, and relations with the racist régimes of southern Africa. It was noted, however, that the

remaining questions had not been answered; and it was emphasized that, accordingly, the comments made during the consideration of the third report remained valid.

100. In addition to the unanswered questions raised at an earlier session, two additional questions were raised during the current discussion: (a) Did article 31 of the Argentine Constitution, under which the Convention had the force of a national law, imply that the Convention would supersede only earlier and contrary provincial laws or constitutions, or did it imply that the Convention would apply also in cases where an earlier federal law was at variance with the aims of the Convention? (b) Was the 1853 National Constitution still in force?

101. It was observed that the report did not provide information on the forms of racial discrimination existing in the Malvinas (Falkland Islands), a territory occupied by a foreign Power and claimed by Argentina.

102. The representative of the Government of Argentina commented first on some of the questions which had been raised at previous sessions but had remained unanswered. Regarding the implementation of article 7 of the Convention, he stated that responsibility for public education lay primarily with the provincial authorities, 11 of which had primary education programmes which met the requirements of the article. Regarding foreign workers and other aliens, he said that they were treated for legal purposes on exactly the same basis as Argentine workers, that their rights and obligations were set out in bilateral agreements and that the Constitution guaranteed foreigners civil rights equal to those enjoyed by Argentine nationals. Regarding the political rights enjoyed by aliens, he referred the Committee to his Government's second periodic report. He confirmed that amparo proceedings could be instituted in the event of racial discrimination by individuals or groups. And he informed the Committee that the procedure was applicable also in the Argentine portion of Antarctica. The remaining questions, which he was unable to answer, would be communicated to his Government. Regarding the two questions raised at the current session, he said that, under article 31 of the Constitution, the Convention took precedence over all contrary legislation, whether provincial or federal, and that the 1853 Constitution, which contained that article, remained in force and had not been amended by any subsequent legislation. As for the observation (mentioned in para. 101, above) that his Government's report did not provide information on the situation in the Malvinas (Falkland Islands), he reaffirmed Argentina's sovereignty over that territory, but said that he would transmit the question concerning the forms of racial discrimination practised there to his Government.

Hungary

103. The Committee noted with appreciation that the fourth periodic report of Hungary, and the introductory statement made by the representative of the Government of that country, replied to questions raised during the consideration of past reports of Hungary.

104. Members of the Committee took note of the information that a new penal code was currently under preparation by the Ministry of Justice and that consideration was being given to the question whether the addition of further criminal provisions was necessary for the implementation of the Convention. They observed that existing Hungarian legislation appeared to fulfil the requirements of article 4

of the Convention and expressed the hope that the relevant provisions would not be weakened in the projected revised penal code.

105. The questions asked by members of the Committee related to: (a) the efforts made by the Hungarian Government to integrate the gipsies into the population, and why no information on those efforts was included in the report; (b) the measures taken to give effect to the provisions of articles 5 and 7 of the Convention; and (c) the provision of section 103 of Act I of 1968 on Petty Offences, which provided for penalties for participation in the activities of an association or organization whose functioning was not acknowledged and approved by the appropriate authority, and whether that provision might not affect the rights mentioned in article 5, paragraph (e), subparagraphs (vii), (viii) and (ix), of the Convention.

106. The hope was expressed that the next report of Hungary would include information on administrative measures giving effect to the provisions of the Convention and the text of the relevant provisions of the new penal code; and that the text of the amended Constitution of Hungary of 1972 would be made available to the Committee.

107. The representative of the Government of Hungary stated that the reason for omitting any reference to the Hungarian gipsies in the report under consideration was that another report, giving full details of their position and treatment, had already been submitted to another United Nations organ. With respect to article 5 of the Convention, he said that it was his Government's understanding that that provision related to general human rights, a report on which was presented biennially to the Commission on Human Rights. In both those cases, his Government had attempted to avoid undue repetition; but, if the Committee required that such information be repeated in the periodic reports, he was sure that his Government would be prepared to do so. Regarding the new penal code in course of preparation, he was able to assure the Committee that it would not omit any of the safeguards against racial discrimination that were contained in the penal code currently in force.

Central African Republic

108. Although the report before the Committee was the third periodic report of the Central African Republic, it was in effect the initial report of that State party, inasmuch as it was the first informative document submitted by it. The Committee welcomed the initiation of a dialogue with that reporting State. The report was, however, considered without the participation of a representative of the Government of the Central African Republic.

109. Members of the Committee regarded the provisions of the legislative decree cited in the report before it (Decree No. 66/264 of 27 July 1966) as a partial fulfilment of some of the requirements of articles 4 and 6 of the Convention. Special note was taken of the fact that the prohibition of discrimination in employment provided for in that decree applied to migrant workers as well as citizens.

110. It was inferred from the language of the report that there were other relevant provisions in the legal system of the reporting State and an interest in receiving the texts of such provisions, as well as the texts of the relevant articles of the Constitution of the country, was expressed by members. Information on the

implementation of articles 5 and 7 of the Convention, additional information on measures giving effect to the provisions of articles 4 and 6 of the Convention, as well as the information envisaged in general recommendations III and IV, was also requested. It was hoped that the requested additional information would be organized, in the next report, in accordance with the guidelines laid down by the Committee at its first session.

New Zealand

111. The Committee noted with appreciation that the second periodic report of New Zealand and its annexes, supplemented by the introductory statement made by the representative of the Government of the reporting State, provided ample new information as well as the texts of relevant provisions and that the information was organized in accordance with the guidelines laid down by the Committee at its first session. It also noted that the report covered to some extent the obligations of New Zealand under all the relevant articles of the Convention, provided the information envisaged in general recommendations III and IV and responded to virtually all the comments and inquiries made by members of the Committee during the consideration of the initial report of New Zealand.

112. Members of the Committee took note with satisfaction of some of the new material before them, in particular: (a) the legislation adopted in 1975, confirming the principles of the Treaty of Waitangi and ensuring its observance by establishing a special tribunal - which was deemed to be in compliance with the obligations of the reporting State under article 2, paragraph 2, of the Convention; (b) the appointment of a full-time race relations conciliator, in further implementation of the provisions of article 6 of the Convention; and (c) the information that "New Zealand's immigration policy has been altered ... in favour of a wider range of cultural and ethnic backgrounds".

113. Members of the Committee discussed in a critical vein two areas of New Zealand's policy described in the report:

(a) Some members were of the view that the policy of the new Government of New Zealand in relation to participation by New Zealand sports organizations in sporting events in South Africa was a retrogression. Both the previous and the present Governments had recognized that decisions whether or not to take part in sporting events with other countries rested with the sports organizations concerned, but, whereas the previous Government had undertaken to try to persuade New Zealand sports organizations to face up to their obligations to their own country and to humanity, the present Government maintained that it "should not seek to impose its views". It was pointed out that, in recent years, sports had become one of the chief instruments used by the international community to combat apartheid. The steps taken in that connexion had not been unsuccessful and it was hoped that the New Zealand Government would reconsider its present position in that respect in particular, and its policy towards South Africa in general;

(b) Noting that article 81 of the New Zealand Crimes Act of 1908 declared it "an offence for any person(s) or group(s) to excite hostility or ill-will between different classes or groups which may endanger the public safety", several members pointed out that article 4, paragraph (b), of the Convention required that racist organizations should also be "declare/d illegal and prohibited". At present, the relevant penal law of the reporting State fell short of the requirements of

article 4, paragraph (b), of the Convention in two respects: it covered only cases where "public safety" was endangered and it declared illegal and prohibited certain activities of groups but not the offending groups themselves. Furthermore, there appeared to be a confusion between two types of groups: monoracial groups and groups engaged in racist activities. Members of the Committee were of the opinion that article 4, paragraph (b), of the Convention referred to all groups - whether monoracial or multiracial - which promoted and incited racial discrimination.

114. Members of the Committee inquired about: (a) the results obtained through the change in policy regarding immigration; (b) the settlement of some 80 complaints - filed in the two years covered by the report under consideration - which fell under section 25 of the Race Relations Act and belonged in the domain of the police and the courts rather than in that of the conciliator; (c) the number and proportion of Maoris in Parliament and in the Cabinet; (d) the basis of the distinction made in the Maori Affairs Amendment Act of 1974 between "Maori land" and "European land"; (e) the applicability of the Race Relations Act to the activities of New Zealand companies directing the activities of subsidiaries operating in southern Africa; (f) the orientation of a study of the theory and practice of apartheid, now included in the school certificate history syllabus; and (g) the appropriateness of the expression "Syrian, Lebanese and Arab", used in the report to describe a population group.

115. The representative of the Government of New Zealand commented on the observations made (see para. 113 above): (a) Regarding sporting contacts with southern Africa, he confirmed that, with the change of Government at the end of 1975, there had been a change of policy in that regard; he emphasized, however, that the new policy in no way implied any change in New Zealand's traditional attitude of abhorrence towards apartheid, that the policy towards Rhodesia remained unchanged and sanctions would continue to be applied; (b) Regarding organizations which promoted and incited racial discrimination, he stated that, once an organization manifested overt racist tendencies, its members would run the risk of prosecution either under section 25 of the Race Relations Act or under section 81 of the Crimes Act and that, while that might seem inadequate to the Committee, it was as far as the New Zealand Government felt it could go at the present stage.

116. The representative of the Government of New Zealand made the following statements in reply to the questions enumerated in paragraph 114: (a) New Zealand society, which was essentially European and Polynesian in origin, was in fact tending to become more diversified; it already included, for instance, Chinese and Indians; (b) No information was furnished; (c) There were 87 seats in the New Zealand Parliament, of which four were reserved for Maori constituencies; there were currently six Maori members of Parliament, two of whom represented European constituencies, but there were as yet no Maori ministers in the Cabinet; (d) The term "European land" referred to land purchased by the Crown which, under the Treaty of Waitangi, had the exclusive right to purchase land, but it was possible for Maoris to acquire such land. Land which remained in Maori ownership was called "Maori land"; (e) He believed that the Race Relations Act covered only actions that took place inside New Zealand, but he would take up that question with his Government; (f) The study of apartheid mentioned in the report emphasized the pernicious nature of the system; and (g) Another expression might more appropriately have been used in the report, instead of the expression "Syrian, Lebanese and Arab".

Yugoslavia

117. The Committee took note of the statement made by the representative of the Government of Yugoslavia, introducing his Government's fourth periodic report, that that report attempted to provide a comprehensive overview of the implementation of the provisions of the Convention through the constitutional system of Yugoslavia, and that the next report would provide information concerning the implementation of the Convention through action in the administrative, judicial and other fields. The Committee also took note of the additional information, conveyed by the representative of the reporting State, about his Government's continued participation, both at the bilateral level and in international forums, in the efforts being made to eliminate racial discrimination. Members of the Committee noted with appreciation the comprehensiveness of the information contained in the report under consideration, which covered the obligations of the reporting State under all the relevant articles of the Convention.

118. Noting that the report under consideration dealt mainly with the problems of "nationalities or nations", one member of the Committee expressed the view that the Committee was not required to concern itself with groups, their specific rights and the measures that had been taken to preserve their identity, but with racial discrimination against the individual because he belonged to a specific ethnic group, race or colour. Other members of the Committee, however, expressed the view that the approach adopted by the Government of Yugoslavia in order to ensure harmony among the different nationalities and nations in the country reflected the conditions in that country, and observed that each State party to the Convention contributed to the objectives of the Convention in the way most appropriate to its own conditions.

119. Some members observed that certain questions raised during the consideration of Yugoslavia's previous report had not been answered in the current report, and hoped that the next report would contain the answers to those questions. It was hoped also that the Committee would be informed in due course of the relevant provisions of the revised criminal codes of the various republics, which the Committee had been informed at an earlier session were in the course of preparation.

120. Members of the Committee inquired about the following: (a) whether certain Yugoslav citizens of German origin, living in the region of Vojvodina, were recognized as a nation, and why they were not mentioned in the report; (b) the situation of the gipsies, and why the report did not include information on the successful efforts to settle them; (c) the application of article 246 of the Federal Constitution, regarding the regulation of the official use of languages by statutes or by-laws of the Communes, as in the Commune of Koper; (d) the manner in which the provisions guaranteeing nationalities proportionate representation in the assemblies, councils and organs of the Communes were implemented; (e) whether there were provisions for sanctions against persons who promoted discord between nations and nationalities outside Yugoslavia similar to the provisions of article 119 of the Criminal Code which penalized such activities in Yugoslavia; (f) the meaning of the expression "severe imprisonment", which appeared in article 119 of the Criminal Code; (g) whether the provisions of article 170, paragraph 3, of the Federal Constitution empowered the authorities to declare illegal and prohibit organizations which promoted the ends described therein as unconstitutional, and thereby satisfied the requirements of article 4,

paragraph (b), of the Convention; (h) the measures adopted to safeguard not only the political rights of Yugoslav citizens but also their economic and social rights, as provided in article 5 of the Convention; (i) whether an individual who felt his rights had been infringed could in fact bring the matter before the courts, under articles 204 and 205 of the Federal Constitution; (j) whether there were non-judicial procedures, including administrative procedures, which could be followed in the event of a complaint by an individual; (k) whether the new Constitution enacted in 1974 contained provisions similar to those contained in article 67 of the previous Constitution, under which every person was entitled to equal protection of his rights in proceedings before a court of law, administrative or other State agencies and organizations; and (l) the manner in which the fact that no citizen of Yugoslavia was obliged to declare his nationality or opt for a particular nationality was applied in practice.

121. The representative of the Government of Yugoslavia assured the Committee that all the inquiries summarized in paragraph 119 and the questions enumerated in paragraph 120 would be transmitted to his Government. He offered the following answers to some of the questions mentioned in the preceding paragraph. Regarding the first question (a), citizens belonging to the German nationality of Yugoslavia enjoyed the same rights as the citizens belonging to the other nationalities; information concerning them was contained in a document distributed to members of the Committee at the eleventh session, in connexion with the Committee's consideration of the third periodic report of Yugoslavia. Regarding the second question (b), the gipsies formed a nationality and enjoyed full equality of rights; the next periodic report would provide additional information on their situation. Regarding the third question, he referred to article 252 of the Constitution of the Socialist Republic of Slovenia, under this the Italian minority of the Commune of Koper had broad powers of decision in respect of the schools; since it was part of the communal system, it had had a decisive influence on the adoption of the provisions of the by-laws of the Commune regulating the use of the Italian language in all spheres of public life. Regarding the eighth question (h), the socialist society of Yugoslavia was characterized by a system of guaranteed political, social, economic and other rights; in chapter III of the Federal Constitution, 70 articles were devoted to the freedoms, rights and duties of man and citizen, and article 203 stipulated, inter alia, that the freedoms and rights guaranteed by the Constitution should enjoy judicial protection. And, regarding the last question (l), article 170 of the Constitution meant that, in everyday life, every citizen could enjoy all his rights without having to declare that he belonged to a particular nation or nationality.

Lesotho

122. The report before the Committee - combining the initial and the second periodic reports of Lesotho, in accordance with the suggestion made by the Committee at its twelfth session - was considered without the participation of a representative of the Government of the reporting State.

123. Members of the Committee took cognizance of the fact that the situation of Lesotho was a very special one, in that the Kingdom was geographically surrounded by South Africa and a major proportion of its population had to work in that country. They noted that the Race Relations Order, 1971, gave full effect to the provisions of article 5, paragraph (f), of the Convention. And they noted with

satisfaction that the Government of Lesotho had stated that it was prepared to supply additional information.

124. Information on measures giving effect to the provisions of the Convention (other than those of article 5, paragraph (f)), the texts of the relevant articles of the Constitution of the country and the information envisaged in general recommendations III and IV were requested, and the hope was expressed that such information would be organized, in the next report, in accordance with the guidelines laid down by the Committee at its first session.

Venezuela

125. Inasmuch as the fourth periodic report of Venezuela added nothing new to the information contained in the preceding report and provided no replies to the inquiries made during the consideration of that report, several members of the Committee stressed that all the comments made and questions put about the third periodic report of Venezuela remained valid.

126. The representative of the Government of Venezuela commented on some of the questions raised previously in the Committee. He explained that his Government found it difficult to provide information on racial discrimination, "which did not and could not exist in Venezuela". The majority of Venezuelans "did not belong to a particular race, but were part white, black or Indian"; and there were no official statistics on the ethnic composition of the population. At the current stage, immigrants came chiefly from Colombia; there were also some immigrants from Europe, mainly Spaniards and Portuguese, who were immediately integrated into the Venezuelan population. As far as article 7 of the Convention was concerned, the Government of Venezuela propagated the principles of the United Nations Charter, but "there was a risk that a specific mention of racial discrimination would create a problem that had not existed before". In the case of article 5, paragraph (f), of the Convention, there again "no problem could arise" in Venezuela, for "if by any chance a case of racial discrimination did occur, the police would intervene immediately". Under the Venezuelan legal and penal system, all citizens were equal before the law and had equal access to public places, "but everyone would be greatly astonished if the new Penal Code included a special article declaring racial discrimination a punishable offence"; legislation must correspond to the social realities of the country. He would pass on to his Government the comments of members of the Committee on the revision of the Venezuelan penal code, but he "could not guarantee that they would be taken into account in preparing that revision". Since his Government wished to co-operate with the Committee, the information that he had just furnished orally, appropriately supplemented, could be transmitted to the Committee in the form of an additional report if it so desired. However, if the Committee left it to the Venezuelan Government to decide whether the information requested should be submitted in the form of an additional report or should be included in the next periodic report, the Venezuelan Government would opt for the second solution.

127. At its 284th meeting, held on 9 April 1976, the Committee decided to express its appreciation of the observations made by the representative of the Government of Venezuela and its hope that that Government would supply the information requested as soon as it was able to do so, preferably before the fourteenth session, while leaving it to that Government to decide the date on which it would submit it.

128. By the end of the fourteenth session, the additional information requested from the Government of Venezuela had not been received by the Committee.

Rwanda

129. The initial report of Rwanda was considered without the participation of a representative of the Government of the reporting State. The Committee welcomed the fact that the report had been submitted two months before the date on which it was due. It noted with satisfaction that the report referred not only to provisions of the Constitution, but also to penal legislation; that it contained the texts of the legal provisions to which it referred; and that it provided information about proposed legislation which had not been enacted yet and which gave effect to the provisions of the Convention. It was noted that the information at hand showed the compliance of the reporting State with provisions of articles 2, 4 (para. (a)) and 5 of the Convention; however, no information was furnished concerning the implementation of the provisions of articles 4 (para. (b)), 6 or 7 of the Convention or the subject-matter of general recommendations III and IV.

130. One member of the Committee observed that article 3 of the Constitution of Rwanda applied only to Rwandese citizens and did not deal with the question of non-discrimination towards foreigners, but another member was of the opinion that the proposed version of the penal code showed that the principle of equality without distinction as to race, recognized by the Constitution in the case of all citizens, applied also to foreigners. It was observed that articles 3, 16 and 41 of the Rwandese Constitution referred only to discrimination on grounds of race and said nothing about the other possible grounds of racial discrimination as defined in article 1, paragraph 1, of the Convention.

131. Article 393 of the proposed penal code was viewed by one member as more restrictive than article 75 bis of the existing penal code, which it would replace. Another member disagreed, and expressed the opinion that the new provision went much farther. It was observed, however, that the general provision at the beginning of article 393 referred solely to persons "of a given racial origin or religion", whereas the four paragraphs following that general provision referred to persons belonging "to a given ethnic group, region, nation, race or religion". It was noted with satisfaction that paragraph 1 of the new version prohibited discrimination by public officials. In the opinion of some members of the Committee, the extenuating circumstances provided for in paragraphs 2 and 4, and the associations referred to in paragraph 3, of article 393 of the proposed penal code called for clarification.

Madagascar

132. The fourth periodic report of Madagascar was considered without the participation of a representative of the Government of the reporting State. The Committee noted with appreciation that the report under consideration took account of the comments made during the consideration of the preceding reports of Madagascar, provided the additional information requested by the Committee and contained pertinent replies to the questions put by members of the Committee. It was noted with satisfaction that, in addition to the information supplied in previous reports, the present report contained information about the new Constitution, about the penal code and labour legislation under preparation, about the implementation of the provisions of articles 6 and 7 of the Convention, and about the subject-matter of general recommendation III. It was hoped that the next report would contain the information envisaged in general recommendation IV.

133. Members of the Committee took note of the assurance that the penal code currently under preparation would give effect to the relevant provisions of the Convention. It was hoped that the relevant provisions of the penal code under preparation would be communicated to the Committee in due course. Some members expressed the view that the procedure followed in trying offenders against the legislation prohibiting racial discrimination - including the "summary inquiry" procedure and the time-limit of from one to three days - were inadequate. The scope of the limits placed on the employment of foreign labour called for clarification, but some members expressed the opinion that it was normal, in a country suffering from unemployment, for the Government to place some restrictions on the employment of foreign workers. It was observed that the reporting State was fulfilling its obligations under article 6 of the Convention satisfactorily.

134. Several members of the Committee welcomed the information contained in the report about the measures adopted by the Government of Madagascar to give effect to the provisions of article 7 of the Convention. Those measures, about which detailed information was provided, aimed at accomplishing all the aims mentioned in that article: they were directed at "combating prejudices which lead to racial discrimination", at "promoting understanding, tolerance and friendship among nations and racial or ethnical groups" and at "propagating the purposes and principles of the Charter of the United Nations" and other international instruments, including the Convention.

135. The detailed information provided in the report about the policy of the Malagasy Government, at the international level, in its struggle against racism and racial discrimination and in its support for liberation movements throughout the world, was noted with appreciation.

Spain

136. The Committee noted with appreciation that, in the fourth periodic report of Spain, account was taken of comments made during the Committee's consideration of Spain's previous report. It welcomed, in particular, the information contained in the report and reaffirmed by the representative of the Government of Spain in his introductory statement, about the approval by the Council of Ministers - as a result of comments made during the Committee's consideration of Spain's third periodic report - of a bill to amend article 172, paragraph 7, of the penal code in order to bring Spanish law into conformity with the mandatory requirements of article 4 of the Convention. It was regretted that the information envisaged in general recommendations III and IV had not been supplied, and that little information had been received by the Committee concerning measures adopted to give effect to the provisions of articles 5 and 7 of the Convention.

137. The draft of the revised article 172, paragraph 7, of the Spanish penal code gave rise to extensive discussion. It was observed that the draft provision referred to discrimination "between citizens" and did not take account of residents of Spain who were not citizens of that country. It was observed also that that draft declared to be unlawful associations which promoted discrimination between citizens "on grounds of race" but made no mention of discrimination on all the grounds set out in article 1, paragraph 1, of the Convention. And it was asked: What sanctions existed against the promotion of racial hatred against racial, ethnic or national groups outside the country? Clarification was sought about the various penalties prescribed for different categories of members of

unlawful associations, including active members and supporters, and in particular about the meaning of the term "arresto mayor" prescribed for persons lending financial or other assistance to the associations in question.

138. Members of the Committee expressed the wish that the Government of Spain would include in its next report the full text of the bill, amending article 172, paragraph 7, of the Spanish penal code after its adoption by the Cortes, as well as the texts of articles 166 to 171 and 137 bis of that Code. The texts of articles 34 and 36 of the Fuero de los Españoles, mentioned in a previous report, were also requested.

139. Reference was made to the repeated declaration that no racial discrimination existed in Spain and it was observed that it was extremely difficult to establish whether or not there was in fact racial discrimination within a country if there were no penal or administrative regulations which made it possible to bring alleged instances of discrimination before the authorities. As for the claim that no enabling legislation was required since the Convention formed part of Spanish law, it was pointed out that the extent to which the Convention was self-executing was limited and that certain of its provisions imposed on the States parties the obligation to enact laws to give them effect.

140. It was regretted that no information was supplied in the report about the number and status of the Basques and the Catalans.

141. It was requested by some members that the Government of Spain should reconsider its relations with South Africa.

142. The representative of the Government of Spain commented on some of the observations made regarding the draft amendment to article 172, paragraph 7, of the penal code. Concerning the possibility of distinction between citizens and residents in Spain, he pointed out that article 27 of the Civil Code stipulated that Spaniards and foreigners enjoyed equal civil rights and guaranteed equality before the law both to citizens and foreigners. He elaborated on the penalties provided under the penal code and explained various categories of imprisonment with varying terms: for example, "arresto mayor" involved a term of imprisonment ranging from one month and one day to six months. He said that in Spanish the meaning of the term "race", and hence of the expression "racial origin", also covered "ethnic origin".

143. Regarding other observations made by members of the Committee during the current discussion concerning the information envisaged in general recommendations III and IV, he made the following comments: There were no "national minorities" in Spain; there were, however, diverse "regional cultures" which were recognized and respected in the Spanish State. Spain had very significant Basque and Catalan "regional cultures", which were recognized in the sphere of education and in other spheres as well. As for the implementation of United Nations resolutions concerning relations with South Africa and Rhodesia, he said that Spain did not maintain relations with the Rhodesian régime. With regard to South Africa, however, Spain - like many other States - recognized States and not régimes and it had always supported United Nations resolutions condemning apartheid. Replying to additional comments by members of the Committee, the representative of the Government of Spain said that he had no knowledge of film showings or any other cultural activities organized by the South African Embassy in Spain that could foment racial discrimination and that, while Spain

did have trade relations with South Africa, there was no transfer of the practice of apartheid to Spanish society, which abhorred that practice.

United Republic of Tanzania

144. The information contained in the second periodic report of the United Republic of Tanzania, which was considered without the participation of a representative of the Government of the reporting State, was found to be comprehensive, covering all the relevant articles of the Convention; but it was often too general, was not organized in accordance with the guidelines laid down by the Committee at its first session, and did not include the texts of the legislative provisions to which reference was made.

145. It was noted that, whereas the interim Constitution of the United Republic of Tanzania was couched in rather vague terms, the constitution of the ruling parties in that country was far more specific and read more like a national constitution than did the interim Constitution itself. It was presumed, however, that the constitution of the ruling parties was binding only on members of those parties and not on all Tanzanians. Moreover, it was observed that, although the preamble of the interim Constitution referred to the general principles of non-discrimination and equality, the operative part of the Constitution did not seem to contain any provisions for the implementation of those principles. It was therefore hoped that the Tanzanian Government would provide further information on whether that country's legislation contained normative provisions guaranteeing non-discrimination and equality.

146. Noting the statement in the report that, in accordance with article 4 of the Convention, "any attempts to exhibit superiority complexes of races have usually resulted in legal proceedings and sometimes in deportation orders", several members of the Committee asked for the texts of the laws relating to the implementation of article 4 of the Convention, under which such action was taken by the authorities, and also for further particulars about the cases involved; some members described deportation as a severe punishment.

147. Regarding the rights enumerated in article 5 of the Convention, note was taken of the fact that education and public hospital services were provided free of charge in the United Republic of Tanzania. It was not clear whether the statement in the report that every person had a duty to be employed meant that employment was also guaranteed by the State. Further information on measures giving effect to the provisions of article 5 of the Convention was requested.

148. Members of the Committee hoped that the Government of the reporting State would include in its next report additional information on the measures it had taken to give effect to the provisions of article 6 of the Convention. Information on the remedies offered foreigners in the United Republic of Tanzania in case of injustice or discrimination was also requested.

149. The information in the report concerning the implementation of article 7 of the Convention was found to be useful but not very detailed, and additional information on that subject was requested.

150. Several members expressed the hope that the texts of all the legislative provisions mentioned or referred to in the report would be included in the next

report. Special mention in that regard was made of the Citizenship Act of 1961 and the Marriage Act of 1971.

Malta

151. As the second periodic report of Malta was received shortly before the third periodic report of that country was due, the Committee agreed - at the request of the Government of Malta - to regard the second periodic report as a substitute for the third periodic report. The Committee took note of the information in the report, which was supplemented by the introductory statement made by the representative of the Government of the reporting State.

152. Most of the discussion revolved around section 46 of the Constitution of Malta and in particular around the question whether the provisions of subsection 4, paragraph (b), of that section were compatible with the provisions of article 1, paragraph 2, of the Convention - a question which had been extensively discussed at the eighth session, when the Committee considered the supplementary report of Malta. ^{17/} Divergent views were expressed by members of the Committee about the interpretation of the provisions of the Maltese Constitution under reference, about the scope of article 1, paragraph 2, of the Convention, and a fortiori about the compatibility of the provisions under discussion of the two documents.

153. Regarding subsection 5 of section 46 of the Constitution of Malta, it was asked whether access to the public service was open to everyone on the same basis. With regard to subsection 8 of the same section, it was asked whether all Maltese citizens and all foreigners living in Malta had equal access to the courts, regardless of their race or origin.

154. Questions were asked about the relations of the reporting State with the racist régimes in southern Africa and about the ethnic composition of the population.

155. The representative of Malta recalled that the interpretation of Malta's Constitution was the function of that country's constitutional court; he added that the legal authorities of his country would be informed of the views expressed in the Committee and, if they deemed it prudent to provide an interpretation, he was certain that they would do so. His Government could perhaps make available to the Committee the text of any laws which in their view were sanctioned by the provisions of the Constitution which had been discussed by the Committee. He reiterated the information already supplied to the Committee, that his Government had approved the application of sanctions against Rhodesia and that it had no diplomatic relations either with that country or with South Africa. Regarding statistical information on the composition of the Maltese population, he stated that, when a census was taken in his country, no questions were asked about race, colour or ethnic origin.

Jordan

156. The Committee noted that the initial report of Jordan was very brief and contained little of the information required in accordance with article 9,

^{17/} Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 18 (A/9018), paras. 281-284.

paragraph 1, of the Convention. It took note of the additional information provided by the representative of the Government of Jordan in his statements.

157. The Committee took note of the explanation made by the representative of the Government of Jordan that article 6, paragraph 1, of the Jordanian Constitution - which had been incompletely cited in the report under consideration - made a specific reference to race and stated that all citizens of Jordan were equal regardless of language, religion or race. The representative of the Government of Jordan, in reply to a question put to him by a member of the Committee, confirmed that, in Jordan, foreigners enjoyed the same legal protection and remedies as Jordanian nationals. However, the statement in the report that Jordan guaranteed "the right of work and education for all" referred to "all Jordanian citizens". In reply to another question, he said that his Government had always supported the various United Nations resolutions regarding the racist régimes in southern Africa and had implemented the provisions of those resolutions concerning relations with those racist régimes.

Cuba

158. The Committee took note with appreciation of the comprehensive information contained in the second periodic report of Cuba (which was submitted in three successive documents), its voluminous annexes, and the introductory statement made by the representative of the Government of Cuba. It noted that the report contained constitutional and legislative texts, as well as a detailed analysis of the background of the situation in Cuba and of the principles of its Government's policies at both the internal and the international levels. The detailed information covered the implementation of all the relevant articles of the Convention; and it dealt not only with legislative measures, but also with administrative and other measures.

159. Some members observed with satisfaction that the Cuban Government was not merely taking measures to prohibit racial discrimination through legislation, but also creating the economic and social structures necessary for the elimination in practice of any form of racial discrimination. Other members, however, questioned the premise on which the approach of the Cuban Government was predicated: while recognizing that there was a relationship between racism and certain economic and social structures, they questioned both the assertion that racial discrimination was attributable solely to social and economic causes and the belief that a refashioning of the economic and social structure automatically brought about the elimination of racism.

160. The opinion was expressed by some members - but was disputed by others - that not all the requirements of article 4, paragraph (b), of the Convention had been satisfied by the relevant constitutional and legislative provisions cited in the report. In that connexion, the text of article 227 of the Code of Social Defence was requested.

161. Divergent views were expressed about the implementation of article 6 of the Convention in the Cuban Constitution and legislation. Some members thought that articles 26, 62, 123 and 130 of the Constitution - which made provision for redress in the case of injustice caused by a State official and guaranteed the rights of petition and complaint - did not require the authorities to which a petition was addressed to reply, did not give the courts a power to indemnify persons whose rights had been violated, and did not specify whether a person whose complaint had been rejected by the Attorney-General could apply to another body in order to force the Attorney-General to act. Other members, however, observed that article 62 of the Constitution did require the authorities to reply to complaints and petitions within a "reasonable time"; that article 36 of the Fundamental Law of the Cuban Republic specified that that period shall not exceed 45 days; that the Code of Social Defence referred to other State institutions competent to participate in guaranteeing the rights of citizens in cases of manifestations of racial discrimination; and that the "redress proceedings" described in the report assured an injured party of effective redress in the courts.

162. Some members wondered whether it was not dangerous to assert that the State had a duty to prevent unjust verdicts or that the executive had the right to intervene in order to quash verdicts given by the judiciary; but other members expressed the opinion that the State, personified by the Attorney-General, had the duty of quashing any unfair or illegal decisions which might be handed down by the national tribunals.

163. The following questions were raised by members of the Committee: (a) Should not the right of asylum, granted by article 13 of the Constitution to "those who are persecuted because of the struggle for the democratic rights of the majorities", be extended to those who were engaged in the struggle to defend the democratic rights of minorities? (b) Were the rights proclaimed in articles 40, 41, 42, 52 and 62 of the Cuban Constitution restricted to citizens of Cuba or were they guaranteed to all, non-citizens and citizens alike?

164. Some members expressed the wish that the next report of Cuba would contain more detailed information about the practical measures taken to guarantee the rights enumerated in article 5 of the Convention, about the implementation of article 7 of the Convention, and about the ethnic composition of the population.

165. The representative of the Government of Cuba commented on all the views and observations summarized in paragraphs 159-164: (a) The efforts of the Cuban Government to create an environment in which racial prejudice and racial discrimination could not arise were not confined to social and economic reform but extended also to education; "the Cuban educational system was thus choking off all sources of racial discrimination in the economic and social life of the country". (b) Under articles 202 and 227, paragraph 3, of the Code of Social Defence, organizations engaging in the activities described in article 4, paragraph (b), of the Convention could be punished; and under articles 230 and 232 of that Code, the leaders and officials of such organizations could also be punished. (c) Regarding article 6 of the Convention: article 213 of the Code of Social Defence provided for protection and remedies in the national tribunals for any citizen who had suffered discrimination of any kind; the individual himself could take a case of discrimination to court, and the initiative did not have to be taken by the Attorney-General. Other legal remedies in cases of racial discrimination were also provided for in articles 54 et seq. of Law No. 1251 on Penal Proceedings, adopted in 1972. (d) It was possible for the executive or the legislative powers to reverse decisions taken by the national tribunals; but the Cuban judiciary was guaranteed full independence in its proceedings, except in the matter of pardon or amnesty. (e) Cuba had in fact granted asylum to certain persons involved in the struggle for minority rights - "for instance, members of a black racial minority in a particular country who had been struggling for the elimination of racial discrimination". (f) It was possible that there was some technical or legal inconsistency in that the legislation concerned sometimes referred to the rights of "all" and on other occasions to those of "citizens"; the matter would be brought to the competent Cuban authorities and would be clarified in the next report. (g) The requests for further information relating to the implementation of the provisions of articles 5 and 7 of the Convention would be transmitted to the Cuban authorities. (h) Regarding information on the ethnic composition of the population: The Cuban Government has suspended the practice of referring in birth certificates to the race of a child, and no questions concerning racial origin were now asked during census-taking; accordingly, the Cuban Government no longer had any information concerning the ethnic composition of the population.

Romania

166. The Committee noted with satisfaction that the information contained in the third periodic report of Romania was confined to relevant measures adopted in the biennium covered by the report, and did not incorporate repetitions of information formerly submitted to the Committee. It took note also of the introductory

statement made by the representative of the Government of Romania which supplemented the report under consideration: whereas the report itself dealt only with constitutional amendments and legislative enactments, the texts of which were provided in all instances, the statement of the representative of the reporting State dealt with general policy and administrative measures, with particular reference to the rights of national minorities, and supplied some data on the composition of the population (in accordance with the Committee's general recommendation IV) and on the manner in which equal rights were ensured in practice to the national minorities. With the consent of the representative of the Government of Romania, the Committee decided to have the full text of his statement issued as a supplement to his Government's report.

167. Members noted with appreciation the provisions of article 4 of the Press Act of 1974, which implemented the provisions of article 1, paragraph 4, of the Convention. It was observed that, if the interests of minority groups (whether or not they were disadvantaged groups) were to be fully protected, it was not sufficient simply to allow them to use their own languages; they must also be given facilities for the dissemination of information and the expression of opinions through press organs operating in their mother tongues - as provided in article 4 of the Press Act. It was observed also that the provisions of article 67 of the Press Act and of article 17 of the Constitution complied substantially with the provisions of article 4, paragraph (a), of the Convention.

168. Some members expressed the wish that more detailed information had been provided regarding the subject-matter of general recommendation III of the Committee as well as articles 4, paragraph (b), 6 and 7 of the Convention.

169. The following questions were asked by members of the Committee: (a) Did the Romanian Penal Code provide for specific punishments for violations of the provisions of article 67 of the Press Act of 1974? (b) Was the first part of that article a separate element or was it simply an explanation of why the various acts enumerated thereafter should be considered unlawful? (c) Did the clause, "Workers have a right and an obligation to engage in work that is necessary to society" (which appeared in article 1 of Act No. 57 of 1974) preclude the right of a worker to engage in work that was not "necessary to society"? (d) Regarding article 2 of the Electoral Act of 1974: (i) Did individuals have equal rights not only to vote but also to be elected? (ii) Did citizens have full equality of rights in electing deputies to representative organs other than the Grand National Assembly and the People's Councils? And (iii) How was proportional representation of national minorities assured in the State organs where members were elected? (e) What was the present practice of the Romanian Government with respect to the exercise of "the right to leave any country"? (f) How did the Romanian Government define the term "co-inhabiting nationalities"?

170. The representative of the Government of Romania gave the following replies to the questions enumerated in the foregoing paragraph: (a) The Press Act itself contained a chapter on the sanctions to be applied to persons who violated the provisions of article 67; in addition, articles 166 and 317 of the Penal Code prohibited and specified punishment for incitement to racial hatred and propaganda for racial discrimination. (b) The first and second parts of article 67 of the Press Act constituted a whole. (c) The right and the obligation to engage in work "necessary to society" could not be interpreted as in any way restricting specific national and racial groups' enjoyment of the right to remuneration according to

the quality and quantity of work. (d) (i) Article 3 of the Electoral Act stated that citizens who had reached the age of 23 and were entitled to vote could be elected deputies to the Grand National Assembly and the People's Councils. (ii) In Romania, it was only members of the Grand National Assembly and the People's Councils who were elected by direct universal suffrage. (iii) Proportional representation resulted from the policy followed by the Front for Socialist Unity of Romania, in which all national groups were represented; neither the Constitution nor the Electoral Act stipulated that seats should be reserved for national minorities. (e) The Government of Romania applied the provisions of article 12, paragraph 2, of the International Covenant on Civil and Political Rights ("Everyone shall be free to leave any country, including his own") without distinction as to race or nationality. (f) No reply was provided.

171. The representative of the Government of Romania gave the Committee additional information on his Government's policy with respect to the racist régime in South Africa, reaffirming and bringing up to date the information presented by a representative of that Government to the Committee at its tenth session.

Bulgaria

172. The Committee noted with appreciation that the fourth periodic report of Bulgaria provided information on relevant legislative enactments adopted during the biennium covered by the report; presented in a separate section comments on the observations and inquiries made by members of the Committee during the consideration of previous reports; and supplied in an annex texts of relevant legislative provisions. It also took note of the introductory statement of the representative of the Government of Bulgaria, which brought up to date the information contained in the first section of the report.

173. Members of the Committee noted the three relevant legislative developments which had occurred during the biennium covered by the report, namely, the addition of two new articles to the Penal Code, in order to bring Bulgarian legislation into line with the International Convention on the Suppression and Punishment of the Crime of Apartheid; article 10 of the new Code of Criminal Procedures, guaranteeing to every person the right to equality before the law; and Decree No. 520 of the State Council, of 1975, relating to the right of asylum - which would be granted to aliens persecuted, inter alia, for "fighting against racial discrimination".

174. The second section of the report under consideration, which contained comments on the observations and inquiries made by members of the Committee at previous sessions, was welcomed by members of the Committee. However, it was observed that the comments relating to the implementation of article 6 of the Convention did not show that all the requirements of that article had been met; and further information was considered by some members to be necessary in relation to the implementation of article 7 of the Convention. The comments on the ethnic composition of the population raised several questions. The report spoke of Bulgarian citizens of non-Bulgarian origin who had different ethnic characteristics, and appeared to imply that Bulgarian citizens of Bulgarian origin had different cultures, traditions and customs; and it was asked: Did the subgroups of the latter group constitute ethnic subgroups? And what criteria had been adopted by the authorities, during census-taking, to determine the ethnic identity of the various inhabitants? Some members expressed regret that the report did not contain the demographic information envisaged in general recommendation IV. (It will be

recalled, however, that in his opening statement the representative of the Government of Bulgaria informed the Committee that the 1975 census data, which had been published towards the end of March 1976, had not been available when the report was prepared in January and February of 1976 and would appear in the Demographic Yearbook of the United Nations.)

175. One member of the Committee asked how the Committee should interpret the statement, contained in the report under consideration, that "all citizens ... enjoy the right to develop their own culture, based on their own traditions and customs", if the main objective of the policy of the State and the Party - as reflected in the explanation of the Decree on Civil Status, adopted on 30 August 1975 - was the creation of the unity of the Bulgarian nation on the basis of citizenship, which implied the gradual disappearance of the Turkish, Macedonian, Romanian, Jewish and Gipsy national minorities and their assimilation into the Bulgarian nation. Regarding the position and rights of the Macedonian national minority in Bulgaria, he stated that, if it were claimed that no such minority existed, it should be explained, firstly, where the 200,000 Macedonians registered by the official census of 1956 had disappeared and secondly, why the measures providing for the linguistic and cultural development of that minority had been abolished. He also expressed his hope that the talks between the Governments of Yugoslavia and Bulgaria on that subject, which were to be held soon, would be fruitful. Another member of the Committee, on the other hand, said that historical evidence showed that, in the past, the region of Macedonia had never been connected with any "Macedonian" nationality and that the Slavic population of that region had always been recognized as Bulgarian and had always considered itself Bulgarian. He added that, under very different circumstances - immediately after the Second World War - and with a view to the eventual merger of Bulgaria and Yugoslavia, certain administrative and judicial measures had been adopted. He pointed out, however, that that idea had been soon abandoned and that the population had become completely free again to express its national feelings; therefore, that open expression of national consciousness had been constantly reaffirmed; and, nowadays, all of those people declared themselves to be Bulgarians. He also pointed out that the persistent attempts to question that reality were harmful to the friendly relations between the peoples of the two countries. Such attempts, he added, did not contribute to the fruitful work of the Committee.

176. There was wide divergence of views among some members of the Committee regarding their interpretation of the aims and objectives of the Convention with respect to minorities.

177. The representative of the Government of Bulgaria replied to some of the questions raised during the consideration of that Government's report and assured the Committee that all questions which could not be answered at the current meeting would be duly referred to his Government. Regarding the request for additional information on the implementation of the provisions of article 6 of the Convention, he said that article 55 of the Constitution stipulated the right of Bulgarian citizens to present complaints and petitions and that, in accordance with the Code of Civil Procedure, the courts of justice were obliged to consider and settle any complaint addressed to them for the protection and promotion of personal and property rights. Regarding the criteria and methodology used in the 1975 census, he said that - inasmuch as the objective had been to give the fullest possible picture of the social and economic development of the people,

together with relevant demographic characteristics, such as employment, migration, education, occupation, mortality and birth-rate - ethnic criteria had not been applied in the 1975 census and the information obtained during that census contained no data regarding the ethnic characteristics of the population. Affirming that Bulgarian citizens of Bulgarian origin were "homogeneous from the standpoints of cultural heritage, language and historical background", and declaring that there was no Macedonian national minority in Bulgaria, he supplied information on the rights enjoyed by the ethnic groups of non-Bulgarian origin, and added that information on that question had recently been supplied to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Poland

178. The Committee considered the fourth periodic report of Poland together with the introductory statement made by the representative of the Government of the reporting State.

179. Members of the Committee noted that the bulk of the information contained in the report under consideration had already been supplied in previous reports. The appreciation of that information expressed at earlier sessions remained valid, it was observed; but it was also recalled that the gaps to which the Committee had drawn attention during its consideration of past reports of Poland had not been filled by the current report, and some of the questions raised in the past had remained unanswered. Recalling that, when the Committee considered Poland's third periodic report it had been assured that the next report would deal with all the points raised during the discussion, members of the Committee expressed the hope that the clarifications sought and the additional information requested would be included in the fifth periodic report of Poland.

180. Note was taken of the new elements in the report under consideration: namely, the information concerning the award of high State decorations to active members of socio-cultural national minority societies and the programme of education in the field of human rights.

181. In his statement, the representative of the Government of Poland referred to inquiries made at a previous session, and repeated at the current session, regarding legislation giving effect to the provisions of article 4 of the Convention and assured the Committee that such legislation existed and that the information requested would be forthcoming.

Canada

182. The third periodic report of Canada and its annexes and attachments were considered together with the introductory statement made by the representative of the Government of Canada, which brought up to date the information contained in the report. The Committee took note with appreciation of the extensive information contained in the report and related documents, which included the texts of legislative enactments at the federal and the provincial levels and information on administrative measures, and which was organized in accordance with the guidelines laid down by the Committee at its first session. The Committee noted also that account had been taken of some of the observations made during

the Committee's consideration of earlier reports. It was regretted, however, that information on judicial measures was lacking and that some of the questions raised at earlier sessions remained unanswered.

183. Members of the Committee noted with appreciation the variety and scope of the measures taken by the federal and provincial Governments of Canada and described in the report under consideration. The support given to multicultural activities, especially among Eskimos and Indians, in compliance with article 2, paragraph 1 (e), of the Convention, was welcomed, as was also the information that, in connexion with the current review of the Indian Act, the authorities were consulting with the parties concerned before adopting measures designed to protect their interests. It was observed with satisfaction that, in the treatment of complaints of human rights violations by the appropriate bodies, primary emphasis was placed on settlement by conciliation, and that preference was given to prevention over punishment.

184. Other aspects of the measures described in the report were considered in a critical vein by the Committee. Several members of the Committee expressed the view that the Act amending the Criminal Code - by adding a new section, 281.2, on hate propaganda - did not meet the requirements of article 4 of the Convention. It was recalled that that Act gave effect to the recommendations of the Special Committee on Hate Propaganda in Canada, created in 1965, well before the Convention had entered into force. Section 281.2 of the amended Criminal Code provided for exceptions which were not envisaged in article 4, paragraph (a), of the Convention and which had the effect of restricting the application of the provisions of that article. Similarly, the Acts passed in the various provinces to ban publicity of a discriminatory nature usually contained a clause stipulating that their provisions should not be interpreted as obstructing the right freely to express opinions on any subject; it was not clear to some members how the apparently contradictory clauses could be reconciled, and - in the absence of information on the practices of the courts in that regard - it was difficult to determine which of those provisions prevailed over or restricted the other. Concern was also expressed over the status of compliance with the provisions of article 4, paragraph (b), of the Convention. Several members of the Committee commented on the statement in the report that "Canada undertakes to deal with the activities of organizations, in preference to declaring the organizations illegal". It was recalled that, under the Convention, States parties undertook not only to deal with the activities or organizations covered by article 4, paragraph (b) of the Convention, but also to declare illegal and prohibit the organizations themselves. Nor was the information at hand, concerning the manner in which the authorities dealt with the racist activities of organizations, indicative of vigorous application of the relevant provisions of the Convention: according to the report under consideration, following demonstrations and disturbances associated with a group called the "Western Guard Party", "charges were laid" in connexion with the possession of fire-arms, but "propaganda materials of a racist nature" were merely confiscated.

185. Several members commented on the information regarding Canada's relations with South Africa. Referring to the statement that continued relations with South Africa "afford the Canadian Government the opportunity to exert some influence on the South African Government", some members wished to know what had been done in that regard and what results had been obtained. It was observed that continued relations with a racist régime contradicted the spirit of the Convention, and would hardly assist the elimination of apartheid.

186. The following questions were raised: (a) Did the prohibition of racial discrimination fall within the federal or the provincial jurisdiction? (b) What was the relationship between the Ombudsmen and the human rights commissions? (c) What was the present immigration policy of Canada? and was it based on considerations that might be at variance with the objectives of the Convention? (d) With regard to the provisions of article 6 of the Convention: Could Canadian nationals apply directly to the courts, in connexion with violations of human rights, without first submitting their complaints to the human rights commissions? (e) How had the complaints against alleged racial discrimination - which numbered 81 in 1973 and 62 in 1974 - been settled, and what measures had been taken to remedy them? (f) What directives had the authorities of the Federal Government of Canada given to the Attorney-General of Ontario, with respect to the "hate telephone message" put on by a "white supremacy group"? and what measures had been taken in that regard?

187. With regard to the first question mentioned in the foregoing paragraph, the representative of the Government of Canada said that competence with respect to racial discrimination was divided between the Federal Government and the provinces; one of the tasks of the federal Human Rights Commission was to maintain contact with the provincial authorities in order to harmonize methods and to eliminate jurisdictional disputes. As for relations with South Africa, she stated that Canada had repeatedly denounced apartheid and was a contributor to the various United Nations funds for southern Africa. The questions that had been raised concerning the application of article 4 of the Convention would be submitted to the Canadian Government, which "would provide all the additional information".

Union of Soviet Socialist Republics

188. The fourth periodic report of the Union of Soviet Socialist Republics was considered together with the introductory statement made by the representative of the Government of the reporting State. The Committee noted that the report contained information on relevant legislative and administrative measures adopted during the biennium covered by the report and did not repeat information already supplied to the Committee.

189. The reaffirmation by the Government of the reporting State of its dedication to the cause of non-discrimination, both internally and internationally, was noted with satisfaction. Note was taken of the adoption in 1974, by the Union Republics of the USSR, of laws on State notarial proceedings, based on the all-Union Law of the USSR on State Notarial Proceedings of 1973. The many activities in support of nations struggling for their equality and of the world-wide struggle against racial discrimination were also noted.

190. With regard to the information concerning the composition of the population of the USSR, contained in the annex to the preceding report of that country, one member asked whether the nationality of persons had been established on the basis of statements made by the persons themselves at the time of the census or on the basis of objective criteria. Regarding the provisions of the law on notarial proceedings, cited in the report under consideration, one member of the Committee referred to the statement that notarial proceedings were "conducted ... in cases provided for by the constitutions of the autonomous republics, in the language of the majority of the inhabitants of the region", and asked, first, whether the text referred to an actual majority - for example, more than 50 per cent - and, secondly, whether persons who were not part of the majority and did not understand its language could obtain a translation.

191. In reply to the questions mentioned in the foregoing paragraph, the representative of the Government of the Union of Soviet Socialist Republics said, (a) that nationality was determined on the basis of statements made by the persons concerned; (b) that in the Soviet Union, "as was the case everywhere", the word "majority" meant more than 50 per cent; and (c) that, as the texts contained in the report showed, both the all-Union Law and the laws of the Union Republics contained the following provision: "If the person requesting a notarial act does not know the language in which legal proceedings are conducted, the texts of the documents being drawn up shall be translated for him or her."

Ukrainian Soviet Socialist Republic

192. The fourth periodic report of the Ukrainian Soviet Socialist Republic was considered together with the information supplied by the representative of the Government of the reporting State in his introductory statement. The Committee noted with appreciation that the texts of legislative provisions mentioned in the reports of the Ukrainian Soviet Socialist Republic had been supplied in the report under consideration, that account had been taken of the comments made by members of the Committee during the consideration of earlier reports, and that the information envisaged in general recommendations III and IV had been provided. Noting that the current report contained information on legislative, administrative and other measures, it took note of the statement in the report that, in the biennium covered by the report, no cases of alleged offences against national and racial equality of rights had come before the courts.

193. Members of the Committee commented with appreciation on the measures taken to implement the provisions of article 7 of the Convention, with special reference to the use of the mass media to combat racial discrimination and promote understanding; the measures taken in respect of education, labour relations and employment, in keeping with the provisions of article 5 of the Convention; the measures taken at the international level to participate actively in the world-wide struggle against racism and apartheid; and the measures taken with regard to nationalities and minorities, ensuring equality and non-discrimination while at the same time preserving for those groups a sense of identity as well as participation and integration.

194. Members of the Committee discussed the information concerning the implementation of the provisions of article 4 of the Convention in the legal system of the reporting State. It was observed that one of the elements of paragraph (a) of that article - namely, that the provision of "any assistance to racist activities, including the financing thereof", shall be declared an "offence punishable by law" - had not been complied with in the legislation of the Ukrainian Soviet Socialist Republic, as reported to the Committee. Regarding paragraph (b) of article 4 of the Convention, some members were of the view that the provisions of article 103 of the Constitution (Fundamental Law) of the Ukrainian Soviet Socialist Republic and article 66 of the Criminal Code of that State did not give effect to the mandatory obligation of a State party to the Convention to "declare illegal and prohibit" organizations which promoted and incited racial discrimination. Some members asked whether other legislation existed which discharged that obligation. They emphasized that, even in States where the formation of organizations was subject to prior registration or the issue of permits by the authorities, organizations which declared valid objectives might, after their establishment, operate surreptitiously and embark on campaigns of incitement to racial discrimination. In such cases, it should be possible to declare the offending organizations illegal; and constitutional and legislative norms should be supplemented by judicial and administrative measures ensuring effective punishment of violations of the provisions of article 4, paragraph (b), of the Convention. Other members of the Committee, however, were of the opinion that, when the exercise of the right to form or join associations was regulated by law in such a manner as to require prior registration or licensing of associations, and when the legality of the objectives pursued by associations was a prior condition for permitting them to come into being and to operate in the country, then the existing provisions in the Constitution and in the law declaring racial discrimination illegal would suffice; organizations which came into being without prior registration or licensing, as well as organizations which engaged in activities extraneous to or incompatible with their declared objectives and the principles of the law, would be illegal, and their existence and activities would be subject to the punishments provided for in the applicable legislation.

195. Some members expressed the hope that additional information would be provided in the next report with regard to the implementation of article 5 of the Convention, and that the information promised at an earlier session - regarding the provisions of the Criminal Code giving effect to the provisions of article 6 of the Convention - would also be included in the next report.

196. A member of the Committee asked whether the number of representatives of the various national groups elected to the different bodies corresponded to their percentage in the population. Noting that, although Russians constituted 19.4 per cent of the population and Jews 1.6 per cent, there were no Russian or Jewish

schools, although there were Hungarian, Moldavian and Polish ones, a member of the Committee asked whether that was because the former minorities were not geographically concentrated.

197. With regard to the discussion of article 4 of the Convention, the representative of the Government of the Ukrainian Soviet Socialist Republic confirmed that a system of registration of organizations existed in his country, under which organizations had to be registered with local workers' councils before they could exist as legal bodies; such registration required approval of their goals and functions, which must be consistent with the Constitution. He stated that in its next report his Government would provide further information on the implementation of article 5 of the Convention. And he assured the Committee that his Government would be duly informed of all the points raised by members of the Committee, and that the Committee's recommendations would be taken into consideration during the preparation of the next periodic report.

German Democratic Republic

198. The second periodic report of the German Democratic Republic was considered by the Committee together with the information supplied by the representative of the Government of the reporting State in the introductory statement he made before the Committee. The Committee noted with appreciation that the report provided information on the constitutional amendments adopted and the laws enacted during the biennium covered by the report, and did not merely repeat information previously supplied to the Committee; that it contained the texts of the constitutional and legislative provisions in question, in addition to an analysis of their relevance to the provisions of the Convention; that it supplied information on administrative and other measures, particularly in relation to the implementation of article 7 of the Convention; that it provided the information envisaged in general recommendation III; that it informed the Committee that no cases of alleged infringement of the legal provisions relating to the prohibition of racial discrimination had been reported in the judicial practice of the reporting State during the biennium covered by the report; and that it took account of the views expressed during the consideration of the initial report by the Committee.

199. Members of the Committee observed with appreciation that articles 19 to 40 of the Constitution of the German Democratic Republic and article 3 of the Law on the Constitution of the Courts showed how the reporting State was complying with the provisions of article 5 of the Convention; that the Government devoted particular attention to the education of the young generation in the spirit of friendship among peoples, in keeping with the provisions of article 7 of the Convention; and that the Government of the reporting State was actively participating in the world-wide struggle against racism and apartheid.

200. A member of the Committee noted that article 92, paragraph 1, of the German Penal Code prohibited propaganda or incitement which were "apt to bring people to ... commit a crime against humanity" and wondered what the situation was when those acts did not result in the commission of crimes against humanity. He was of the opinion that the qualification contained in that provision of the Penal Code placed restrictions not envisaged in article 4, paragraph (a), of the Convention. He observed also that the report failed to indicate whether the provisions of paragraph (b) of that article of the Convention - referring to the obligation to declare illegal and prohibit organizations, and also organized and all other

propaganda activities, which promoted and incited racial discrimination - were being complied with in the reporting State. Another member of the Committee, however, was of the view that articles 91, 92, 95 and 258 of the Penal Code of the German Democratic Republic - which, among other things, were applicable to crimes against humanity and human rights, and which constituted an interrelated complex of provisions - ensured compliance with all aspects of article 4, paragraphs (a) and (b), of the Convention.

201. While taking into account the provisions of paragraphs 2 and 3 of article 1 of the Convention, some members noted that numerous articles of the Constitution and of the Law on the Constitution of the Courts of the German Democratic Republic referred only to "citizens"; they wondered what the legal status of aliens was, and whether there was any legislation that protected them from discrimination. Other members, however, referred in that connexion to section 181 of the new Code of Civil Procedure (which provides that "citizens of other States /and/ stateless persons ... shall be treated in the proceedings in the same manner as citizens ... of the German Democratic Republic") and to article 1 of the Law Application Act (which establishes the principle that the application of law to international civil, family and labour law relations, as well as to international economic contracts, shall be based on the generally accepted norms of international law).

202. The following questions were raised by members of the Committee: (a) What percentage of the total population did the Sorb minority - described in the report as "the only national minority in the German Democratic Republic - constitute, and what was its status? (b) Were the rights enumerated in article 5 (para. (d), subparas. (i) and (ii)) of the Convention guaranteed in the Constitution, and what was the practice in regard to the exercise of those rights? (c) Was there any guarantee that no criterion of an ethnic nature would influence the consent of the competent State organs - required under article 18, paragraph 1, of the Law Application Act - to marriages between citizens of the reporting State and citizens of other States? (d) What was the significance of the word "copyright" in the context of article 7 of the Civil Code, which provides that "every person is entitled to respect for his person, especially his honour and his repute, his name, his image, his copyright and other similarly protected rights arising from creative activity"?

203. The hope was expressed that the next report of the German Democratic Republic would contain further information on the implementation of the provisions of article 5 of the Convention; the text of the country's immigration laws; and clarification as to whether - in addition to the provisions of article 327 of the Civil Code, which went a long way towards implementing the provisions of article 6 of the Convention - there were any remedies open to an individual who felt that he had been the object of discrimination by public authorities.

204. The representative of the Government of the German Democratic Republic made some comments on the observations summarized in paragraphs 200 and 201 and answered all the questions enumerated in paragraph 202. With regard to article 4 of the Convention, he referred to article 6, paragraph 5, of the Constitution and articles 91, 92 and 140 of the Penal Code, the texts of which had been furnished to the Committee. With regard to the question of aliens, he said that, starting from the principle of territoriality - a fundamental principle of the Constitution of the German Democratic Republic - all persons regardless of their citizenship were bound to respect the laws of the Republic; the principle of equality before the law and equal legal protection imbued the entire legal system and was fully applicable to

all areas involving human rights; it was also elaborated in the Labour Code, the Law on the Constitution of the Courts, the Penal Code and the Code of Criminal Procedure. With regard to the questions enumerated in paragraph 202 he gave the following replies: (a) The Sorb population numbered some 100,000 inhabitants and represented 0.6 per cent of the population; the Sorb language was, together with German, an official language in all governmental and judicial organs and in all public institutions; the Sorbs had their own parliament; Sorbs were also represented in the main elected body of the Republic, the Peoples' Chamber; 1 per cent of the elected representatives of the people were Sorbs. (b) With respect to the implementation of article 5 of the Convention and, specifically, the right to leave one's country and to return to it, there were no conditions in the German Democratic Republic permitting racial discrimination. (c) Nor were there cases of discrimination on ethnic or racial grounds with reference to the right of citizens of the German Democratic Republic to enter into matrimony with citizens of other countries. The legal provisions applicable in that regard would be included in the next report. (d) The inclusion of copyright in article 7 of the Civil Code had been considered significant in view of the existing situation in the reporting State and in view of the considerable intellectual co-operation with other countries.

Norway

205. The Committee noted that the third periodic report of Norway contained no information on legislative measures, since none had been adopted during the biennium covered by the report, nor on judicial measures, since the provisions of the Penal Code that had been adopted in order to implement certain provisions of the Convention had not been invoked in any criminal case brought before the courts during that period. The Committee noted with satisfaction that the report contained information on administrative and other measures relating to the Norwegian gipsies and Lapps; the information requested by the Committee during its consideration of the second periodic report of Norway; and the information envisaged in general recommendations III and IV. The Committee took note also of the information in the report about the declaration made by the Government of Norway in March 1976, recognizing the competence of the Committee under article 14 of the Convention, with some reservations.

206. Members of the Committee considered the statement in the report that, according to Norwegian law, individuals cannot enforce the provisions of articles 2 (para. 1, subparas. (a) and (b) and 4 (para. (c)) of the Convention by appealing directly to domestic courts, and the statement that, before ratifying the Convention, the reporting State had undertaken a detailed study in order to ascertain that domestic law was consistent with the obligations under the Convention and had taken certain legislative measures in that respect. A member of the Committee thought that those two statements were inconsistent. Another member asked how implementation of the legislation against discrimination was guaranteed, if individuals could not enforce the rules of the Convention by appealing directly to the courts. And another member speculated that individuals must have some means of ensuring the application of the aforementioned provisions of the Convention other than direct appeals to the courts.

207. Several members commented with appreciation on the measures adopted by the Government of Norway in favour of the Lapps. The hope was expressed that, in future reports, further information on the results of those measures would be furnished. A question was raised as to the composition of the Norwegian Lapp Council, and whether that body included members belonging to the ethnic group concerned. And it was observed that careful study should be given to the employment

opportunities offered to the Lapps in order to ensure that such opportunities were in keeping with their capabilities and way of life; and that the education they received should be designed to enable them to solve their problems for themselves.

208. With regard to the positive measures taken by the authorities of Norway in respect of the Norwegian gipsies - who clearly faced discrimination problems - it was observed that it would be appropriate if the Government, when undertaking programmes to improve the living conditions of the gipsies, took measures also to end the prejudices and discriminatory attitudes that caused problems for both the gipsies and itself: the State could act directly through the information media and education, in keeping with the provisions of article 7 of the Convention. However, some members asked whether the difficulties encountered by the gipsies in having access to the normal housing market had led to the application of the anti-discrimination provisions of Norwegian law by the authorities, whether any offenders had been brought before the courts, and whether any other measures had been adopted to deal with that situation. Similarly, with respect to the institution of separate classes for gipsy children, some members wondered whether such measures were discriminatory in themselves or were aimed at integrating the gipsies into society; and it was asked whether gipsy children attended any general classes in addition to the separate classes mentioned in the report. A member of the Committee asked whether it was right to place so much emphasis on the permanent settlement of the gipsies.

209. Members of the Committee noted with appreciation the information contained in the report, regarding the active participation of the Government of Norway in the fight against racism and racial discrimination in southern Africa.

210. There was some discussion of the reservation made by the Government of Norway at the time it made a declaration recognizing the competence of the Committee as laid down in article 14 of the Convention. That reservation provides that "the Committee shall not consider any communication from an individual or group of individuals, unless the Committee has ascertained that the matter is not being examined, or has not been examined, under another procedure of international investigation or settlement". One member inquired whether that reservation meant that the Committee was barred entirely from considering a matter that had been considered under another procedure of international investigation or settlement; or whether the Committee could proceed to consider the matter, but only after that other procedure had been completed. Another member of the Committee discussed the procedure for ascertaining whether the matter was being or had been examined under another procedure of international investigation or settlement. In his view, there were two possible approaches to the problem: the Committee could, through the Secretary-General, request anyone who submitted a communication under article 14 of the Convention to inform it whether the matter had been examined under another international procedure; or it could ask the State party concerned to indicate whether the matter had been examined under such other procedure. But another member of the Committee called attention in that connexion to paragraph 6 (a) of article 14 of the Convention, which specifies that "the identity of the individual or group of individuals concerned shall not be revealed without his or their express consent" - a provision that could rule out the second of the two methods proposed for complying with the conditions laid down in the reservation made by the Government of Norway.

211. It was observed that further information was needed on the implementation by the Government of Norway of the provisions of articles 5 and 6 of the Convention, particularly with regard to the remedies available to victims of racial

discrimination; that the Government of Norway had not provided any information on the implementation of the provisions of article 7 of the Convention; and that the full text of section 330 of the Norwegian Penal Code, which the representative of the Government of Norway had promised at a previous session to supply to the Committee, had not yet been received.

212. The representative of Norway commented on some of the observations summarized in the foregoing paragraphs. With regard to the observations mentioned in paragraph 206, he affirmed that his Government was bound under the Convention to ensure that all its provisions were fully implemented in Norway; however, it had been considered that the existing laws were sufficient, since individuals were given every opportunity to have those laws enforced in the national courts. With regard to the questions mentioned in paragraph 207, he said that the Norwegian Lapp Council consisted of eight members, all of whom were Lapps; and that his Government had taken measures to ensure that the employment opportunities offered to the Lapps enabled them to retain their traditional way of life. As to the observations summarized in paragraph 208 he stated that the gipsies themselves had approached the Norwegian authorities requesting their co-operation and assistance in obtaining educational opportunities and a higher level of living: at no time had the Government sought to impose on them an alien way of life. The problems of housing faced by the gipsies, however, concerned the social sector and were not strictly legal matters; because of the unfortunate reaction that had occurred, it had been considered more appropriate not to press for a particular solution, but rather to adopt a more flexible approach by seeking more compatible solutions. With regard to the requests for additional information mentioned in paragraph 211 above, he assured the Committee that he would transmit to his Government the Committee's wish to receive more information as well as the full text of the legislative measures in question.

Byelorussian Soviet Socialist Republic

213. The fourth periodic report of the Byelorussian Soviet Socialist Republic was considered together with the information contained in the introductory statement made before the Committee by the representative of the Government of the reporting State. The Committee took note of the information on the relevant legislative developments which took place during the biennium covered by the report, the information on relevant administrative and other measures, and the information envisaged in general recommendations III and IV.

214. Members of the Committee noted with appreciation the information on the composition of the Byelorussian Supreme Soviet, indicating that the nationalities making up the country's minority groups were more than amply represented in that body; the provisions of the Act concerning the State Notarial Service and the Public Education Act; and the information on the active participation of the reporting State in the world-wide struggle against racism and apartheid.

215. The Committee considered the compliance of the reporting State with the provisions of article 4 of the Convention. Some members felt that some of the requirements of paragraphs (a) and (b) of article 4 of the Convention were not fully met by the provisions of article 71 of the Penal Code, which dealt with propaganda or agitation aimed at inciting racial or national enmity or discord, but it did not deal with acts of violence or incitement to such acts (as is required by para. (a) of article 4 of the Convention), nor did it declare illegal and prohibit

organizations which promoted and incited racial discrimination (as is required by para. (b) of article 4 of the Convention). It was argued that the fact that such organizations could not be registered in the Soviet Socialist Republics was only a partial answer to the problem, since organizations usually did not proclaim such aims in their by-laws; the question was whether an organization could be prohibited under the registration law should evidence of its real nature subsequently emerge, or whether additional legislation was required. On the other hand, other members observed that, inasmuch as the Convention had the force of national law in the reporting State, the provisions of article 4, paragraph (b), of the Convention could automatically be invoked by all State bodies and courts in making decisions and pronouncing sentences. In addition, there were all-Union laws, applicable throughout the territory of the USSR, which defined specific acts of individuals and organizations aimed at spreading racist propaganda and made such acts a criminal offence. Furthermore, the Fundamentals of Criminal Legislation of the USSR contained specific articles designating organizations which acted contrary to the law as criminal organizations, and declaring that individuals guilty of establishing or participating in such organizations were criminal offenders.

216. A member of the Committee raised the following questions with reference to the figures relating to deputies to the Byelorussian Supreme Soviet: How were the 102 deputies of other than Byelorussian nationality distributed among the different minorities? Were some minorities overrepresented and some underrepresented? And how were the 102 deputies actually chosen? Did the minorities themselves choose them or did the Party?

217. The representative of the Government of the Byelorussian Soviet Socialist Republic, referring to article 4 of the Convention, said that article 71 of the Criminal Code applied to organizations as well as individuals. With regard to representation in the Byelorussian Supreme Soviet, he said that minorities were represented more strongly in that body than in the population; that deputies were elected in accordance with the law; and that Jewish, Russians and Ukrainian nationals also held posts of ministerial rank in the Government. He supplied additional information concerning the participation of his Government in the international struggle against racism and apartheid.

United Republic of Cameroon

218. The third periodic report of the United Republic of Cameroon consisted of the statement that there had been no new developments in Cameroonian legislation with regard to racial discrimination during the biennium covered by the report. In his introductory statement, the representative of the Government of the reporting State answered some of the questions which had been raised during the Committee's consideration of his Government's second periodic report.

219. The representative of the Government of the United Republic of Cameroon read out the text of article 152 of the Penal Code, which had been requested by the Committee. In reply to questions about the ethnic composition of the population of the country, he said that 90 per cent consisted of indigenous groups - consisting of more than 100 tribes living in harmony with one another - the remaining 10 per cent being aliens. With regard to certain cases mentioned in the second periodic report, about which Committee members had asked for further details, he gave some information about the identity of the accused and the nature of the charges, and observed that those cases demonstrated that all persons, regardless of nationality or rank, were

treated equally before the law in his country. With reference to another question, he explained the meaning of the term "assimilated status".

220. Members of the Committee expressed the hope that the text of the legal provisions read out by the representative of the Government of the United Republic of Cameroon and the texts of all other relevant legislative provisions not yet supplied to the Committee be incorporated in the next report; that further information on the implementation of articles 4 (para. (b)), 5, 6 and 7 of the Convention be provided; and that information on administrative and judicial measures giving effect to the provisions of the Convention, and the information envisaged in general recommendation III, be also supplied.

221. The representative of the Government of the United Republic of Cameroon supplied the Committee with information on the right of workers to form trade unions, on education programmes which promoted the ideas of tolerance and respect for others, and on the participation of his Government in international action to combat racism and apartheid. He assured the Committee that the observations made by its members would be transmitted to his Government, and that the information requested would be included in the fourth periodic report.

Ecuador

222. The fourth periodic report of Ecuador, submitted in two successive documents, was considered by the Committee together with the introductory statement made by the representative of the Government of Ecuador. The Committee noted with satisfaction that a preliminary draft of several articles of the Penal Code, currently in the course of amendment, was provided; that information on administrative and other measures was supplied; that no cases of alleged racial discrimination had been brought before the courts; and that the comments made during the Committee's consideration of past reports of Ecuador had been taken into account, both in the preparation of the report and in the drafting of the proposed amendments to the Penal Code.

223. Members of the Committee took note with appreciation of the information on the administrative and other measures, particularly in the fields of education and agrarian reform. Some members of the Committee welcomed those measures as manifestations of a general programme aimed at raising the standard of living of all population groups in the country, and thereby establishing an economic and social infrastructure conducive to the application of the Convention by improving the conditions of the population; other members emphasized, in addition, the direct effect of those measures upon the disadvantaged segments of the population in particular, and considered them to be in keeping with the provisions of article 2, paragraph 2, of the Convention. It was in the latter context also that they viewed the steps taken to strengthen the teaching of Quechua - which was considered part of the national heritage - but in the framework of a bilingual system of education conducive to the establishment of a dialogue between all sectors of the population.

224. Members of the Committee took note of the fact that, taking into account comments made during the Committee's consideration of the previous reports of Ecuador, the Standing Legislative Committee was planning to consider amending the wording of paragraph 3 of article 211 of the preliminary draft of the Penal Code, which provides for punishment to any person who "participates in racist activities or belongs to organizations whose purpose is to propagate or promote racial

discrimination". Although some members thought that, under existing domestic law and in application of article 141 of the Constitution, the police could at present take action with regard to racist groups and organizations, if any were formed; and although other members were of the view that, since the provisions of the Convention had become part of internal law, the provisions of article 4 of the Convention were already binding - all members who participated in the discussion of that question welcomed a change in the wording of paragraph 3 of article 211 of the preliminary draft of the Penal Code that would result in avoiding any ambiguity and bringing the text into fuller conformity with the wording of article 4, paragraph (b), of the Convention. Moreover, it was observed that an organization might surreptitiously engage in propagating or promoting racial discrimination without declaring as its "purpose" the performance of such acts; article 4, paragraph (b), of the Convention, however, laid down the obligation to "declare illegal and prohibit organizations ... which promote and incite racial discrimination", and not merely those whose "purpose" was to promote and incite racial discrimination.

225. The hope was expressed by several members that the text of the provisions of the projected amendments to the Penal Code would be transmitted to the Committee after their adoption; and that further information on measures giving effect to the provision of article 7 of the Convention, information on measures taken in accordance with the provisions of article 2 (para. 1, subpara. (e)) of the Convention, and the information envisaged in general recommendations III and IV would also be supplied in the next report.

226. The following questions were asked by members of the Committee: (a) With reference to article 178 (c) of the Constitution, which called for the promotion of the cultural development of "natives and peasants", and article 189 (o) of that instrument, which dealt with agricultural labour, particularly that performed "by natives": Were all Ecuadorian peasants natives? Or was there a difference between Ecuadorian peasants and Ecuadorian natives? And, if so, what difference? (b) What was the proportion of natives to the total Ecuadorian population? (c) With reference to the information that some 10 per cent of the Ecuadorian population had been affected by the agrarian reform: What proportion of Ecuadorian Indians had benefited from the redistribution of land? (d) If an act described in article 4 of the Convention were committed before the new Penal Code entered into force, could it be penalized under existing Ecuadorian legislation? (e) Did the provisions of article 141, paragraph 2, of the Ecuadorian Constitution - which stipulated that any discrimination based on race and constituting an affront to human dignity was an offence punishable by law - apply to employment in the private sector? (f) What remedies were available, in accordance with article 6 of the Convention, to the victims of such offences?

227. The representative of the Government of Ecuador referred to the discussion - summarized in paragraph 224 above - of the relationship between the provisions of article 4 of the Convention and those of article 211 of the preliminary draft of the Penal Code and reaffirmed that the plans to consider rewording paragraph 3 of the latter article had been prompted by the discussions in the Committee at previous sessions of past Ecuadorian reports. With reference to the requests enumerated in paragraph 225 above, he provided additional information on measures taken in accordance with the provisions of article 7 of the Convention and referred to information already submitted to the Committee on the composition of the population. He gave the following replies to the questions enumerated in paragraph 226, above: With regard to the second question, he said that 50 per cent of the Ecuadorian

population consisted of members of the indigenous population. With regard to the fourth question, he stated that, prior to the entry into force of the Convention, the Ecuadorian Constitution had stipulated that racial discrimination was an offence punishable by law; when the Government had ratified the Convention, its provisions had automatically been incorporated into the Constitution. With respect to the fifth question, he said that article 141 of the Constitution made no distinction between the public sector and the private sector and that any act of discrimination was punishable by law. And, with reference to the sixth question, he stated that any person who was the victim of discriminatory practices could bring the matter before the courts. Finally, he assured the Committee that information would be supplied concerning questions which had not been answered.

Libyan Arab Republic

228. The fourth periodic report of the Libyan Arab Republic, which informed the Committee that no legislative, administrative, or judicial measures had been taken concerning the problem of racial discrimination, was considered together with the introductory statement made by the representative of the Government of the reporting State. In that statement, the representative of the Government of the Libyan Arab Republic informed the Committee that, in response to its request at an earlier session, the complete text of those articles of the Constitutional Declaration which were relevant to the provisions of article 4 of the Convention had been sent by his Government to the United Nations Secretariat in March 1976, but that, for reasons which had not yet been determined, they had not been delivered to the Secretary of the Committee.

229. It was observed that - inasmuch as no new measures giving effect to the provisions of the Convention had been adopted by the Libyan Government since it submitted its third periodic report - the observations made during the consideration of that report by the Committee remained valid. The requests made on that occasion for additional information and for the texts of relevant legislative provisions were reiterated.

230. The representative of the Government of the Libyan Arab Republic assured the Committee that the competent authorities in his country would take due account of the comments made by members of the Committee during the current discussion and would provide in the next report the additional information requested. In the meantime, the efforts to locate the documents which had been sent by his Government to the United Nations Secretariat, but had not yet reached the Committee, would be continued.

Mexico

231. The Committee noted with satisfaction that the initial report of Mexico supplied information on relevant constitutional provisions as well as administrative and other measures giving effect to the provisions of the Convention, furnished the texts of the articles of the Political Constitution to which it referred, and provided the information envisaged in general recommendation III. It was regretted that the report was not organized in accordance with the guidelines laid down by the Committee at its first session.

232. Members of the Committee noted with appreciation that article 1 of the Political Constitution of Mexico applied not only to Mexican citizens, but to "every person in the United Mexican States"; that the Government of Mexico had taken diverse measures to improve the living conditions of all the inhabitants of the Republic, such as the Land Reform Act, the extension of welfare or social security services and the creation of a specialized agency for ensuring adequate housing; that Mexico had taken an active stand against the racist régimes in southern Africa and had complied with the relevant resolutions of the United Nations; and that the Mexican authorities had denied entry visas to South African representatives to a projected symposium on uranium deposits sponsored by IAEA. It was noted with regret that, as a result, IAEA had decided to change the venue of the symposium; some members suggested that IAEA should be asked to define its position regarding South African participation in symposia it organized.

233. Members of the Committee expressed the hope that information would be supplied in the second period report of Mexico on administrative and other measures taken in accordance with the provisions of articles 2 (paras. 1 (e) and 2) and 7 of the Convention, and on existing provisions of the Mexican legal system fulfilling the requirements of articles 4, 5 and 6 of the Convention. It was hoped also that the Mexican Government would furnish the demographic information envisaged in general recommendation IV, and additional relevant information that would enable the Committee to appreciate more accurately the situation of ethnic groups forming part of the Mexican population and the measures taken for the protection of ethnic groups that had not achieved full integration into Mexican society.

234. The following inquiries were made by members of the Committee:

(a) Notwithstanding the provisions of article 1 of the Political Constitution of Mexico - which provides that every person in the country shall enjoy the guarantees that that Constitution grants - it was not clear whether racial discrimination was explicitly banned and whether any sanctions were provided under Mexican legislation. (b) Article 29 of the Mexican Constitution did not fully explain under what circumstances people's rights could be suspended; the Committee should be provided with legislative texts which clearly showed that such suspensions would not apply to the guarantees against racial discrimination. (c) What was the philosophy underlying Mexico's policy relating to race? It was recalled in that connexion that some Latin American Governments had reported that their policy was based on the desire to create an amalgam of the various races in their respective countries, while other Governments of Latin American countries were attempting to integrate all the ethnic groups into the body politic while preserving their respective ethnic characteristics. (d) To what degree did the various ethnic groups hold public offices and participate in representative bodies in Mexico?

235. The representative of the Government of Mexico assured the Committee that, in preparing its next report, his Government would take into account the comments made during the consideration of its initial report.

Iceland

236. The Committee noted that, during the biennium covered by the fourth periodic report of Iceland, no additional legislative, judicial, administrative or other measures had been adopted which would require reporting in accordance with the provisions of article 9, paragraph 1, of the Convention. It noted with

appreciation that the report under consideration contained a separate section which provided answers to questions raised at a previous session of the Committee during its consideration of Iceland's third periodic report, including the information envisaged in general recommendation III and decision 2 (XI) of the Committee.

237. Members of the Committee took note of the supplementary information supplied in response to the Committee's previous requests. Some members expressed the hope that more detailed information on the implementation of article 7 of the Convention would be included in the next report, elaborating the statement that "dissemination of information relating to racial discrimination and apartheid /had/ been increased in the educational system and the information media". Noting that some 2,000 foreign nationals were domiciled in Iceland and that a number of aliens applied for and were granted Icelandic citizenship each year without any exclusion or restriction based on race, colour, descent, or national or ethnic origin, some members of the Committee inquired about the situation of foreign nationals before they became Icelandic citizens, especially with respect to their status before tribunals and their rights under article 5, paragraph (b), of the Convention.

238. In addition to the inquiries mentioned in the foregoing paragraph, members of the Committee asked for (a) some confirmation that Iceland had no diplomatic relations with South Africa; (b) the contents of the bill providing for the appointment of an ombudsman, and information on whether or not that bill had become law; and (c) information on why Iceland had abstained from voting on General Assembly resolution 2946 (XXVII) on the question of Southern Rhodesia.

239. The representative of the Government of Iceland replied to the inquiries mentioned in paragraph 237 above. With regard to the measures giving effect to article 7 of the Convention, he supplied some additional details and said that he would also ask his Government to provide further information. Concerning the status of foreign nationals before they became citizens, he noted that that question had been answered in depth in Iceland's third periodic report, which stated that all foreign nationals had all the rights of Icelandic citizens except the right to vote. With respect to the questions enumerated in the foregoing paragraph, he (a) reaffirmed that Iceland had only limited consular relations with South Africa; (b) stated that the relevant legislation had not been enacted; and (c) recalled that the third periodic report of his Government stated that Iceland had abstained from voting "for technical reasons": it had objected to the reference to the use of force in the resolution in question.

Senegal

240. The Committee considered the second periodic report of Senegal without the participation of a representative of the Government of the reporting State. It noted with satisfaction that, in the preparation of that report, account had been taken of the comments made during the Committee's consideration of the initial report of Senegal, and that the information envisaged in general recommendation III was also supplied.

241. Members of the Committee noted with appreciation that articles 1, 6 and 7 of the Constitution of Senegal clarified that the principle of equality before the law applied not only to citizens of Senegal but to all human beings in the country;

that the right to work extended to everyone, including foreigners residing in the country; that Senegal observed the obligations stemming from article 6 of the Convention; that measures in the field of education, aimed at developing peace and co-operation among groups and peoples and at instilling belief in the equality of races, in keeping with the provisions of article 7 of the Convention, had been taken; that a Committee on Human Rights had been established; and that Senegal had participated actively in the world-wide struggle against racism and apartheid.

242. It was observed that additional information and clarification was needed in several areas. With regard to legislative measures giving effect to the provisions of article 4 of the Convention, it was asked whether there were specific provisions stipulating penalties for the promotion and incitement of racial discrimination in addition to those relating to propaganda threatening the internal security of the State or the integrity of its territory, declaring illegal and prohibiting organizations which incited racial discrimination, and prohibiting discriminatory actions by public authorities. With reference to article 5 of the Convention, it was observed that the report did not make it clear exactly how the constitutional provision proclaiming the equality of human beings before the law was reflected in legislation, particularly the Criminal Code; and information on the implementation of article 5, paragraph (e), of the Convention was requested. With respect to the provisions of article 6 of the Convention, the procedures for recourse against any act of racial discrimination were not entirely clear: could the victim request the Public Prosecutor to take up his case or could he institute proceedings directly? With regard to the measures which had been adopted to give effect to the provisions of article 7 of the Convention, some members wished to know whether those measures included also "propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination" and the International Convention on the Elimination of All Forms of Racial Discrimination, as required by article 7 of the Convention. Several members expressed interest in the Committee on Human Rights established in Senegal and voiced the hope that the next report of that country would contain information on the competence and activities of that body. Members of the Committee expressed a wish to receive the texts of all relevant legislative provisions mentioned in the reports of Senegal and the text of article 56 of that country's Constitution. Finally, with regard to the information envisaged in general recommendation III, more information on the attitude of the reporting State towards the illegal régime in Rhodesia was requested. In that connexion, it was wondered whether, in view of the recent political developments in Portugal and the accession to independence of its former colonies, the provisions relating to Portugal in Decrees 63-524 and 63-535 and the Declaration of 16 July 1963 were still in force.

Haiti

243. The Committee noted that the second periodic report of Haiti contained the texts of some provisions of the Constitution and of some legislative provisions requested by the Committee at an earlier session, as well as a detailed commentary on observations made by members of the Committee during the consideration of the initial report of Haiti. The Committee took note of the statement that no administrative or judicial decisions relating to racial discrimination had been taken. It was regretted that the information envisaged in general recommendation III had not been supplied.

244. The Committee took note with appreciation of the assurance given by the Government of the Republic of Haiti in its report, that "if, despite the measures in force, there were signs that the spirit of the Convention was not being observed or had been violated, it would proceed without delay to the adoption of such other legal measures as would be required to remedy the situation and prevent its recurrence in the future". The Committee took note also of the statement: "The committee in the Ministry of Justice which is responsible for recasting codes is preparing new codes which will undoubtedly, in the proper time and place, spell out the principles established by the Convention."

245. Members of the Committee emphasized that States parties to the Convention had undertaken, when they ratified or acceded to that instrument, to submit the reports mentioned in article 9, paragraph 1, of the Convention, containing information on "the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of the Convention". When a State party states that, at the time of its accession to the Convention, the norms established in the Convention were already recognized and observed, the Committee feels duty bound to request supporting evidence in the form of legislative provisions satisfying the requirements of articles 2 to 7, inclusive, of the Convention. Some of the provisions of those articles - such as article 4, for example - required express legislative action to prohibit and punish certain acts, regardless of whether or not the acts of racial discrimination to which they referred were practised in the reporting State, except when legislative provisions fully satisfying the requirements of those articles already existed; in that case, the Committee had always maintained, the reporting State should provide the texts of the relevant provisions, in order to facilitate the Committee's discharge of its responsibilities under article 9, paragraph 2, of the Convention.

246. The second periodic report of Haiti commented on the views expressed in the Committee, when it considered the initial report of that country, about article 16 of the Haitian Constitution, paragraph 1 of which states: "Haitians are equal before the law, except that native-born Haitians have certain privileges." ^{18/} It stated: "The purpose of the article is to safeguard the integrity of the national territory by making sure of a naturalized Haitian's loyalty before such a person may hold an important public office. The content of article 16 relates not to the ethnic origins of persons who are not Haitian by birth, but rather to such persons' loyalty towards the Haitian State." Some members of the Committee observed that that interpretation did not entirely accord with the text of the article, and that the statements contained in the report intimated that the difference between persons who were Haitians by birth and other Haitians lay in their loyalty to the State of Haiti, whereas the text of article 16 did not seem to corroborate those statements.

247. The report under consideration contained the following statement: "Since the purpose of giving effect to the Convention is not to engender racial discrimination in countries where it does not exist but rather to combat it among peoples who practise it, the Haitian Government would hardly wish to conduct an anti-racist campaign in Haiti the results of which would, on the contrary, tend to arouse racist feelings in certain segments of the population." It was recalled by members of the Committee, however, that the provisions of article 7 of the Convention, which were mandatory, called for measures aimed at the following objectives: first, combating prejudices which lead to racial discrimination; secondly, promoting

^{18/} See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618), para. 209.

understanding, tolerance and friendship among nations and racial or ethnical groups; and, thirdly, propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and the International Convention on the Elimination of All Forms of Racial Discrimination.

248. Members of the Committee expressed the hope that, in its next report, the Government of Haiti would supply the texts of all relevant legislative provisions which showed that "the norms established in the Convention were already recognized and observed in the country", as well as the information envisaged in general recommendation III of the Committee.

249. The representative of the Government of Haiti commented on the observations summarized in the three foregoing paragraphs: (a) He reaffirmed that the purpose of article 16 of the Constitution of Haiti was solely to ensure that civil servants were loyal, and that that article referred not to the ethnic origin of persons who were not Haitian by birth but to their loyalty to the State. (b) He stated that, in the view of his Government, the innocence of the Haitian people must be protected so that no problems of discrimination arose in the future; and that an anti-racist campaign might be counterproductive in that it might generate racial feelings. (c) He said that the position of the Government of Haiti with regard to apartheid was well known and there was no need to reiterate it.

IV. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

250. The Committee considered this item at its 285th meeting (thirteenth session), on 9 April 1976 and at its 311th and 313th meetings (fourteenth session), on 17 and 19 August 1976.

251. The action taken by the Trusteeship Council at its forty-second session in 1975 and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 1974 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the sixth annual report of the Committee on the Elimination of Racial Discrimination submitted to the General Assembly at its thirtieth session. ^{19/} The opinions and recommendations of the Committee based on its consideration of copies of petitions, copies of reports and other information submitted to it by the Trusteeship Council and the Special Committee in 1975 were contained in paragraph 197 of its report to the General Assembly. ^{19/}

252. The General Assembly, owing to lack of time, was unable to consider the report of the Committee at its thirtieth session. It decided, therefore, to include the subitem concerning the report of the Committee on the agenda of its thirty-first session and to consider it with appropriate priority.

253. At its thirteenth session (March/April 1976), the Committee was informed by the Secretary-General of the action taken by the Special Committee at its 1975 session in connexion with article 15 of the Convention. The Chairman of the Special Committee in a letter dated 16 December 1975 addressed to the Chairman of the Committee on the Elimination of Racial Discrimination informed the latter that "during 1975 the Special Committee received no petitions falling under the terms of article 15 of the Convention."

254. The Trusteeship Council, at its 1458th meeting (forty-third session), held on 8 July 1976, considered the item on its agenda entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" in conjunction with the item concerning "Decade for Action to Combat Racism and Racial Discrimination." At the same meeting, the Council decided merely to take note of the statements made by its members in connexion with the two items; no further action concerning the opinions and recommendations of the Committee referred to above was taken by the Council.

255. As a result of the earlier decisions of the Trusteeship Council and the Special Committee, however, the Committee had before it at its thirteenth and fourteenth sessions the documents listed in annex IV below.

^{19/} Ibid., Thirtieth Session, Supplement No. 18 (A/10018), chap. V.

256. At its thirteenth session, the Committee appointed the members of its three working groups to examine the documentation submitted to the Committee under article 15 of the Convention, and to report to the Committee on their findings as well as their opinions and recommendations. The three working groups consisted of the following members of the Committee:

(a) Working Group on African Territories

Mr. Brin Martinez, Mr. Dechezelles, Mr. Devetak, Mr. Ingles, Mrs. Warzazi, with Mr. Lampzey as Convener.

(b) Working Group on Pacific and Indian Ocean Territories

Mr. Aboul-Nasr, Mr. Bahnev, Mr. Pahr, with Mr. Valencia Rodriguez as Convener.

(c) Working Group on Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Blishshenko, Mr. Hollist, Mr. Kapteyn, Mr. Nabavi, Mr. Sampay, with Mr. Partsch as Convener.

The Committee also agreed that Mr. Dayal would continue to act as Chairman of the Conveners of the three working groups.

257. At its fourteenth session, following its past practice, the Committee agreed that the final text of the Committee's expressions of opinion and recommendations under article 15 of the Convention should be prefaced by the following observations: (1) that the Committee was submitting, in lieu of a "summary of the petitions and reports it had received from the United Nations bodies", as required by article 15, paragraph 3, of the Convention, a list of those documents which may be found in annex IV below; and (2) that the "expressions of opinion and recommendations" which the Committee was required to submit to different United Nations bodies relating to the petitions and reports that it had received from them, in accordance with paragraphs 2 (a) and 2 (b) of article 15 of the Convention, were prepared not in separate texts, but in one integrated text, which is submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention and also the United Nations bodies concerned.

258. The reports of the three working groups mentioned above, which were considered by the Committee at its 311th meeting, on 17 August 1976, were adopted by the Committee paragraph by paragraph, with some amendments.

259. The opinions and recommendations of the Committee based on its consideration of copies of reports and other information submitted to it in 1976 under article 15 of the Convention, as adopted by the Committee at its 313th meeting, on 19 August 1976, are as follows:

(a) The Committee on the Elimination of Racial Discrimination has examined the information contained in the documents relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration

on the Granting of Independence to Colonial Countries and Peoples in accordance with the provisions of paragraph 2 of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination.

(b) The Committee wishes to draw the attention of the General Assembly, the Trusteeship Council and the Special Committee to the following opinions and recommendations in conformity with its obligations under article 15 of the Convention.

(c) The Committee would again note with concern that the reports and documents of the Special Committee continue to relate, almost exclusively, to the problem of decolonization, without special reference to the question of racial discrimination, which is closely connected with the problem of decolonization. The Committee, therefore, reiterates its request, frequently made, that the Special Committee should pay more attention to the question of racial discrimination and insert, in its reports on Territories, as appropriate, a special chapter dealing with matters concerning racial discrimination. In the present circumstances, the Committee can only express the opinion that with regard to many territories under review (with the exception of Southern Rhodesia and Namibia), while there might be some evidence of racial discrimination, there was not sufficient information in the reports to justify any firm conclusions as to its nature or extent.

(d) The Committee furthermore declares that the faithful implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), is a positive contribution for the creation of conditions essential for the full realization of the objectives and principles of the International Convention on the Elimination of All Forms of Racial Discrimination.

A. African Territories 20/

1. Southern Rhodesia

(1) The Committee considered the working papers relating to Southern Rhodesia (A/AC.109/L.1068 and Add.1-2, A/AC.109/L.1083 and A/AC.109/L.1088), and deplored the failure of the Constitutional talks between the African National Council of Zimbabwe and the illegal régime of Southern Rhodesia, due to the intransigence of this illegal régime to accede to the demands of the African National Council of

20/ Adopted at the 313th meeting, on 19 August 1976. As regards these Territories, the following documents were submitted to the Committee:

A/10023/Add.5, chap. XIII (Spanish Sahara);
A/10023/Add.6 (part II), chap. XVI (French Somaliland);
A/AC.109/L.1068 and Add.1-2 (Southern Rhodesia)
A/AC.109/L.1069 and Add.1-2 (Namibia);
A/AC.109/L.1083 (Southern Rhodesia);
A/AC.109/L.1087 (Namibia);
A/AC.109/L.1088 (Southern Rhodesia);
A/AC.109/L.1089 (Namibia).

Zimbabwe for the peaceful transfer of political power to the African majority in the Territory. The Committee deeply regrets the intransigence of the illegal régime and reiterates its support for the legal demands and aspirations of the people of Zimbabwe for self-determination.

(2) The Committee condemns the brutal and continuing repression of the African people by the illegal régime, and notes with grave concern the establishment of so-called "protected villages", as well as the savage massacres as reported in document A/AC.109/L.1068/Add.1, paragraph 19, and other brutal measures of repression.

(3) The Committee condemns the recruitment of mercenaries by the illegal régime and the support that the régime receives in its mercenary recruitment programme from foreign organizations.

(4) The Committee strongly condemns the continuation of various kinds of exploitation of labour by the illegal régime of Southern Rhodesia and by foreign economic interests operating in the Territory, as well as all violations of economic sanctions and once more reiterates the necessity of implementing all the resolutions of the United Nations regarding economic sanctions. The Committee regrets the refusal of the United States Congress to repeal the Byrd Amendment, which allows American companies to import chrome and other minerals from Southern Rhodesia without restriction.

(5) The Committee deplores the admission of Southern Rhodesia to the International Lawn Tennis Federation (ILTF) and the support it continues to enjoy from several international sport organizations, especially the World Amateur Golf Council (WAGC).

(6) The Committee endorses the recommendations contained in the resolutions on the question of Southern Rhodesia adopted by the Special Committee at its 1038th meeting on 16 June 1976 (A/AC.109/530-531).

2. Namibia

(1) The Committee considered the working papers on Namibia (A/AC.109/L.1069 and Add.1 and Add.2, A/AC.109/L.1087 and A/AC.109/L.1089), and questions the legitimacy of the so-called constitutional conference which is based on tribal representation and excludes SWAPO, the authentic and legitimate representative of the Namibian people. The Committee is convinced that the so-called constitutional conference constitutes another manoeuvre by South Africa to perpetuate separate development and to entrench white rule.

(2) The Committee notes with grave concern the continued implementation of the "homeland" policy, in particular the new steps taken towards the creation of two so-called homelands, namely, Basterland and Maneland. It condemns the creation of a "no-man's land" along the northern part of the Territory, which has resulted in the forced removal and death of a great number of Namibians and the destruction of villages.

(3) The Committee further strongly condemns the arrest and trial of Namibians under the illegal Terrorism Act and the condemnation to death of Namibian patriots, as well as the increasing repression of political expression and the deportation of persons including the Anglican Bishop of Damaraland.

(4) The Committee notes with great concern the total militarization of the Territory which has resulted in a state of terror and intimidation of the Namibian people, and in this connexion, endorses the relevant resolutions of the United Nations.

(5) It is evident from the above-mentioned developments that South Africa is relentlessly continuing its policy of racial discrimination and apartheid which constitutes a flagrant violation of fundamental human rights of the population of Namibia and is in contravention of the principles and provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee is of the opinion that the General Assembly and the Security Council should take appropriate steps to put an end to the South African administration and occupation of the Territory so as to enable the people of Namibia to exercise their rights to self-determination and independence.

(6) The Committee endorses the consensus adopted by the Special Committee at its 1040th meeting, on 17 June 1976, relating to the question of Namibia (A/AC.109/533).

B. Pacific and Indian Ocean Territories 21/

1. Timor

(1) The Committee considered document A/AC.109/L.1098.

(2) The Committee had expressed the hope, in its report to the General Assembly at its thirtieth session "that the people of Timor would overcome their present difficulties and fully exercise their right to self-determination", 22/ but notes that it has not received the information it requested in that report.

21/ Adopted at the 313th meeting, on 19 August 1976. As regards these Territories, the following documents were submitted to the Committee:

Report of the Administering Authority relating to the Trust Territory of the Pacific Islands for the period from 1 July 1974 to 30 June 1975 (T/1772).

A/AC.109/L.1067 and Corr.1 (Seychelles)

A/AC.109/L.1074 (Gilbert and Pitcairn Islands and Tuvalu)

A/AC.109/L.1077 (Brunei)

A/AC.109/L.1078 (Solomon Islands)

A/AC.109/L.1079 (New Hebrides)

A/AC.109/L.1098 (Timor)

A/AC.109/L.1099 (American Samoa)

A/AC.109/L.1100 (Trust Territory of Pacific Islands and Guam)

A/AC.109/L.1101 (Seychelles)

A/AC.109/L.1104 (Guam)

A/AC.109/L.1107 (Trust Territory of Pacific Islands).

22/ Official Records of the General Assembly, Thirtieth Year, Supplement No. 18 (A/10018), para. 197, sect. B.5.

2. New Hebrides

(1) The Committee considered the working paper on the New Hebrides (A/AC.109/L.1079).

(2) In spite of the Committee's concern expressed in its reports to the twenty-eighth, twenty-ninth and thirtieth sessions of the General Assembly, the Committee regrets that it was not provided with further information as requested, and earnestly hoped that such information will be furnished at an early date.

3. Trust Territory of the Pacific Islands

(1) The Committee examined the working papers contained in documents A/AC.109/L.1107 and A/AC.109/L.1100, the report of the United Nations Visiting Mission to Observe the Plebiscite in the Mariana Islands District (T/1771), the report of the Administering Authority concerning the Trust Territory of the Pacific Islands (T/1772), as well as the report of the Sub-Committee on Small Territories (A/AC.109/L.1118).

(2) The Committee takes note of the recent developments concerning the exercise of the right to self-determination of the people of the Pacific Islands.

(3) The Committee expresses the hope for broader preparation of the Micronesians for exercising their political rights, and participation in the development of the Territory's economy, and for granting the right of the indigenous population over their own natural resources.

(4) While noting the extensive information contained in the report submitted by the Administering Authority, the Committee would again draw attention to the fact that the chapter of the report concerning human rights in the Territory was not prepared for the purposes of the Committee's work or in response to the Committee's previous request for further information. Accordingly, the Committee has found itself unable to consider the application of the principles of the Convention to the specific situations on which it had requested information at its last session and hopes that such information would be provided as soon as possible.

4. Guam

(1) The Committee, having examined documents A/AC.109/L.1104 and A/AC.109/L.1100, wishes to express its great concern about the rapid changes brought about in the demographic composition of the population of Guam by the influx of large numbers of outside elements.

(2) It would appreciate further information as to the consequences of these changes on the application of the principles of the International Convention on the Elimination of All Forms of Racial Discrimination in the Territory.

5. American Samoa

The Committee studied the working paper relating to American Samoa (A/AC.109/L.1099), and expresses the hope that when the people of the Territory

are soon enabled to exercise their right to self-determination, due regard will be paid to the rights of the indigenous population without any racial discrimination.

6. Solomon Islands, Gilbert Island and Tuvalu

The Committee, having examined documents A/AC.109/L.1074 and A/AC.109/L.1078, wishes to reaffirm its concern that it has not received any specific information as to the application of the principles contained in the International Convention on the Elimination of All Forms of Racial Discrimination. Such information would be especially important in view of the fact that in such Territories the demographic composition shows a multiracial picture.

C. Atlantic Ocean and Caribbean Territories, including Gibraltar 23/

The Committee examined the information relating to the Atlantic Ocean and Caribbean Territories, including Gibraltar.

1. Territories under United Kingdom Administration, including Gibraltar

At its previous sessions the Committee had before it a considerable amount of information relating to these Territories derived from the periodic reports of the United Kingdom. During the period to which the present report relates, however, no such information, relating in particular to Belize and Gibraltar, was available to the Committee, as the fourth periodic report of the United Kingdom had not yet been received.

(a) Bermuda

(1) The Committee took note of the information concerning the proposed revision

23/ Adopted at the 313th meeting, on 19 August 1976. As regards these Territories, the following documents were submitted to the Committee:

- A/10023/Add.6 (part I), chap. XV (Gibraltar)
- A/10023/Add.8 (part II), chap. XXVIII (Montserrat)
- A/10023/Add.8 (part III), chap. XXXI (Antigua, Dominica, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent)
- A/AC.109/L.1070 (Turks and Caicos Islands)
- A/AC.109/L.1071 (Bermuda)
- A/AC.109/L.1072 and Corr.1 (United States Virgin Islands)
- A/AC.109/L.1073 (Montserrat)
- A/AC.109/L.1076 (Cayman Islands)
- A/AC.109/L.1081 (Cayman Islands)
- A/AC.109/L.1082 (Turks and Caicos Islands)
- A/AC.109/L.1084 (Bermuda)
- A/AC.109/L.1086 and Corr.1 (St. Helena)
- A/AC.109/L.1090 (Belize, Bermuda, Turks and Caicos Islands and United States Virgin Islands)
- A/AC.109/L.1105 (Falkland Islands (Malvinas)).

of the existing electoral laws relating to the local Government and the opposition thereto on the ground that it favoured the wealthier sectors of the population.

(2) To enable it to evaluate the impact of the proposed revision on the principle of equality, irrespective of considerations of race, colour, descent or national or ethnic origin, the Committee would request detailed information about the ethnic composition of the landowners and higher income groups residing in Bermuda.

(b) St. Helena

The Committee notes that the United Kingdom Government has provided funds to enable the St. Helena Government to increase its participation in the South African-based firm of Solomon and Company from 32 to 63 per cent. It hopes, however, that further measures will be taken to eliminate completely any influence of South African elements in the company.

(c) Montserrat

In its last report, the Committee requested general and specific information on the actual situation relative to the provisions of the Convention. The present report (A/10023/Add.8 (part II), para. 118) however, contains only marginal information in this regard particularly in connexion with the large influx of foreigners into the country. The Committee requests detailed information on the measures which the Government has taken in order to establish harmonious relations between the foreign and local communities.

(d) Turks and Caicos Islands

The Committee recalls that the Administering Power had in its last report stated that there were no signs of racial tension in the Islands resulting from efforts to develop the tourist industry. However, the information now received and contained in document A/AC.109/L.1070 shows that:

"Some sections of the local population have recently expressed opposition to the presence of foreigners in the Territory, usually owing to economic and social factors. Anti-foreign feeling reached a high point in early June 1975, when the Junkanoo Club incident took place. Although the situation on the island is reported to be calm, there are no signs of any improvement in race relations in the Territory."

In view of the seriousness of this development, the Committee requests detailed information about the existing racial situation in the Islands, and draws attention to the need to undertake all necessary measures to put an end to racial discrimination.

2. United States Virgin Islands

In its last report the Committee, noting with concern the findings of the Special Committee that there were poor race relations in the Territory, requested specific information about the racial situation and the demand for independence. The Committee, however, has not received any information on the subject, and it reiterates its request to be fully informed.

V. DECADE FOR ACTION TO COMBAT RACISM
AND RACIAL DISCRIMINATION

260. It will be recalled that, at its ninth session, the Committee decided to keep this item on its agenda throughout the Decade and requested the Secretary-General to keep it informed of the relevant activities undertaken under the Programme of the Decade. During the year under review, the Committee considered this item at its 292nd meeting (thirteenth session), held on 15 April 1976 and its 306th to 310th meetings (fourteenth session) held from 11 to 17 August 1976. At its thirteenth session, the Committee decided to consider, in conjunction with the item on the Decade, the question of action by the General Assembly at its thirtieth session on the sixth annual report submitted by the Committee under article 9, paragraph 2, of the Convention (see para. 7 above).

A. Thirteenth session

261. During the initial discussion of the item on the Decade, Mr. Pahr and Mr. Dechezelles expressed deep concern as regards the Committee's contribution to the Decade which, they stated, should not be limited to participation in conferences. In their opinion, the most effective action which the Committee could take was in relation to article 7 of the Convention, in other words in the field of education and information.

262. Mr. Partsch thought that the Committee could suggest different ways of implementing article 7, so as to draw the attention of States to the kind of action that could be taken. In the case of article 4, on the other hand, he proposed that the Committee could undertake a study comparing the measures taken by States parties to give effect to that article, using as a basis the Penal Codes of States and information provided in the periodic reports.

263. Mr. Bahnev thought that the international seminars envisaged in connexion with the advisory services in the field of human rights might be organized with the participation of States not parties to the Convention. Such seminars would enable States which had not yet acceded to the Convention to obtain better understanding of that instrument, and might induce them to accede to it. He found it useful to hold a seminar of that kind in 1977, before the World Conference to Combat Racism and Racial Discrimination to be held at Accra in 1978. The Committee could submit to the World Conference a draft resolution on the implementation of articles 4 and 7 of the Convention, and perhaps of articles 3 and 5, and also an appeal to States to accede to that instrument.

264. Mr. Blishchenko noted with surprise that the Third Committee had not had time during the thirtieth session of the General Assembly to examine the Committee's report, 24/ since it was a very important document in the context of the Decade and should have been considered as a matter of priority. He thought that the Committee

24/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 18 (A/10018).

should request the Assembly to give its report the place it deserved and should stress the fact that it had always attached the greatest importance to the Assembly's decisions and resolutions concerning the fight against racial discrimination. He agreed with Mr. Pahr that the Committee might make recommendations concerning the implementation of articles 3, 4, 5, and 7. The Committee might also raise the question of racial discrimination in the case of migrant workers. Within the framework of the action taken on the occasion of the Decade, he said that the Committee might take into account the importance of co-ordinating its activities with other United Nations bodies dealing with racial discrimination. He mentioned the interesting information given by the representatives of the ILO and UNESCO in that connexion, and felt it would be useful if a joint meeting were held of all the bodies involved in the fight against racial discrimination, which would provide an opportunity for a general exchange of views on the measures to be taken to implement decisions to combat racism and racial discrimination.

265. Mr. Devetak pointed out that the Programme for the Decade, contained in the annex to General Assembly resolution 3057 (XXVIII), laid down the objectives to be pursued during the Decade, and expressed the importance of the close co-operation with other United Nations bodies concerned with the Decade. He urged the Committee to consider as soon as possible the various ways in which it might contribute to the 1978 World Conference.

266. With regard to a suggestion that the Committee should make a general recommendation on the application of certain articles of the Convention, Mr. Sayegh said that, since the Committee had not been able to achieve a consensus on the interpretation to be given to certain articles of the Convention, it would be difficult for it to address a recommendation to States parties concerning the ways in which a particular article should be applied. He also expressed some doubt as to the advisability of making recommendations to Governments on selected articles of the Convention. By selecting particular articles, the Committee would give the impression that it attached greater importance to them than to other articles. In his opinion it would be necessary to deal with all substantive articles, namely, 2 to 7.

267. In their statements, Mr. Blishchenko and Mr. Sayegh stressed the importance, for the international struggle against racism and racial discrimination, of General Assembly resolution 3379 (XXX), of 10 November 1975.

B. Fourteenth session

268. At the beginning of the Committee's discussion, at the fourteenth session, of the item on the Decade - at the 306th meeting - the Chairman said that he felt it appropriate to state the Committee's deep concern at the events which had taken place in South Africa in recent months. Human beings demonstrating for equal social, economic and political rights that were denied to them on the grounds of race and colour had been met with brute force and many of them had been killed or wounded. The Committee shared their grief and that of their relatives. The Government of South Africa had repeatedly claimed that the policy and practice of apartheid were designed to benefit those human beings and were being accepted by them. The massive protests in the township of Soweto and elsewhere in South Africa, even in the face of savage police reaction, were further irrefutable proof that the problem of apartheid had not been created by United Nations bodies, by foreign

Governments wishing to make political capital out of it or by small extremist groups. It was to be hoped that the Government of South Africa would now be forced to acknowledge reality and morality. If that Government did not introduce drastic reforms, including the abolition of the despised doctrine of apartheid, it could expect only further international isolation and greater violence. For its part, the Committee once again expressed its solidarity with the just cause of those struggling for racial equality and tolerance in South Africa.

269. Mr. Pahr, supported by Mr. Brin Martinez, proposed that the Chairman's statement should be included in the Committee's report to the General Assembly, as an expression of the position of the Committee. Messrs. Bahnev, Blishchenko, Dayal, Devetak, Hollist, Partsch and Sayegh endorsed the Chairman's statement and supported Mr. Pahr's proposal.

270. Mr. Blishchenko suggested that the Committee could make a concrete contribution to the struggle against apartheid by appealing to all States parties to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid. Mr. Bahnev and Mr. Hollist supported that proposal, while Mr. Pahr and Mr. Partsch doubted that the Committee was competent to take that action. Mrs. Warzazi thought it would be more appropriate to ask the General Assembly to reiterate its own appeal to Member States to do so. Mr. Kapteyn said that he could not agree to the proposal made by Mr. Blishchenko without prior discussion of the International Convention on the Suppression and Punishment of the Crime of Apartheid in the Committee. Mr. Pahr suggested, as a compromise, that the Committee recommend that all States parties, in implementing the provisions of article 3 of the Convention, should take special care to respect all United Nations resolutions concerning relations with the apartheid régime of South Africa - which would include General Assembly resolutions appealing to all States to ratify the Convention on apartheid. Mr. Bahnev and Mr. Blishchenko supported that proposal.

271. Mr. Sayegh suggested that, in addition to endorsing the Chairman's statement (summarized in para. 1) and including it in its report to the General Assembly, the Committee should reiterate its appeal - contained in Decision 2 (XI) - to all States parties to implement all United Nations resolutions concerning relations with the Government of South Africa. Mr. Bahnev and Mr. Hollist supported that proposal. Mr. Devetak thought that that appeal should be made within the context of the implementation of article 3 of the Convention, and that the Committee should renew its invitation to States parties to provide information on the implementation of the provisions of that article; Mr. Partsch endorsed the view of Mr. Devetak. The Committee decided to renew its invitation to States parties to include in their reports information on their relations with the racist régimes in southern Africa.

272. Mr. Brin Martinez, noting that recent events in South Africa had been brought to the attention of the Security Council, suggested that summaries of those events be annexed to the reminders to be sent to States parties concerning the submission of their periodic reports.

273. At the 307th meeting, Mr. Valencia Rodriguez made a general statement in which he noted that only 39 Governments had replied to the questionnaire sent out by the Secretary-General. Almost all the Governments that had replied were those in whose territory there was no problem of racial discrimination; a few had admitted the existence of manifestations of racism, which they were attempting to combat. On the other hand, States parties to the Convention reported periodically on the situation in their territories, because of the reporting system provided for in

article 9 of the Convention. It seemed that States parties paid greater attention to constitutional provisions proclaiming the equality of all citizens before the law than they did to the way in which those provisions were applied; faithful implementation of article 4 would help remedy the situation. Not many of the reporting States appeared to attach great importance to the right of victims of discriminatory acts to seek reparation through the tribunals, as required by article 6 of the Convention. States which were aware of the importance of education programmes aimed at integration, required by article 7 of the Convention, did not always think it necessary to embark upon a campaign against racial prejudices. There was no need to add new international instruments to those already in force: what was important was to ensure that the provisions of those instruments were applied more effectively. On several occasions the General Assembly and the Economic and Social Council had appealed to States which had not already done so to accede to the Convention; the Committee hoped that those States would do so without delay, thereby showing that they endorsed the aims of the Decade. Finally, Governments should refuse all assistance to the racist régimes.

274. Mr. Blishchenko made a general statement in which he emphasized that the Committee had a duty not to ignore the resolutions of the principal organs of the United Nations, especially since those resolutions were based on the Charter and were perfectly consistent with the basic principles of the Convention. When taking a position on measures adopted by States, the Committee's attitude was based not only on the Convention, but also on United Nations resolutions. Any point of view tending to contradict the provisions of the Convention or United Nations resolutions might well jeopardize the fulfilment by States of obligations incumbent upon them under the Convention; it would also weaken the Committee's role in the joint effort of States and international organizations to eliminate racial discrimination for ever. In connexion with the Committee's contribution to the Decade, he thought that the Committee ought to formulate general recommendations which would help States parties to take certain measures in order to combat racial discrimination. He was especially in favour of a recommendation on the implementation of articles 5, paragraph (e), and 7 of the Convention. Furthermore, he supported the idea that a joint meeting of all the United Nations organs and bodies concerned with the problem of eliminating racial discrimination should be convened within the framework of the Decade. Finally, in view of the fact that the General Assembly and the Economic and Social Council had invited the Committee to contribute to the Programme of the Decade, the Committee should proceed immediately to study the concrete measures already taken and to examine the services which it could provide.

275. Several proposals were made by members of the Committee, at the 307th and 308th meetings.

276. Mr. Pahr proposed that the Committee should reaffirm its decision 1 (XI) and adopt new recommendations urging States parties to take more specific measures in application of articles 7 and 5, paragraphs (e) and (f), of the Convention. Messrs. Bahnev, Blishchenko, Brin Martinez and Nabavi supported that proposal. Messrs. Dayal, Partsch and Sayegh thought that the Committee should concentrate on article 7 for the present. Mr. Kapteyn had misgivings about the proliferation of recommendations and requests addressed to States parties.

277. Mr. Partsch suggested that the Committee, having already received abundant information from States parties about the application of article 4 of the Convention, should proceed to evaluate the way in which that important article

was being implemented in the national legislation of States parties to the Convention, as part of its contribution to the Programme for the Decade.

Mr. Bahnev, while recognizing the positive aspects of that proposal, thought that the objectives and intended results of that evaluation should be more fully considered first. Mr. Blishchenko thought that such an evaluation should cover the implementation not only of one or two articles of the Convention, but of all the provisions of the Convention, as well as the work of the Committee.

278. Mr. Devetak noted that the Committee was already making some contributions to the Decade through its consideration of reports from States parties and its efforts to ensure observance of the provisions of the Convention, through its inclusion of the question of the Decade in the agenda of each of its sessions and through its consideration of information submitted by States parties in their periodic reports on their activities under the Programme for the Decade. He suggested that the Committee should contribute further to that Programme by, first, playing the role indicated in paragraph 4 (c) of Economic and Social Council resolution 1990 (LX), in connexion with the preparation for the World Conference to Combat Racism and Racial Discrimination, and, secondly, preparing some studies on its activities in order to provide the participants in the Conference with information on the implementation of various provisions of the Convention.

279. Mr. Sayegh suggested that, at the current session, the Committee should do no more than reaffirm its previous decisions concerning the Decade, beginning with decision 2 (X); take note with appreciation of the fact that both the General Assembly and the Economic and Social Council had welcomed the Committee's participation in the implementation of the Programme; decide that the concrete measures by which it could make its specific contribution to the Decade be considered as a matter of high priority at its fifteenth session; and, in the meantime, request the Secretary-General to report to it at its next session on his plans for the implementation of paragraph 8 of General Assembly resolution 3377 (XXX) as far as it concerned the Committee. Mr. Pahr and Mr. Partsch agreed that consideration of specific proposals should be deferred until the fifteenth session. Mr. Dayal suggested that all non-controversial proposals which had no financial implications be taken up immediately at the present session and that consideration of the remaining proposals be deferred until the next session.

280. The Chairman requested all members who had made or wished to make proposals on the item under discussion to submit them in written form no later than the opening of the 309th meeting.

281. At the 309th meeting, the Committee had before it four draft proposals:

- (a) A joint draft proposal, submitted by Messrs. Devetak, Hollist and Sayegh;
- (b) A joint draft proposal, submitted by Messrs. Blishchenko and Pahr;
- (c) A proposal submitted by Mr. Pahr; and
- (d) A proposal submitted by Mr. Partsch.

The Committee held a preliminary discussion of the texts before it. Because of the lack of time to reach agreement on the formulation of a final text, the Committee agreed to postpone further consideration of the item to its fifteenth session.

VI. MEETINGS OF THE COMMITTEE AND RELATED MATTERS

A. Venue and dates of the Committee's meetings to be held in 1977 and 1978

282. The Committee considered this item of the agenda at its 285th meeting (thirteenth session), on 9 April 1976, and at its 298th, 310th and 312th meetings (fourteenth session), held on 4 August, 17 August and 19 August 1976 respectively.

283. It may be recalled that at its twelfth session (August 1975), the Committee had agreed that its fifteenth and sixteenth sessions would be held at United Nations Headquarters in New York, from 28 March to 15 April and from 1 to 19 August 1977, respectively, subject to reconsideration of the venue of those sessions at a later date if necessary.

284. At the thirteenth session, Mr. Lamptey suggested that, if feasible, the Committee should hold its 1977 spring session in Vienna. Mr. Pahr said that he was sure that the Austrian Government would welcome Mr. Lamptey's proposal and undertook to ask the Austrian authorities to take all the steps necessary to enable the Committee to meet in Vienna. He said that the Government of Austria would certainly be prepared to extend an invitation to the Committee to hold a session in Vienna; however, matters would be facilitated if he could inform his Government that the Committee wished to hold a session there. He suggested that the session chosen should be the Committee's 1977 spring session. Mr. Blishchenko said that he had no strong views on the question; but he stressed the need to take account of the financial implications. Mr. Sayegh approved the idea but stressed that any decision in that regard must be within the framework of rule 5 of the Committee's provisional rules of procedure. The Chairman suggested that the Committee should express the wish to hold its 1977 spring session in Vienna, subject to the receipt of an invitation from the Austrian Government; it could then take a decision on the matter in August 1976.

285. At the same session several members of the Committee expressed the opinion that the Committee might wish to hold one of its 1978 sessions in Accra in connexion with the World Conference to Combat Racism and Racial Discrimination, which was expected to take place in that city at the invitation of the Government of Ghana. The Committee requested the Secretary-General to explore the possibility of holding a session of the Committee in Accra in 1978 and to report to the Committee at a later date.

286. At its fourteenth session the Committee was informed of the invitation received from the Government of Austria offering Vienna as the site for the fifteenth session of the Committee on the Elimination of Racial Discrimination - to be held from 28 March to 15 April 1977, as initially decided by the Committee at its twelfth session (see para. 283 above). The letter of invitation from the Government of Austria stated that "the Government is prepared to bear any additional costs, as far as these costs are not covered by the United Nations regular budget, which might arise from the holding of this session in Vienna instead of Geneva". At its 312th meeting, held on 19 August 1976, the Committee,

expressing its appreciation to the Government of Austria for its invitation, decided that its fifteenth session should be held in Vienna from 28 March to 15 April 1977. At the same meeting the Committee confirmed its decision of the twelfth session to hold its summer 1977 session at United Nations Headquarters in New York from 1 to 19 August 1977.

287. As regards the meetings of the Committee in 1978, the Committee agreed that its spring session should be held from 20 March to 7 April 1978 and its summer session should be held from 31 July to 18 August 1978. The Committee also confirmed a decision already reached at its thirteenth session that its spring and summer sessions in 1978 should be held at United Nations Headquarters in New York, subject to reconsideration of the venue of its spring 1978 session at a later date; and reiterated its request to the Secretary-General to explore the possibility of holding that session of the Committee in Accra in connexion with the World Conference to Combat Racism and Racial Discrimination.

B. Changes in the venue and dates of sessions of the Committee without prior consultation with the Committee 25/

288. The question of changing the venue and/or dates of sessions of the Committee by decisions adopted by other bodies without prior consultation with the Committee was raised in the first instance at the thirteenth session and was considered by the Committee at its fourteenth session.

289. It will be recalled that, according to rule 2 of the Committee's provisional rules of procedure, decisions on the dates of its sessions are made by the Committee in consultation with the Secretary-General, taking into account the calendar of conferences as approved by the General Assembly. According to article 10, paragraph 4, of the Convention, "the meetings of the Committee shall normally be held at United Nations Headquarters"; rule 5 of the provisional rules of procedure, after reiterating the foregoing provision of the Convention, proceeds to state that "another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations on the subject".

290. As early as the tenth session, held in August 1974, the Committee had decided that its thirteenth session would be held at United Nations Headquarters in New York. 26/ However, before the opening of that session, members of the Committee were informed by the Director of the Division of Human Rights, on behalf of the Secretary-General, in letters dated 30 January 1976, that "in accordance with the recommendation of the Committee on Conferences, as approved by the Fifth Committee and the General Assembly at its thirtieth session, the thirteenth session of the Committee on the Elimination of Racial Discrimination will be held at the United Nations Office at Geneva".

25/ At its 293rd meeting, held on 2 August 1976, the Committee decided to consider this question in connexion with its consideration of item 6 of the agenda of the fourteenth session (see para. 10, foot-note 7 above).

26/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618), para. 280; and ibid., Thirtieth Session, Supplement No. 18 (A/10018), para. 199.

291. During the thirteenth session, some members of the Committee registered surprise that the decision of the Committee regarding the venue of that session had been altered without the Committee's knowledge and consent.

292. The venue and dates of the Committee's fourteenth session had been decided at the eleventh session: at the 246th meeting, on 18 April 1975, the Committee had decided that that session would be held at United Nations Headquarters in New York from 2 to 20 August 1976. ^{27/} However, on 4 June 1976, the Secretariat informed the Chairman of the Committee on the Elimination of Racial Discrimination, first, that the Committee on Conferences of the General Assembly had decided that - in view of the decision of the United Nations Conference on the Law of the Sea to hold a fifth session at United Nations Headquarters from 2 August to 17 September 1976 - the venue of the fourteenth session of the Committee on the Elimination of Racial Discrimination should be changed from United Nations Headquarters to the United Nations Office at Geneva and, secondly, that the United Nations Office at Geneva had indicated that it could provide the services required by the Committee from 9 to 27 August 1976. On 15 June 1976, the Chairman requested the Secretariat to submit, on his behalf, to the Committee on Conferences an official request for reconsideration of its decision. On 17 June 1976, the Director of the Division of Human Rights sent letters to all members of the Committee at the request of the Chairman informing them of these developments and adding: "I was informed in the meantime that it was doubtful whether the Committee on Conferences will agree to modify its decision on the change of venue".

293. On 18 June 1976, the Chairman authorized the Rapporteur to take up the question of the venue of the fourteenth session of the Committee on the Elimination of Racial Discrimination, on behalf of that Committee, with the Committee on Conferences.

294. On 23 June 1976, the Rapporteur appeared before the Committee on Conferences and, in his statement, described the adverse consequences to the work of the Committee on the Elimination of Racial Discrimination which were likely to follow from the decision to change the venue and dates of its fourteenth session. He observed that some members of the Committee (who are independent experts serving in their personal capacity and without benefit of alternates) might be unable to rearrange their schedules at such a late date, and that the creation of circumstances which might deprive the Committee of the participation of any of its members in the work of any of its sessions would be contrary to the intent of article 8, paragraph 1, of the Convention. If several members were to find themselves in that situation, the Committee would be unable to muster a quorum and it would not be possible to hold the session at all. If that were to happen, the Committee would be unable to discharge its responsibility, under article 9, paragraph 2, of the Convention, to submit a report to the General Assembly on its activities during the current year. Furthermore, experience had shown that, whenever the Committee held one of its sessions at Geneva, some States parties were deprived of an equal opportunity to send qualified representatives, or any representatives, to participate in the Committee's consideration of their reports submitted in accordance with article 9, paragraph 1, of the Convention; that had been the case at both the tenth and thirteenth sessions, held in August 1974 and March/April 1976, respectively. If the Committee were to be compelled to hold both its spring and its summer sessions of the same calendar year in Geneva, the

^{27/} Ibid., Thirtieth Session, Supplement No. 18 (A/10018), para. 200.

dialogue between the Committee and the States parties - so eagerly cultivated by both sides in the past - would be seriously disrupted, and the annual report of the Committee on its activities in that year would be commensurately impoverished.

295. The Committee on the Elimination of Racial Discrimination is happy to report that the Committee on Conferences, on reconsidering the question, agreed that the fourteenth session of the Committee on the Elimination of Racial Discrimination should be held at United Nations Headquarters as originally scheduled, notwithstanding the possibility that certain services might not be at the level required, and normally received, by the Committee on the Elimination of Racial Discrimination.

296. At the fourteenth session, the representative of the Secretary-General, in his opening statement at the 293rd meeting, held on 2 August 1976, alluded to the developments described in the preceding paragraphs, and alerted the Committee to the possibility that "certain delays might ... be expected in the production of the summary records and other documentation" and that "the level of services might be somewhat reduced".

297. At the 294th meeting, held on 2 August 1976, the Rapporteur informed the Committee of his statement before the Committee on Conferences. He cautioned that similar difficulties might arise again in the future and suggested that, in order to avert future problems relating to changes in the venue and/or dates of sessions, the Committee on the Elimination of Racial Discrimination should decide at its current session to advise formally the Committee on Conferences of its views on the legal and practical aspects of the question.

298. The Committee agreed: (a) that, as a rule, its summer sessions - during which its annual report to the General Assembly, covering its activities at both the spring and the summer sessions, is drafted and approved - should be held at United Nations Headquarters in New York; and (b) that no changes in the place or dates of sessions should be made without prior consultation with the Committee; if the need for such changes, affecting the forthcoming session, arose after the close of the preceding session, such consultation should be made with all the members of the Committee. It was decided that the Chairman should convey these decisions to the Committee on Conferences during the current session.

299. On 6 August 1976, the Chairman addressed to the Committee on Conferences, through the Secretary-General, a communication setting forth the views of the Committee on the legal and practical considerations relevant to the question (see annex V below).

300. The Committee is happy to report that, at its 312th meeting, held on 19 August 1976, it was informed by the representative of the Secretary-General that the Committee on Conferences - having received a legal opinion from the Office of Legal Affairs of the Secretariat confirming that the Committee on the Elimination of Racial Discrimination was not a subsidiary body of the General Assembly but a treaty body and that the General Assembly resolutions did not override the provisions of the Convention, and having taken into account the Committee's communication with regard to the practical problems involved in holding all its sessions at Geneva - had, on 18 August 1976, agreed that, as a general rule, the summer sessions of the Committee should be held at United Nations Headquarters in New York and had decided that the calendar of conferences should be amended accordingly.

C. Form of the summary records of the meetings of the Committee 28/

301. During the thirteenth session of the Committee (at the 285th meeting, held on 9 April 1976), the Rapporteur brought to the attention of the Committee the fact that the summary records of the meetings of that session, of which the first few issues had just been received, appeared to have been prepared in accordance with a new system, which departed in some important respects from the system followed in the preceding 12 sessions of the Committee. The records of the meetings of the current session had not been marked "Restricted" and they carried a notation which indicated that they would be given general distribution in their present form, subject to the issue of a single consolidated fascicle at the end of the current session containing all the corrections which might be submitted by the participants.

302. The question of the new practice followed in regard to the summary records was considered by the Committee at the 285th, 288th and 291st meetings, held on 9, 13 and 14 April 1976, respectively.

303. The representative of the Secretary-General and a representative of the Department of Conference Services of the United Nations Secretariat explained to the Committee the background and the mechanics of the new procedure, respectively.

304. In the initial discussion of the question, Mr. Dayal noted that the question under consideration was substantive and not purely procedural. Mr. Dayal and Mr. Sayegh observed that it was regrettable that - because the new procedure was applied to the records of the Committee without its being informed of General Assembly resolution 3415 (XXX) or of the intention of the Secretariat to apply the provisions of that resolution to the records of the Committee - the latter had found itself at mid-session confronted with a fait accompli. Messrs. Dayal, Nabavi, Pahr, Partsch and Sayegh and Mrs. Warzazi reaffirmed the view that the Committee was not a subsidiary body of the General Assembly of the United Nations but a "treaty body" established by the International Convention on the Elimination of All Forms of Racial Discrimination; however, Messrs. Aboul-Nasr, Bahnev, Blishchenko, Dechezelles, Partsch and Sayegh stressed also the links tying the Committee to the United Nations.

305. It was observed that a delicate situation might arise if the Secretary-General of the United Nations were to be required to provide certain services to the Committee (as he is mandated under article 10, para. 3, of the Convention to do) in conformity with its rules of procedure (adopted by the Committee by virtue of its competence under article 10, para. 1, of the Convention) in a manner which was in conflict with the directives of the General Assembly, with which the Secretary-General must comply. The duty of the Secretary-General to revise the procedure of issuing summary records in conformity with the provisions of General Assembly resolution 3415 (XXX), if applied to the records of the meetings of the Committee, appeared to some (though not all) members of the Committee to be incompatible with the provisions of rules 33 and 34 of the provisional rules of procedure and with the terms of decision 1 (IX) of the Committee.

28/ At its 293rd meeting, held on 2 August 1976, the Committee decided to consider this question in connexion with its consideration of item 6 of the agenda of the fourteenth session (see para. 10, foot-note 7 above).

306. Attempts were made to reconcile the procedures envisaged in General Assembly resolution 3415 (XXX) with the established practice and requirements of the Committee. Two concrete proposals, made by Mr. Sayegh and supported by Messrs. Blishchenko and Dayal and by Mrs. Warzazi, were received less than enthusiastically by the Secretariat.

307. At the 291st meeting, on 14 April 1976, the Rapporteur informed the Committee that, after careful study of the relevant documentation, which had been made available to him by the Secretariat since the initial round of discussions of this question, he had come to the conclusion that the provisions of General Assembly resolution 3415 (XXX) did not apply to the records of the meetings of the Committee. That resolution, which was based on a report by the Secretary-General on publications and documentation (A/C.5/1670) as amplified by the related comments of the Advisory Committee on Administrative and Budgetary Questions (A/10299), endorsed (in para. 2) the criteria proposed by the Secretary-General in paragraph 14 of his report and requested the Secretary-General (in para. 3) to apply those criteria "as appropriate and on an experimental basis" in the biennium of 1976-1977. Careful study of the criteria under reference, however, would show that none of them related to the Committee; the only criteria which might be construed as having some bearing on the subject were Nos. 3 and 5. Criterion 5 was clearly confined in its scope to "subsidiary bodies of the General Assembly" and therefore did not apply to the Committee. As for criterion 3 - which did encompass the Committee within its purview, inasmuch as it referred to "the list in section A of annex IV" of the Secretary-General's report, in which the name of the Committee appeared under the heading "related bodies" - its import was futural: it called for a review of some 50 bodies, aimed at assessing the nature of their meetings and the cost-effectiveness of providing their meeting records. As amplified by the Advisory Committee on Administrative and Budgetary Questions in paragraph 26 of its report, that criterion was finally endorsed by the General Assembly in paragraph 5 of resolution 3415 (XXX), but in a more restrictive form than that in which it was originally proposed: the General Assembly confined the contemplated review to the records of "bodies and organs of the United Nations". Apart from the fact that, as a "treaty body", the Committee did not fall in the category of "bodies and organs of the United Nations", it was to be noted that the Secretary-General had not been authorized by the General Assembly to begin implementing immediately the procedure envisaged in criterion 5 with respect to all the bodies listed in section A of annex IV of his initial report, but only after the contemplated review had been undertaken by the Committee on Conferences and the recommendations of that Committee had been considered and approved by the General Assembly.

308. Messrs. Blishchenko, Dayal, Dechezelles and Pahr and Mrs. Warzazi expressed their agreement with the conclusion of the Rapporteur's analysis, to the effect that the new procedure envisaged in General Assembly resolution 3415 (XXX) did not apply to the records of the meetings of the Committee.

309. During the consideration of this question, Messrs. Blishchenko, Dayal, Kapteyn and Sayegh and Mrs. Warzazi emphasized the special importance, for the discharge by the Committee of the tasks entrusted to it by the Convention, of having adequate and accurate summary records. They stressed the fact that the Committee was composed of independent experts serving in their personal capacity; that one of its most important functions was the consideration of reports submitted by States parties in accordance with article 9 of the Convention; that those

reports, often containing information which was highly technical in nature, were examined in depth and in a manner giving rise at times to divergent views; and that the summary records were the only instrument through which those views could be adequately and accurately conveyed to the Governments of the States parties concerned.

310. The practical difficulties which were likely to arise from issuing the corrections made by participants to the records of individual meetings in a single consolidated document, separately from the records to which the corrections refer, were emphasized by Mr. Dayal and Mr. Sayegh.

311. At its 291st meeting, held on 14 April 1976, the Committee decided: (a) that the provisions of General Assembly resolution 3415 (XXX) did not apply to it, and (b) that the Rapporteur should contact the Under-Secretary-General for Conference Services after the end of the session, at United Nations Headquarters in New York, with a view to maintaining the system of summary records which had been applied from the first to the twelfth sessions of the Committee.

312. On 12 May 1976, the Rapporteur informed members of the Committee, through the Secretary-General, that, as far as the records of the meetings of the thirteenth session were concerned, agreement had been reached to revert to the established procedure of the Committee and to reissue the summary records in final, corrected form.

313. At the fourteenth session (at the 295th meeting, held on 3 August 1976), the Rapporteur introduced the text of an informal memorandum which he had written in the interval between the thirteenth and fourteenth sessions for possible use by the Secretariat in explaining the views of members of the Committee on the Elimination of Racial Discrimination to the Committee on Conferences. At the 295th meeting, held on 3 August 1976, he drew the attention of the Committee to paragraph 3 of annex IV of a report of the Secretary-General to the Committee on Conferences (Conference room paper No. 25, of 16 July 1976), in which it was stated: "It will be for the Committee on Conferences to decide whether the same procedure should be applied to the fourteenth and subsequent sessions of CERD." The Committee decided to adopt the memorandum prepared informally by the Rapporteur and to communicate its contents to the Committee on Conferences. On 4 August 1976, the Chairman addressed a communication, through the Secretary-General, embodying the contents of that memorandum (see annex VI below).

314. The Committee is happy to report that, at its 307th meeting, held on 11 August 1976, it was informed by the representative of the Secretary-General that the Committee on Conferences had on that date agreed that the system so far followed in the preparation of the summary records of the Committee on the Elimination of Racial Discrimination should be maintained.

315. The Committee wishes to express its appreciation for the co-operation extended to it by the Committee on Conferences with respect to the questions discussed in sections B and C of the present chapter.

ANNEX I

States parties to the International Convention on the
Elimination of All Forms of Racial Discrimination as
at 20 August 1976

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Algeria	14 February 1972	15 March 1972
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 <u>b/</u>	5 August 1975 <u>b/</u>
Barbados	8 November 1972 <u>a/</u>	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 <u>a/</u>	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Byelorussian Soviet Socialist Republic	8 April 1969	8 May 1969
Canada	14 October 1970	13 November 1970
Central African Republic	16 March 1971	15 April 1971
Chile	20 October 1971	19 November 1971
Costa Rica <u>c/</u>	16 January 1967	4 January 1969
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czechoslovakia	29 December 1966	4 January 1969
Democratic Yemen	18 October 1972 <u>a/</u>	17 November 1972
Denmark	9 December 1971	8 January 1972
Ecuador	22 September 1966 <u>a/</u>	4 January 1969
Egypt	1 May 1967	4 January 1969
Ethiopia	23 June 1976 <u>a/</u>	23 July 1976
Fiji	11 January 1973 <u>b/</u>	11 January 1973 <u>b/</u>
Finland	14 July 1970	13 August 1970
France	28 July 1971 <u>a/</u>	27 August 1971
German Democratic Republic	27 March 1973 <u>a/</u>	26 April 1973
Germany, Federal Republic of	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	1 June 1969

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Hungary	4 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Italy	5 January 1976	4 February 1976
Ivory Coast	4 January 1973 <u>a/</u>	3 February 1973
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 <u>a/</u>	29 June 1974
Kuwait	15 October 1968 <u>a/</u>	4 January 1969
Lao People's Democratic Republic	22 February 1974 <u>a/</u>	24 March 1974
Lebanon	12 November 1971 <u>a/</u>	12 December 1971
Lesotho	4 November 1971 <u>a/</u>	4 December 1971
Libyan Arab Republic	3 July 1968 <u>a/</u>	4 January 1969
Madagascar	7 February 1969	9 March 1969
Mali	16 July 1974 <u>a/</u>	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritius	30 May 1972 <u>a/</u>	29 June 1972
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Nepal	30 January 1971 <u>a/</u>	1 March 1971
Netherlands <u>c/</u>	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 <u>a/</u>	4 January 1969
Norway <u>c/</u>	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Romania	15 September 1970 <u>a/</u>	15 October 1970
Rwanda	16 April 1975 <u>a/</u>	16 May 1975
Senegal	19 April 1972	19 May 1972
Sierra Leone	2 August 1967	4 January 1969
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 <u>a/</u>	4 January 1969
Swaziland	7 April 1969 <u>a/</u>	7 May 1969
Sweden <u>c/</u>	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 <u>a/</u>	21 May 1969
Togo	1 September 1972 <u>a/</u>	1 October 1972

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Tonga	16 February 1972 <u>a/</u>	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Ukrainian Soviet Socialist Republic	7 March 1969	6 April 1969
Union of Soviet Socialist Republics	4 February 1969	6 March 1969
United Arab Emirates	20 June 1974 <u>a/</u>	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Cameroon	24 June 1971	24 July 1971
United Republic of Tanzania	27 October 1972 <u>a/</u>	26 November 1972
Upper Volta	18 July 1974 <u>a/</u>	17 August 1974
Uruguay <u>c/</u>	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 <u>a/</u>	21 May 1976
Zambia	4 February 1972	5 March 1972

a/ Accession.

b/ Date of receipt of notification of succession.

c/ Made the declaration envisaged in article 14, para. 1, of the Convention.

ANNEX II

Submission of reports and additional information by
States parties under article 9 of the Convention
during the year under review

(22 August 1975 to 20 August 1976)

A. Initial reports

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Bahamas	5 August 1976	NOT YET RECEIVED	
Central African Republic	14 April 1972	27 February 1976	(1) 26 September 1972 (2) 15 May 1973 (3) 7 September 1973 (4) 25 April 1974 (5) 20 September 1974 (6) 20 May 1975 (7) 1 October 1975
Jordan	30 June 1975	29 March 1976	(1) 1 October 1975
Lao People's Democratic Republic	24 March 1975	NOT YET RECEIVED	(1) 18 April 1975 (2) 1 October 1975 (3) 30 April 1976
Lesotho	4 December 1972	19 January 1976	(1) 15 May 1973 (2) 7 September 1973 (3) 25 April 1974 (4) 20 September 1974 (5) 20 May 1975 (6) 1 October 1975
Mexico	22 March 1976	21 June 1976	(1) 30 April 1976
Rwanda	16 May 1976	16 March 1976	
Togo	1 October 1973	NOT YET RECEIVED	(1) 30 April 1974 (2) 20 September 1974 (3) 20 May 1975 (4) 1 October 1975 (5) 30 April 1976
United Arab Emirates	21 July 1975	NOT YET RECEIVED	(1) 1 October 1975 (2) 30 April 1976

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
United Republic of Tanzania	26 November 1973	22 March 1976	(1) 30 April 1974 (2) 20 September 1974 (3) 20 May 1975 (4) 1 October 1975
Upper Volta	18 August 1975	NOT YET RECEIVED	(1) 30 April 1976
<u>B. Second periodic reports</u>			
Algeria	15 March 1975	NOT YET RECEIVED	(1) 18 April 1975 (2) 1 October 1975 (3) 30 April 1976
Barbados	10 December 1975	10 December 1975	
Central African Republic	14 April 1974	27 February 1976	(1) 1 October 1975
Cuba	16 March 1975	21 May 1975 21 November 1975 1 April 1976	
Democratic Yemen	19 November 1975	9 August 1976	(1) 30 April 1976
Fiji	11 January 1976	NOT YET RECEIVED	(1) 30 April 1976
France	28 August 1974	17 June 1976	(1) 18 April 1975 (2) 1 October 1975
German Democratic Republic	26 April 1976	5 May 1976	
Haiti	18 January 1976	5 July 1976	(1) 30 April 1976
Ivory Coast	4 February 1976	NOT YET RECEIVED	(1) 30 April 1976
Jamaica	5 July 1974	20 August 1975	(1) 20 September 1974 (2) 20 May 1975
Lebanon	12 December 1974	NOT YET RECEIVED	(1) 1 October 1975 (2) 30 April 1976
Lesotho	4 December 1974	19 January 1976	(1) 1 October 1975
Malta	26 June 1974	5 April 1976	(1) 20 September 1974 (2) 20 May 1975 (3) 1 October 1975
Mauritius	29 June 1975	21 July 1976	(1) 1 October 1975 (2) 30 April 1976
New Zealand	22 December 1975	24 February 1976	

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Peru	30 October 1974	6 October 1975	(1) 20 May 1975 (2) 1 October 1975
Senegal	18 May 1975	12 July 1976	(1) 1 October 1975 (2) 30 April 1976
Togo	1 October 1975	NOT YET RECEIVED	(1) 30 April 1976
Tonga	17 March 1975	28 October 1975	(1) 20 May 1975 (2) 1 October 1975
United Republic of Tanzania	26 November 1975	22 March 1976	
Zambia	5 March 1975	NOT YET RECEIVED	(1) 20 May 1975 (2) 1 October 1975 (3) 30 April 1976

C. Third periodic reports

Bolivia	21 October 1975	5 December 1975	
Canada	12 November 1975	23 March 1976	
Central African Republic	14 April 1976	27 February 1976	
Chile	20 November 1976	21 June 1976	
Finland	16 August 1975	8 January 1976	
France	28 August 1976	17 June 1976	
Greece	19 July 1975	16 January 1976	
Iraq	15 February 1975	2 September 1975	(1) 18 April 1975
Jamaica	5 July 1976	NOT YET RECEIVED	
Malta	26 June 1976	5 April 1976 ^{a/}	
Morocco	17 January 1976	NOT YET RECEIVED	(1) 30 April 1976
Nepal	1 March 1976	NOT YET RECEIVED	(1) 30 April 1976
Norway	6 September 1975	12 May 1976	(1) 30 April 1976
Romania	14 October 1975	8 October 1975	
Tunisia	5 January 1974	19 December 1975	(1) 25 April 1974 (2) 20 September 1974 (3) 20 May 1975 (4) 1 October 1975
United Republic of Cameroon	24 July 1976	13 May 1976	

^{a/} See para. 151 above.

D. Fourth periodic reports

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Argentina	5 January 1976	22 December 1975	
Brazil	5 January 1976	NOT YET RECEIVED	
Bulgaria	5 January 1976	8 March 1976	
Byelorussian Soviet Socialist Republic	7 May 1976	18 May 1976	
Costa Rica	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976
Cyprus	5 January 1976	13 January 1976	
Czechoslovakia	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976
Ecuador	5 January 1976	4 June 1976	(1) 30 April 1976
Egypt	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976
Germany, Federal Republic of	14 June 1976	11 August 1976	
Ghana	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976
Holy See	1 June 1976	6 August 1976	
Hungary	5 January 1976	20 January 1976	
Iceland	5 January 1976	14 July 1976	(1) 30 April 1976
India	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976
Iran	5 January 1976	17 December 1975	
Kuwait	5 January 1976	17 February 1976	
Libyan Arab Republic	5 January 1976	22 June 1976	(1) 30 April 1976
Madagascar	8 March 1976	25 March 1976	
Niger	5 January 1976	17 September 1975	
Nigeria	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976
Pakistan	5 January 1976	26 July 1976	(1) 30 April 1976
Panama	5 January 1976	10 August 1976	(1) 30 April 1976
Philippines	5 January 1976	23 July 1976	(1) 30 April 1976
Poland	5 January 1976	22 March 1976	
Sierra Leone	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976
Spain	5 January 1976	26 March 1976	
Swaziland	6 May 1976	NOT YET RECEIVED	
Syrian Arab Republic	20 May 1976	30 July 1976	
Tunisia	5 January 1976	19 December 1975	

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Ukrainian Soviet Socialist Republic	5 April 1976	20 April 1976	
Union of Soviet Socialist Republics	5 March 1976	12 April 1976	
United Kingdom of Great Britain and Northern Ireland	5 April 1976	NOT YET RECEIVED	(1) 30 April 1976
Uruguay	5 January 1976	3 August 1976	(1) 30 April 1976
Venezuela	5 January 1976	24 March 1976	
Yugoslavia	5 January 1976	19 February 1976	

E. Additional information requested by the Committee

<u>States parties which were requested to submit additional information</u>	<u>Requested by the Committee at its</u>	<u>Date on which requested additional information was submitted</u>
Tonga	Ninth session	28 October 1975
Peru	Tenth session	6 October 1975
Sierra Leone	Tenth session	Not received
Haiti	Twelfth session	5 July 1976
Lebanon	Twelfth session	Not received
Bolivia ^{b/}	Thirteenth session	Not received
Jamaica ^{c/}	Thirteenth session	Not received
Venezuela ^{d/}	Thirteenth session	Not received

^{b/} See paras. 32-39 above.

^{c/} See paras. 58-62 above.

^{d/} See paras. 125-128 above.

ANNEX III

Consideration by the Committee at its thirteenth and
fourteenth sessions of the reports and information
submitted by States parties under article 9 of the
Convention

State party	Type of report					Information on article 4 in reply to decision 3 (VII)	Meeting(s) at which considered	Date of meeting(s)
	Initial	Second	Third	Fourth	Supple- mentary			
Bolivia			X				270	31 March 1976
Greece			X				270-271	31 March 1976
Finland			X				271	31 March 1976
Barbados		X					272	1 April 1976
Austria		X					273-274	1-2 April 1976
Jamaica		X				X	274	2 April 1976
Cyprus <i>a/</i>				X			275	2 April 1976
Iraq			X				275	2 April 1976
Niger				X			275	2 April 1976
Peru		X			X		276-277	5 April 1976
Tonga		X			X		277-278	5-6 April 1976
Iran				X		X	279	6 April 1976
Tunisia			X	X			279	6 April 1976
Kuwait				X			280	7 April 1976
Argentina				X			280-281	7 April 1976
Hungary				X			281	7 April 1976
Central African Republic	X	X	X				281	7 April 1976
New Zealand		X					282-283	8 April 1976
Yugoslavia				X			283-284	8-9 April 1976
Lesotho	X	X					283	8 April 1976
Venezuela				X			284	9 April 1976
Rwanda	X						286	12 April 1976

State party	Type of report					Information on article 4 in reply to decision 3 (VII)	Meeting(s) at which considered	Date of meeting(s)
	Initial	Second	Third	Fourth	Supple-mentary			
Madagascar				X			286	12 April 1976
Spain				X			287	12 April 1976
United Republic of Tanzania	X	X					287	12 April 1976
Malta		X	X				288-289	13 April 1976
Jordan	X						289	13 April 1976
Cuba		X					290-291	14 April 1976
Romania			X		X		295-296	3 August 1976
Bulgaria				X			296-297	3-4 August 1976
Poland				X			297	4 August 1976
Canada			X				297-298	4 August 1976
Union of Soviet Socialist Republics				X			298	4 August 1976
Ukrainian Soviet Socialist Republic				X			299	5 August 1976
German Democratic Republic		X					299-300	5 August 1976
Norway			X				300	5 August 1976
Byelorussian Soviet Socialist Republic				X			301	6 August 1976
United Republic of Cameroon			X				301	6 August 1976
Ecuador				X	X		302	6 August 1976
Libyan Arab Republic				X			302	6 August 1976
Mexico	X						303	9 August 1976
Iceland				X			304	10 August 1976
Senegal		X					304	10 August 1976
Haiti		X					305	10 August 1976

a/ See paras. 63-68 above.

ANNEX IV

Documents received by the Committee on the Elimination of Racial Discrimination at its thirteenth and fourteenth sessions pursuant to decisions of the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in conformity with article 15 of the Convention a/

A. Documents submitted pursuant to the decision of the Trusteeship Council

1. Report of the Administering Authority relating to the Trust Territory of the Pacific Islands

Trust Territory of the Pacific Islands T/1772
(United States of America) For the year ending 30 June 1975

2. Reports of the Trusteeship Council to the Security Council, incorporating the working paper prepared by the Secretariat ("Outline of conditions in the Trust Territory of the Pacific Islands" (T/L.1200 and Add.1-2)):

Official Records of the Security Council, Thirty-first Year, Special Supplement No. 1

B. Documents submitted pursuant to decisions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1. The Special Committee did not submit any petitions falling under the terms of article 15 of the Convention in 1975-1976

2. Working papers submitted by the Special Committee

	<u>1975</u>	<u>1976</u>
Seychelles	-	A/AC.109/L.1067 and Corr.1
Southern Rhodesia	-	A/AC.109/L.1068 and Add.1-2
Economic conditions in Southern Rhodesia	-	A.AC.109/L.1083
Military activities in Southern Rhodesia	-	A/AC.109/L.1089

a/ See chap. IV, para. 259 above.

	<u>1975</u>	<u>1976</u>
Namibia	-	A/AC.109/L.1069 and Add.1-2
Economic conditions in Namibia	-	A/AC.109/L.1087
Military activities in Namibia	-	A/AC.109/L.1089
Turks and Caicos Islands	-	A/AC.109/L.1070
Economic conditions in Turks and Caicos Islands	-	A/AC.109/L.1082
Bermuda	-	A/AC.109/L.1071
Economic conditions in Bermuda	-	A/AC.109/L.1084
United States Virgin Islands	-	A/AC.109/L.1072 and Corr.1
Military activities and arrangements in Belize, Bermuda, Turks and Caicos Islands and United States Virgin Islands	-	A/AC.109/L.1090
Montserrat	A/10023/Add.8 (Part II), Chap. XXVIII	A/AC.109/L.1073
Gilbert and Pitcairn Islands and Tuvalu	-	A/AC.109/L.1074
Cayman Islands	-	A/AC.109/L.1076
Economic conditions in Cayman Islands	-	A/AC.109/L.1081
Brunei	-	A/AC.109/L.1077
Solomon Islands	-	A/AC.109/L.1078
New Hebrides	-	A/AC.109/L.1079
St. Helena	-	A/AC.109/L.1086 and Corr.1
Spanish Sahara	A/10023/Add.5 chap. XIII	NOT YET ISSUED
Gibraltar	A/10023/Add.6 (Part I), chap. XV	NOT YET ISSUED

	<u>1975</u>	<u>1976</u>
French Somaliland <u>b/</u>	A/10023/Add.6 (Part II), chap. XVI	NOT YET ISSUED
Antigua, Dominica, St. Kitts- Nevis-Anguilla, St. Lucia and St. Vincent	A/10023/Add.8 (Part III), chap. XXXI	NOT YET ISSUED
Trust Territory of the Pacific Islands	-	A/AC.109/L.1107
Timor	-	A/AC.109/L.1098
American Samoa	-	A/AC.109/L.1099
Military activities in Trust Territory of Pacific Islands and Guam	-	A/AC.109/L.1100
Military activities in Seychelles	-	A/AC.109/L.1101
Guam	-	A/AC.109/L.1104
Falkland Islands (Malvinas)	-	A/AC.109/L.1105
Cocos (Keeling) Islands	-	A/AC.109/L.1106

b/ The new designation for the Territory formerly known as French Somaliland is: French Territory of the Afars and the Issas. See Terminology Bulletin No. 240, issued by the Secretariat on 15 April 1968 (ST/SC/SER.F.240).

ANNEX V

Note verbale dated 6 August 1976 from the Chairman of the
Committee on the Elimination of Racial Discrimination to
the Secretary-General

The Chairman of the Committee on the Elimination of Racial Discrimination presents his compliments to the Secretary-General of the United Nations and, with reference to conference room paper 24 of the Committee on Conferences, which refers in paragraph 1 to the location for the meetings of the Committee on the Elimination of Racial Discrimination for 1977 and 1978, has the honour to request the Secretary-General to bring to the attention of the Committee on Conferences the following comments and observations, in accordance with the decision adopted by the Committee at its 298th meeting, on 4 August 1976.

1. In its activities, the Committee on the Elimination of Racial Discrimination is governed solely by the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and by its own rules of procedure which it has been empowered by that Convention (in article 10, para. 1) to adopt. The principles which govern its decisions on the venue of its sessions are those contained in article 10, paragraph 4, of the Convention (which states: "The meetings of the Committee shall normally be held at United Nations Headquarters.") and in rule 5 of its provisional rules of procedure (which states: "Sessions of the Committee shall normally be held at the Headquarters of the United Nations. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations on the subject."). Accordingly, the Committee on the Elimination of Racial Discrimination is unable to comply with the decisions to hold its sessions in 1977 and 1978 in Geneva.

2. The concept enunciated in foot-note 1 of conference room paper 24 places sole emphasis on the location of the section of the United Nations Secretariat which services the Committee. In applying this concept to the venue of the sessions of the Committee on the Elimination of Racial Discrimination, the Committee on Conferences would be attaching undue importance to one factor which affects the proper functioning of the Committee on the Elimination of Racial Discrimination, while ignoring another factor which is of crucial importance for the discharge of its responsibilities under the Convention, namely the participation of representatives of States parties in the consideration by the Committee of their reports submitted in accordance with article 9 of the Convention. The relevance of the factor on which sole emphasis is placed should not be exaggerated; only one Professional officer of the Division of Human Rights is assigned to the Committee on the Elimination of Racial Discrimination on a full-time basis, and he serves as its Secretary during its sessions. On the other hand, the relevance of the other factor, which the Committee on Conferences appears to have ignored but to which the Committee on the Elimination of Racial Discrimination attaches very great importance, cannot be over-estimated: rule 64 of the provisional rules of procedure was adopted by the Committee on the Elimination of Racial Discrimination in response to a wish expressed by the General Assembly in paragraph 5 of its

resolution 2783 (XXVI); and its application has elicited appreciative response from the Assembly, in paragraph 3 of resolution 2921 (XXVII), and also from the States parties themselves. When the Committee on the Elimination of Racial Discrimination holds a session in Geneva, however, some States parties are deprived of the opportunity to send representatives to the meetings of the Committee in which their reports are considered - partly because some States parties do not maintain Permanent Missions in Geneva, and partly because some of those States parties which do maintain Permanent Missions in Geneva do not have on the staff of those Missions officials qualified to participate meaningfully in the discussions of the Committee. These factors have been brought home to the Committee on the Elimination of Racial Discrimination during the two sessions which it has held in Geneva, namely, the tenth and thirteenth sessions, held in the summer of 1974 and the spring of 1976, respectively. The Committee on the Elimination of Racial Discrimination feels very strongly that it would be unfair to deprive some States parties of an equal opportunity to participate in its consideration of their reports, and that it would be equally unfair to the Committee to deprive it of the opportunity to maintain a direct dialogue with some States parties to the Convention.

3. While willing to consider holding some of its sessions outside United Nations Headquarters every now and then, the Committee on the Elimination of Racial Discrimination has decided that, as a general rule, its summer session should be held at United Nations Headquarters in New York. This decision is based on its experience over the past six years, and is determined by its appraisal of the facilities available for it to prepare its annual report (covering its activities at both the spring and summer sessions) and to have that report submitted on time to the General Assembly at its autumn session.

4. The Committee on the Elimination of Racial Discrimination has also decided to bring to the attention of the Committee on Conferences the legal and practical problems raised by a decision of any other body to change the venue and dates of any session of the Committee on the Elimination of Racial Discrimination, when such decisions are adopted after the closure of the preceding session of the Committee on the Elimination of Racial Discrimination and relate to its forthcoming sessions:

(a) According to rules 2 and 5 of its provisional rules of procedure, it is the prerogative of the full Committee to decide, in consultation with the Secretary-General, on the venue (if not at United Nations Headquarters) and dates of its sessions. From a legal point of view, any change of venue or dates can be decided upon with the explicit agreement of at least a majority of the members of the Committee;

(b) Members of the Committee are neither full-time nor paid members of the Committee or officials of the United Nations or of their own Governments in that capacity. Their work at the Committee on the Elimination of Racial Discrimination is not part of their normal professional work, but is additional to it. Change of venue and dates should not be made without consultation with all of them or without giving them ample time for adjustment of their respective schedules;

(c) Since members of the Committee on the Elimination of Racial Discrimination have no alternates, the inability of any member to attend a session, resulting from unilateral decisions taken without his knowledge or consent, deprives the Committee of that member's participation. If several members are involved in this way, the Committee as a whole may be deprived of a quorum. Even if that were not the case, the creation of circumstances under which even one member is rendered unable to participate in all or part of the work of the Committee on the Elimination of Racial Discrimination at any of its sessions is certainly obstructive of the intent of the Convention, particularly article 8.

ANNEX VI

Note verbale dated 4 August 1976 from the Chairman of the Committee on the Elimination of Racial Discrimination to the Secretary-General

The Chairman of the Committee on the Elimination of Racial Discrimination presents his compliments to the Secretary-General of the United Nations and, with reference to paragraph 3 of annex IV to conference room paper 25 of the Committee on Conferences, has the honour to request the Secretary-General to bring to the attention of the Committee on Conferences the following observations adopted by the Committee on the Elimination of Racial Discrimination at its 298th meeting on 4 August 1976.

(1) The Committee on the Elimination of Racial Discrimination is of the opinion that paragraph 3 of General Assembly resolution 3415 (XXX) of 8 December 1975 does not apply to the records of the meetings of the Committee. The Committee on the Elimination of Racial Discrimination is not a subsidiary body of the General Assembly. This fact, which is evident from articles 8 and 10 of the International Convention on the Elimination of All Forms of Racial Discrimination, is also recognized in the report of the Secretary-General on which the resolution of the General Assembly was based (A/C.5/1670), where the name of the Committee appears in section A of annex IV, not under the heading of "subsidiary bodies" but under the heading of "related bodies".

(2) There may be a question as to whether the provisions of paragraph 5 of resolution 3415 (XXX) apply to the Committee. It is possible to argue that that is not the case. Criterion 3 contained in paragraph 14 of A/C.5/1670 did cover the Committee when it referred to the list in section A of annex IV; but paragraph 26 of the report of the Advisory Committee (A/10299) appears to have restricted the application of that criterion to the subsidiary bodies only, and paragraph 5 of resolution 3415 (XXX) confines its requests to the Committee on Conferences to "bodies and organs of the United Nations".

(3) In addition to the foregoing observations, relating to the status of the Committee on the Elimination of Racial Discrimination, the following considerations of a practical nature should also be taken into account.

(4) The records of the meetings of the Committee on the Elimination of Racial Discrimination are not purely archival in nature; they have a direct, substantive function. The bulk of the work of the Committee consists of the consideration of reports submitted by States parties in accordance with article 9, paragraph 1, of the Convention. That consideration is detailed, at times highly technical, and often nuanced. Only accurate and adequate summary records can fully convey the range and the complex nature of the comments made by the members - who, it will be recalled, serve on the Committee as experts in their personal capacity. It should be added that the Committee as such refrains from adopting decisions summarizing its discussions and findings relating to reports from States parties. There is thus no substitute for the summary records as a means of communication between the Committee

and the States parties regarding (a) the Committee's evaluation of the reports and (b) its desire to receive specified information in future reports.

(5) The proposed new system - namely, the system of issuing the summary records in final form in the first instance, subject to corrections by participants to be incorporated in one omnibus corrigendum issued at the end of each session - was considered by the Committee at its thirteenth session and was found wanting. It was deemed to be both hazardous and inefficient. The views expressed included the following:

(a) It was observed that corrections contained in a separate omnibus corrigendum might not in practice be taken into account by all readers of the segments of the records to which those corrections refer. Accordingly, the corrigendum would be useless and would fail to serve its intended purpose;

(b) It was also feared that erroneous statements attributed to members or to representatives of States parties - even assuming that they are read in conjunction with the corrections contained in the corrigendum - might be either harmful or embarrassing; and they might leave the reader with the false impression that the corrections were "afterthoughts" on the part of the participant concerned;

(c) The practice of referring constantly to the corrigendum to check whether every statement in the records was accurate is certain to prove cumbersome and time-consuming.

(6) For all these reasons, it was strongly felt that the summary records should not be made available to anyone other than to members (and other participants) except in their final corrected form - which would require retention of the system so far followed in preparing the summary records for the meetings of the Committee.

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