



**REPORT**  
**OF THE**  
**COMMITTEE**  
**ON THE ELIMINATION**  
**OF RACIAL DISCRIMINATION**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: THIRTY-SECOND SESSION**

**SUPPLEMENT No. 18 (A/32/18)**

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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LETTER OF TRANSMITTAL

19 August 1977

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 1977 and, at its 362nd 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.

The Committee notes with appreciation that in pursuance of a suggestion made by the Committee at its seventh session, the General Assembly has considered the reports of the Committee separately from other items of its agenda, and trusts that this practice will be continued.

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

## CHAPTER I

### INTRODUCTION

#### A. States parties to the Convention

1. On 19 August 1977, the closing date of the sixteenth session of the Committee on the Elimination of Racial Discrimination, there were 95 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 provisions of its article 19. By the closing date of the sixteenth session, six of the States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. A list of States parties, and an indication of those which made the declaration under article 14, paragraph 1, of the Convention, is contained in annex I below.

#### B. Sessions

2. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1977. The fifteenth session was held at the Redoutensaal Congress Centre, Vienna, Austria, from 28 March to 14 April 1977 and the sixteenth session was held at United Nations Headquarters, New York, from 1 to 19 August 1977.

#### C. Membership of the Committee

3. Acting in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of its provisional rules of procedure, the Committee at its fifteenth and sixteenth sessions filled the following vacancies:

(a) At its fifteenth session, the Committee approved the appointment by the Government of Austria of Mr. Erik Nettel to serve as a member of the Committee for the remainder of the term of Mr. Willibald P. Pahr who informed the Committee, through the Secretary-General, in a letter dated 28 March 1977, that he was obliged to cease to function as a member of the Committee;

(b) At its sixteenth session, the Committee approved the appointment by the Government of Argentina of Mr. Federico Videla Escalada to serve as a member of the Committee for the remainder of the term of Mr. Arturo Enrique Sampay, of whose death the Committee was informed by the Government of Argentina, in a letter dated 24 March 1977, addressed to the Secretary-General; and

(c) Also at its sixteenth session, the Committee approved the appointment by the Government of the Union of Soviet Socialist Republics of Mr. Evgeny Nikolaevich Nasinovsky to serve as a member of the Committee for the remainder of the term of Mr. Igor Pavlovich Blishchenko who informed the

Committee, in a letter dated 25 July 1977 that, in view of his academic activities and a number of other duties, he would be unable to serve as an expert on the Committee.

4. With the exception of the changes mentioned above, the membership of the Committee remained the same as during 1976 (see annex II below).

#### D. Solemn declaration

5. Upon the approval by the Committee of his appointment at the opening meeting of the fifteenth session, Mr. Erik Nettel made the solemn declaration in accordance with rule 14 of the provisional rules of procedure. Mr. Evgeny Nikolaevich Nasinovsky made the same declaration at the sixteenth session of the Committee.

#### E. Attendance

6. All members of the Committee attended the fifteenth session. Messrs. Aboul-Nasr, Hollist and Inglés attended part of that session. All members, except Mr. Videla Escalada, attended the sixteenth session of the Committee; Messrs. Inglés and Valencia Rodriguez attended part of that session.

#### F. Officers of the Committee

7. In accordance with rule 20 of its provisional rules of procedure, the Committee at its 348th meeting, on 5 August 1977, elected Mr. Brin Martinez and Mr. Nasinovsky as Vice-Chairmen to fill the vacancies created in its Bureau by the death of Mr. Arturo Enrique Sampay and upon resignation of Mr. Igor Pavlovich Blishchenko. The other officers, elected at the thirteenth session for a term of two years in accordance with article 10, paragraph 2, of the Convention, continued to serve at the fifteenth and sixteenth sessions. The officers of the Committee are the following:

<u>Chairman:</u>	Mr. Paul Joan George KAPTEYN
<u>Vice-Chairmen:</u>	Mr. Pedro BRIN MARTINEZ
	Mr. George O. LAMPTEY
	Mr. Evgeny Nikolaevich NASINOVSKY
<u>Rapporteur:</u>	Mr. Fayez A. SAYEGH

#### G. Agenda

##### Fifteenth session

8. At its 316th meeting, on 28 March 1977, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its fifteenth session, with the understanding that a new item entitled "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" would be inserted therein as item 2 of the agenda; that the order of items 3 and 4 would be changed; and that the other agenda items would be renumbered accordingly.

9. The agenda of the fifteenth session as adopted read as follows:
  1. Adoption of the agenda
  2. 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
  3. 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) Second periodic reports of States parties due in 1974
    - (c) Initial reports of States parties due in 1975
    - (d) Second periodic reports of States parties due in 1975
    - (e) Third periodic reports of States parties due in 1975
    - (f) Initial reports of States parties due in 1976
    - (g) Second periodic reports of States parties due in 1976
    - (h) Third periodic reports of States parties due in 1976
    - (i) Fourth periodic reports of States parties due in 1976
    - (j) Initial reports of States parties due in 1977
    - (k) Second periodic reports of States parties due in 1977
    - (l) Third periodic reports of States parties due in 1977
    - (m) Fourth periodic reports of States parties due in 1977
    - (n) Information from States parties concerning their obligations under article 4 of the Convention
  4. Action by the General Assembly at its thirty-first session on the annual reports submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention (General Assembly resolution 31/81 of 13 December 1976)
  5. 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

6. Reservations, declarations and statements of interpretation made by States parties to the Convention 1/
7. Decade for Action to Combat Racism and Racial Discrimination
8. Meetings of the Committee in 1978 and 1979

Sixteenth session

10. At its 34<sup>1</sup>st meeting, on 1 August 1977, the Committee agreed (a) to modify the wording of item 2 of the provisional agenda, submitted by the Secretary-General, to read "Filling of casual vacancies in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure"; (b) to modify the wording of item 3 of the provisional agenda to read "Election of two Vice-Chairmen"; and (c) to insert a new item entitled "Implementation of article 7 of the Convention" as item 6 of the agenda and to renumber the remaining items accordingly. The Committee adopted the items listed on the provisional agenda, as amended, as the agenda of its sixteenth session, which read as follows:

1. Adoption of the agenda
2. Filling of casual vacancies in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure
3. Election of two Vice-Chairmen
4. 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) Second periodic reports of States parties due in 1974
  - (c) Initial reports of States parties due in 1975
  - (d) Second periodic reports of States parties due in 1975
  - (e) Initial reports of States parties due in 1976
  - (f) Second periodic reports of States parties due in 1976
  - (g) Third periodic reports of States parties due in 1976
  - (h) Fourth periodic reports of States parties due in 1976
  - (i) Initial reports of States parties due in 1977
  - (j) Second periodic reports of States parties due in 1977

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1/ In view of lack of time, the Committee decided at its 33<sup>4</sup>th meeting, on 8 April 1977, to defer consideration of this item to its sixteenth session.

- (k) Third periodic reports of States parties due in 1977
  - (l) Fourth periodic reports of States parties due in 1977
  - (m) Comments of States parties on general recommendation V adopted by the Committee at its 338th meeting, on 13 April 1977
5. 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
  6. Implementation of article 7 of the Convention
  7. Reservations, declarations and statements of interpretation made by States parties to the Convention 2/
  8. Decade for Action to Combat Racism and Racial Discrimination:
    - (a) Contribution of the Committee to the activities of the Decade
    - (b) Contribution of the Committee to the World Conference
  9. Meetings of the Committee in 1978 and 1979
  10. Report of the Committee to the General Assembly at its thirty-second session under article 9, paragraph 2, of the Convention

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 fifteenth and sixteenth sessions of the Committee.

12. At the fifteenth session, the representative of the ILO made a general statement, at the 340th meeting, on 14 April 1977, 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 Committee was informed that its documents and reports for the year 1976 had been brought to the attention of the ILO Committee of Experts. It also noted with appreciation the report of the Committee of Experts for 1977, in particular those sections dealing with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which was made available to the Committee at its sixteenth session, in accordance with the arrangements for co-operation between the two Committees.

13. As regards the arrangements for co-operation between UNESCO and the Committee, it was noted at the fifteenth session that although UNESCO had offered to

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2/ In view of lack of time, the Committee again decided at its sixteenth session to defer consideration of this item to its seventeenth session.



co-operate with the Committee, it had not applied the Committee's decision 2 (VI) of 21 August 1972. In accordance with a decision of the Committee at its fifteenth session, the Chairman of the Committee, in a note dated 16 May 1977, brought to the attention of UNESCO the text of the general recommendation V concerning the implementation of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the Committee at its 338th meeting on 13 April 1977, 3/ recalled the Committee's decision 2 (VI) of 21 August 1972 concerning co-operation with the ILO and UNESCO, and expressed the hope that UNESCO would provide the Committee with information on its activities and studies which may be relevant to the work of the Committee in performing its task under article 7 of the Convention. At the 359th meeting of the Committee, held on 16 August 1977, the representative of UNESCO made a statement, introducing the document which UNESCO had prepared in response to the Chairman's note. 4/

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3/ For details concerning the Committee's consideration and adoption of general recommendation V, see chap. IV, paras. 324-330. For the text of general recommendation V, see chap. VIII, sec. A, decision 3 (XV).

4/ For a summary of the statement of the representative of UNESCO, see chap. III, paras. 46-51.

## CHAPTER II

### ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-FIRST SESSION ON THE ANNUAL REPORTS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION

14. The Committee considered this item during its fifteenth session, at the 338th to 340th meetings, held on 13 and 14 April 1977.

15. It may be recalled that the General Assembly at its thirtieth session, having been unable for lack of time to consider the report of the Committee on the Elimination of Racial Discrimination for the year 1975, decided to include that report in the provisional agenda of its thirty-first session and to consider it with appropriate priority. At its thirty-first session, therefore, the General Assembly considered jointly the two annual reports of the Committee, which covered the activities of the Committee at its eleventh through fourteenth sessions held in 1975 and 1976, 5/ and adopted without a vote on 13 December 1976 its resolution 31/81 entitled "Reports of the Committee on the Elimination of Racial Discrimination".

#### A. The Rapporteur's analysis of the debate in the Third Committee

16. The Rapporteur of the Committee made an introductory statement in which he offered an analysis of the debate on the reports of the Committee in the Third Committee of the General Assembly at its thirty-first session. He stated that, after the introduction of the reports by the Director of the Division of Human Rights, 25 States Members of the United Nations had participated in the discussions on them; 23 of those Member States were States parties to the Convention. The discussions had not been all directly related to the Committee's reports: political issues which had only partly stemmed from the reports had been discussed by the delegations of eight Member States; approximately one third of the records of the discussion of the present item in the Third Committee dealt with those political issues.

17. The topics dealt with by the Member States participating in the discussions were classified by the Rapporteur of the Committee into five main categories.

18. The first category comprised comments on the Committee and on the quality of its work and its reports. The Committee had been commended by 14 Member States; its reports had been commended by six Member States and criticized by one Member State; and assurances concerning continued co-operation with the Committee had been given by eight Member States.

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5/ Official Records of the General Assembly, Thirtieth Session, Supplement No. 18 (A/10018) and *ibid.*, Thirty-first Session, Supplement No. 18 (A/31/18).

19. The second category comprised comments on the Committee's relationship with States parties, and in particular the quality of its consideration of their reports: nine Member States expressed generous praise; one Member State welcomed thorough examination of the reports of States parties "as long as the Committee applied the same criteria to all of them"; and two Member States criticized some comments made in the Committee during its consideration of reports from States parties. In addition, there were statements by Member States in support of positions taken by the Committee in the course of its consideration of reports of States parties; for example, that the non-existence of racial discrimination on the territory of a State did not absolve that State from the obligation to take certain measures or to report under article 9 of the Convention; that reports from States parties should be more informative and more comprehensive; that reports should be submitted on time; that reports should be organized on the basis of the guidelines laid down by the Committee and should take into account the Committee's observations and comments.

20. The third category comprised comments on decisions adopted by the Committee at its eleventh to fourteenth sessions. Support for decision 1 (XI) was expressed by seven Member States; but one Member State qualified its support by the words, "provided that no alien element is incorporated into the programme of the Decade". Support for decision 2 (XI) was expressed by six Member States; but two Member States made reservations on paragraph 9 of resolution 31/81 which endorsed and strengthened the decision of the Committee. Support for decision 3 (XI) and subsequent decisions on the same subject was voiced by representatives of two Member States; the representative of one Member State spoke critically of that decision. Decision 4 (XI) was supported by four Member States. However, only one Member State spoke in favour of decision 3 (XII).

21. The fourth category comprised comments on the Convention. These included comments on the mandatory nature of article 4, on the scope and importance of articles 5, 6, 7 and 14, and on the information received under article 15 of the Convention. In addition, representatives of nine Member States commented with satisfaction on the increase in the number of States parties to the Convention and expressed the hope that there would be further ratifications.

22. The fifth category comprised suggestions offered for the improvement of the Committee's work. Of these, the Rapporteur referred to the suggestion that the Committee should establish relationships of co-operation with other United Nations bodies in addition to UNESCO and ILO, that it should benefit from the information which might be furnished by UNESCO and ILO in order to supplement the information it received under article 9, and that it should hold one session of four or five weeks annually instead of two sessions of three weeks.

#### B. Relationship of the Committee and the General Assembly

23. Members of the Committee were gratified by the interest shown in its work by the Third Committee of the General Assembly. Mr. Valencia Rodríguez felt that the Third Committee had given due attention to the reports of the Committee, even if the number of representatives who had taken part in the consideration of those reports had never been very great. Mr. Dayal also noted the interest which the Committee's reports had evoked in the Third Committee but expressed the hope that a still wider spectrum of views would be expressed on the Committee's future

reports. He felt that, while considerable progress had been made, there still remained a need to intensify and enlarge the exchange of views between the Committee and the General Assembly.

24. The relationship between the Committee and the Third Committee gave rise to some discussion. Mr. Dechezelles drew attention to a somewhat anomalous situation, and one which should be given some thought, whereby, through bodies of unquestionable authority, States which were not parties to the Convention could help give instructions to those States which had accepted the obligations arising from the Convention. It would seem advisable that the Committee, which was an independent, technical body, should be left sole judge of the recommendations to be addressed to the States parties which had established it. Mr. Partsch recalled that the Third Committee was a political body whose rules differed from those of the Committee and which considered questions that were outside the latter's terms of reference. It would be wrong to suppose that the Third Committee should view all issues - including political issues which the Committee, in the course of its work, might at times be called upon to consider - from the perspective of the Convention alone; but the Convention was the sole framework within which the Committee could consider those issues. Mr. Dayal believed that the Committee was not obliged to receive instructions from the General Assembly or any other body; its members were bound only by the Convention and by their own consciences.

25. Mr. Partsch noted that certain members of the Committee had spoken in the Third Committee as the representatives of Member States and observed that such duplication, while not prohibited by the Convention, made it difficult for the members of the Committee to maintain their independence; and he appealed to the members of the Committee not to sit in the Third Committee as representatives when it was considering the former's work. Mr. Bahnev did not feel that any contradiction was involved: instead of considering that representation on both Committees by the same person was a drawback, he took the view that it gave members of the Committee who were in such a position the opportunity of approaching the examination of reports from different angles.

26. Mr. Dayal noted that the discussion of the item under consideration provided the Committee with an opportunity for self-examination and self-criticism, which he believed to be a useful exercise. Mr. Valencia Rodríguez, observing that no effort should be spared to ensure that the dialogue between the Committee and the General Assembly would continue, stated that, for such a dialogue to be constructive, it was essential that the Committee should continue to work as it had hitherto done: its competence should be limited to the provisions of the Convention and it must be objective, impartial and accurate in its comments. Mr. Dechezelles also stressed that the Committee should be extremely careful never to exceed its competence; in general, he thought that the Committee had been careful not to do so.

27. Noting that only one representative had spoken in the Third Committee in support of the Committee's decision 3 (XII), entitled, "Attendance by a member of the Committee at meetings of the Third Committee", Mr. Sayegh suggested that the Committee should draw the conclusion that there had been little support for the idea in the Third Committee. Mr. Partsch asked whether the fact that General Assembly resolution 31/81 contained no reference to the recommendation contained in the Committee's decision 3 (XII) meant that the General Assembly's reaction had been entirely negative. The representative of the Secretary-General offered

several possible explanations for the fact that no positive action had been taken by the General Assembly on the recommendation of the Committee; he noted, however, that that did not mean that the possibility had been rejected entirely, for everything would depend on the future needs and working methods of the General Assembly. The Chairman thought that it might be advisable not to take up the issue at the present time but to defer consideration of it until the following year.

C. Suggestions made in the Third Committee

28. Mr. Dayal observed that he had been struck by the fact that the views expressed in the Third Committee regarding the work of the Committee and its practices had not contained any very precise or positive suggestions and recommendations. It would perhaps be saying too much to assert that the Committee might conclude therefrom that there was nothing it could do to improve its procedures; but the Committee could indeed take pride in the fact that it was proceeding broadly along the right lines.

29. Mr. Kapteyn and Mr. Partsch referred to the suggestion made by the representative of the Netherlands in the Third Committee, to the effect that the Committee might benefit from the knowledge and experience of non-governmental organizations. They were of the opinion that the Committee should not modify the attitude it had maintained all along and should continue to refrain from using information supplied by non-governmental organizations. If the optional provisions of the Convention, contained in article 14, entered into force, the Committee might reconsider its position. Mr. Sayegh recalled that the Committee had already decided in the past that it was not permitted by the terms of the Convention to make use of information offered to it from sources other than the States parties concerned for its consideration of reports under article 9 of the Convention.

30. Mr. Sayegh and Mr. Valencia Rodríguez noted the suggestion made in the Third Committee by the representative of Ecuador, to the effect that the Committee should establish close co-operation with other United Nations bodies, in addition to UNESCO and the ILO. Mr. Valencia Rodríguez thought that an examination should be made, at the appropriate time, of that question. Mr. Devetak strongly urged such a course upon the Committee, stressing that it was of great importance for the Committee's work. He also drew attention to paragraph 5 of resolution 31/81 of the General Assembly and recalled that, within the framework of the United Nations, other international agreements relating to human rights and racial discrimination existed; he therefore felt that constructive international co-operation should be developed in respect of those questions, particularly co-operation within the United Nations system.

31. Mr. Partsch noted with approval the suggestion made by the representative of Ecuador in the Third Committee, to the effect that not only summary records but also the reports of the States parties should be made available for research and studies on the work of the Committee.

32. Mr. Sayegh referred to the suggestion made in the Third Committee by the representative of the Union of Soviet Socialist Republics, to the effect that the Committee might hold one session of four to five weeks annually instead of two sessions of three weeks. He noted that that suggestion had been examined by the

Committee before, and it had been thought that that change would not help to improve its work. Apart from the fact that some members of the Committee had stated that they could not reserve more than three weeks at a time for attending the sessions of the Committee, attention was drawn to the human factor of fatigue. The members had no alternates or assistants and were tired at the end of an intensive, three-week session; if the Committee's sessions were prolonged, the law of diminishing returns might well work against the very purpose for which the Committee had been established.

33. Mr. Partsch and Mr. Valencia Rodríguez referred to the suggestion made by the representative of Norway in the Third Committee, to the effect that wider publicity might be given to the provisions of the Convention and the work of the Committee during the Decade. Mr. Blishchenko strongly supported the idea, noting that many States and some liberation movements fighting against the racist régimes in southern Africa were not adequately informed of the Committee's work. Mr. Dayal also stressed the need for wider dissemination of information regarding the Committee's work; but he considered that it was for the General Assembly and the States parties themselves to draw attention to the Committee's activities. He hoped that through the World Conference, the contribution which the Committee had made to the cause of the elimination of racial discrimination would receive added and world-wide recognition.

#### D. Other comments

34. Mr. Valencia Rodríguez referred to the statement made in the Third Committee by the representative of France, who had pointed out that, for the rights listed in article 5 of the Convention to be enjoyed without discrimination, they must first be recognized, but that the legislation of many countries did not do so. He suggested that the Committee should take account of those comments in its subsequent consideration of the application of article 5 of the Convention. Mr. Blishchenko agreed that in practice the campaign against all forms of racial discrimination could be understood in the context of human rights and of the provisions of article 5 of the Convention. That was a point which the Committee should take into account when requiring States to perform the obligations they had incurred under the Convention, although it should not lay down specific measures for them to take, as those measures were solely an internal question. Mr. Partsch, however, noted that the Committee had followed the practice of taking up matters relating to human rights only if racial discrimination was involved. If certain rights were not recognized by a State, that State could not be asked by the Committee to ensure that they were enjoyed without discrimination. In other words, the Convention could not be used to make the Universal Declaration of Human Rights legally binding.

35. Mr. Kapteyn expressed his satisfaction with paragraph 5 of General Assembly resolution 31/79. That paragraph had been adopted by the Third Committee by a vote of 48 to none, with 56 abstentions. He noted with regret the number of abstentions, but was gratified that none of the members of the Third Committee had voted against the paragraph. He recalled that, at the Committee's tenth session, there had been a considerable difference of opinion regarding the advisability of making the suggestion that an appeal such as that contained in paragraph 5 of General Assembly resolution 31/79 should in fact be made by the General Assembly (A/9618, paras. 46 (d) and 49-53).

36. Mr. Dechezelles referred to paragraph 9 of General Assembly resolution 31/81 and wondered whether it was appropriate for the Third Committee of the General Assembly to invite States parties to the Convention to communicate, in the reports they were required to submit under article 9 of that instrument, information concerning their relations with other States, since members of those bodies included States not parties to the Convention and not bound by the obligations flowing from it. On the other hand, Mr. Blishchenko and Mr. Valencia Rodríguez noted with satisfaction that the General Assembly had approved the Committee's decision 2 (XI); and Mr. Bahnev observed that the resolution of the General Assembly was in conformity with the operative norms of the Charter of the United Nations.

37. Mr. Bahnev referred to paragraphs 2, 3 and 4 of General Assembly resolution 31/79 and paragraph 11 of resolution 31/81 and noted that those paragraphs showed the exceptional importance which the General Assembly attached to the universal application of the Convention. That should encourage the Committee to increase its efforts to promote universal accession to the Convention through specific measures. Mr. Dayal noted that the Committee had won the confidence of States parties and of States which were not yet parties, and that the number of States parties to the Convention had increased considerably; he hoped that the number would keep on increasing and stated that, if other major Powers ratified the Convention, that would further increase the Committee's authority and effectiveness. Mr. Blishchenko also hoped that more States would accede to the Convention but observed that, when that happened, the Committee would have to face problems in the organization of its work and adopt procedures that would enable it to perform its tasks more effectively.

#### E. The Chairman's conclusion

38. At the conclusion of the debate on the item under consideration, the Chairman stated that he thought that all members of the Committee were grateful for the interest taken by the Third Committee in the Committee's work and that the Committee appreciated the high level of discussion in the Third Committee and welcomed the opportunity of a dialogue with that Committee.

### CHAPTER III

#### IMPLEMENTATION OF ARTICLE 7 OF THE CONVENTION

39. At its fifteenth session, when the Committee considered the adoption of general recommendation V, 6/ it decided to consider also at the following session the question of formulating general guidelines that might assist the States parties in their implementation of the provision of article 7 of the Convention, and to seek the assistance of UNESCO in that regard. At the opening of its sixteenth session, the Committee decided to add to its agenda for that session a new item on "the implementation of article 7 of the Convention". 7/

40. At the 355th and 359th meetings, held on 10 and 16 August 1977, the Committee had a preliminary consideration of this item.

41. At the 355th meeting, Mr. Sayegh made an introductory statement, in which he referred to four aspects of article 7 of the Convention, of which the first two were expressly mentioned in the text of that article. The first aspect related to the "fields" in which the measures giving effect to the provisions of that article would be applied. The fields of "teaching, education, culture and information" mentioned in the text of the article were not to be considered exclusive of other fields; the word "particularly" which preceded their enumeration clearly suggested action in other cognate fields. He thought that article 2, paragraph 1 (e), of the Convention provided an indication of one such additional field: the encouragement of integrationist, multiracial organizations and movements. Another such field had been suggested by Mr. Partsch at a previous meeting: the conciliation procedures, such as those in operation in the United Kingdom, Canada, New Zealand and Australia.

42. The second aspect of article 7 of the Convention related to the purposes at which the measures required under that article should aim. The Convention identified three such purposes: combating prejudices, promoting understanding and tolerance, and propagating the purposes and principles of the Charter of the United Nations and of the Declarations and instruments enumerated in that article. He agreed with what other members of the Committee had stressed on several occasions: that the enumeration of those instruments must not be viewed as exclusive of other instruments which had been drafted or had come into force after the drafting of the Convention, such as the two Covenants on Human Rights and the International Convention on the Suppression and Punishment of the Crime of Apartheid. He also called attention to the words, "promoting understanding, tolerance and friendship among nations and racial or ethnical groups", which suggested that the measures which the States parties were required to take in accordance with that article should be aimed at promoting understanding not only among different groups within each nation but also internationally.

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6/ See chap. IV, paras. 324-330.

7/ See chap. I, para. 10.



43. The third aspect of article 7 of the Convention related to the foci of the educational or informational measures under consideration. While those foci, or themes, were not spelt out in the text of the article, many were suggested in the preamble and in certain articles of the Convention. Thus, paragraph 6 of the preamble and article 4, paragraph (a), of the Convention assigned a prominent place to doctrines or ideas of racial superiority which were seen as a root of racial prejudice and of racial discrimination; and therefore not only were legislative measures required to prevent the dissemination of such ideas, in accordance with the provisions of article 4, but educational and informational measures were also required to combat them and to demonstrate that they were indeed "scientifically false, morally condemnable, socially unjust and dangerous". Likewise, doctrines of racial segregation, described in paragraph 8 of the preamble as "repugnant to the ideals of any human society", were forcefully condemned in article 3 of the Convention. The historical and intrinsic association of colonialism and all practices of segregation and discrimination was attested to in paragraph 4 of the preamble, and should be a focus of the educational and other measures provided for in article 7 of the Convention. The same might be said of the integral relationship, emphasized inter alia in paragraph 7 of the preamble, between racial discrimination and international conflicts, and the corresponding relationship between the elimination of racial discrimination and the promotion of international understanding and peace. In that connexion, he recalled that Mr. Dayal had on many occasions emphasized that the application of article 7 of the Convention required the positive promotion of knowledge and appreciation of the history, art and cultures of other peoples, particularly those of Asia and Africa, and not merely an awareness of the injustices inflicted upon them in recent history. The diversity of the contemporary manifestations of racial discrimination was another important focus of the educational and informational measures required under article 7 of the Convention, as was implicit in paragraphs 9 and 10 of the preamble.

44. If explicit justification for the foci of the educational and informational measures required under article 7 of the Convention, mentioned in the preceding paragraph, could be found in the text of the preamble and other articles of the Convention, implicit justification for other themes might be inferred from the text of the Convention. Article 5, which required that everyone should be guaranteed equality before the law and equality in the enjoyment of basic human rights, required also - by implication - that a State party to the Convention should make determined efforts to publicize the commitment made by it under that article; and the same might be said of the obligations accepted by a State under article 6 of the Convention. States making the declaration provided for in article 14 of the Convention should, when that article went into effect with respect to them, widely publicize its provisions and acquaint their populations of their rights under that article.

45. The fourth aspect of article 7 of the Convention related to the instruments, methods and techniques to be used in applying the provisions of that article. The Committee, whose members were experts in racial discrimination but not in educational or informational techniques, might not be able to offer much help to the States parties in that area; and it was precisely there that UNESCO might be willing and able to be of assistance. He suggested that the Committee propose that, under the Programme for the Decade, regional seminars be held with the aid of UNESCO or under its auspices for the development of appropriate methods for implementing the measures required under article 7 of the Convention.

46. At the 359th meeting, held on 16 August 1977, the representative of UNESCO made a statement before the Committee. He emphasized the importance which his organization attached to article 7: because it expressly specified education, culture and information and thereby invoked UNESCO's fields of competence, this article might well constitute fertile ground for mutual co-operation between the Committee and UNESCO.

47. In that respect, the representative of UNESCO observed that the implementation of article 7 must take place in two contexts: on the one hand, in the fields enumerated by the first part of the text and, on the other, in the broad promotion of human rights envisaged by the article's second part. With regard to the fields specified by the article, he noted that this enumeration was not exhaustive and that, in fact, article 7 employed the term "particularly", thereby demonstrating the illustrative character of these fields. UNESCO, for its part, felt that research in general, and particularly social science research, devoted to racism, to discrimination and to racial prejudice was a natural addition to the fields specified by article 7. In that connexion he reviewed for the Committee a variety of relevant UNESCO activities.

48. With regard to the broad promotion of human rights, the representative of UNESCO stated that the development of the teaching of human rights could constitute an excellent means of implementing article 7. He analysed a number of UNESCO activities in human rights teaching, e.g., the preparation of instructional material, teacher training, the teaching of human rights in the framework of disciplines other than the law, from that point of view. He added that, in conjunction with resolution 3 (XXXIII) of the Commission on Human Rights, endorsed by the Economic and Social Council at its sixty-second session, UNESCO was organizing an international conference on the teaching of human rights, largely at the university level. The conference would take place in September 1978, in Vienna. He expressed the hope that the Committee's active participation would accord the teaching of the principles of equality and non-discrimination - particularly those on which the Convention was based - their indispensable place in the work of the conference.

49. The representative of UNESCO shared the opinion expressed by several members of the Committee that the study of non-adversary methods for resolving racial conflicts, such as mediation and conciliation, was implicit in article 7. In that respect, he noted that UNESCO intrinsically treated human rights issues in conjunction with the issues of peace and therefore was particularly eager to identify methods which might avert the possibility of human rights questions becoming sources of international conflict.

50. He also drew the attention of the Committee to UNESCO's preparation of a Declaration on Race and Race Prejudice which aimed at illuminating the biological, sociological, cultural, economic and political aspects of the race question as well as the juridical, thereby going well beyond the legal effects of condemning racism and racial discrimination. The Declaration would therefore constitute an extension and a deepening of the Convention. Because of its multidisciplinary approach, the Declaration might also become a useful element in the Committee's interpretation of the Convention and a synthetic document for the implementation of article 7.

51. After commenting on several aspects of the document UNESCO was submitting to the Committee in response to the note verbale of 16 May 1977 from the Chairman of the Committee, 8/ he thanked the Committee for its decision to devote part of its next session to the proposals and suggestions contained in that document, which were directed towards strengthening the role of education and information in the struggle against racism and race prejudice.

52. The Chairman expressed the Committee's special interest in the conference on the teaching of human rights and in the UNESCO Declaration on Race and Racial Prejudices, to which the representative of UNESCO alluded.

53. Further consideration of the item was deferred until the seventeenth session. At that session, the UNESCO document mentioned in paragraph 13 above, would be available in the working languages of the Committee. Mr. Nabavi's proposal, that the text of the statement made before the Committee by the representative of UNESCO be circulated to the members together with the UNESCO document, was approved by the Committee, as was also Mr. Bahnev's proposal that a paper on the implementation of article 7 of the Convention - which was being prepared at the request of the Secretary-General by Mr. Sayegh in a personal capacity - be made available to the Committee at its seventeenth session.

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8/ See chap. IV, paras. 325-326.

## CHAPTER IV

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

#### A. Receipt of reports 9/

##### Reports received by the Committee

54. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its sixteenth session (19 August 1977), a total of 276 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 90 initial reports, 81 second periodic reports, 65 third periodic reports and 40 fourth periodic reports. By the end of the sixteenth session, a total of 245 of those reports had been received by the Committee as follows: 85 initial reports, 70 second periodic reports, 58 third periodic reports and 32 fourth periodic reports. In addition 53 supplementary reports containing additional information were received from the States parties, submitted either at the initiative of the States parties concerned or at the request of the Committee made upon its examination of their respective periodic reports.

55. During the year under review (that is, between the end of the fourteenth session and the closing date of the sixteenth session), 28 reports were received consisting of six initial reports, two second periodic reports, nine third periodic reports, seven fourth periodic reports and four supplementary reports, two of which were submitted at the request of the Committee and two others at the initiative of the States parties concerned.

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

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9/ 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, may be found in annex III to this report.

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
Australia	Initial reports	30 October 1976	4 November 1976	-
Bahamas		5 August 1976	17 May 1977	2
Belgium		6 September 1976	24 June 1977	1
Italy		4 February 1977	29 March 1977	-
United Arab Emirates		21 July 1975	29 October 1976	3
Upper Volta		18 August 1975	10 November 1976	2
Algeria	Second periodic reports	15 March 1975	13 September 1976	4
Jordan		30 June 1977	24 March 1977	-
Algeria	Third periodic reports	15 March 1977	18 February 1977	-
Austria		8 June 1977	28 July 1977	-
Cuba		16 March 1977	27 June 1977	-
Denmark		8 January 1977	8 March 1977	-
Morocco		17 January 1976	9 December 1976	2
Nepal		1 March 1976	6 July 1977	3
Netherlands		9 January 1977	3 March 1977	-
Peru		30 October 1976	23 June 1977	1
Sweden		5 January 1977	30 December 1976	-
Czechoslovakia		Fourth periodic reports	5 January 1976	24 September 1976
Egypt	5 January 1976		2 March 1977	2
India	5 January 1976		18 July 1977	3
Iraq	15 February 1977		11 July 1977	1
Nigeria	5 January 1976		14 October 1976	2
Panama	5 January 1976		10 August 1976	1
				24 September 1976
United Kingdom		5 April 1976	3 November 1976 22 March 1977	1
Chile	Supplementary reports		3 February 1977	-
Norway			9 November 1976	-
Malta			9 March 1977	-
Venezuela			30 March 1977	-

57. As the information contained in table 1 shows, only two 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 18 months. In the case of 10 of the reports received during the year, one to four reminders had been sent to the State party concerned before the report was submitted.

Reports not yet received by the Committee

58. By the end of the sixteenth session of the Committee, 35 reports due before that date had not yet been received: 5 initial reports, 11 second periodic reports, 7 third periodic reports, 8 fourth periodic reports and 4 supplementary reports. Table 2 below provides the relevant information on these reports.

Table 2

Reports which were due before the closing date of the sixteenth 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 sixteenth session
Togo	Initial	1 October 1973	7
	Second	1 October 1975	3
Lao People's Democratic Republic	Initial	24 March 1975	5
	Second	24 March 1977	1
Zambia	Second	5 March 1975	5
	Third	5 March 1977	1
Costa Rica	Fourth	5 January 1976	3
Fiji	Second	11 January 1976	3
Ghana	Fourth	5 January 1976	3
Ivory Coast	Second	4 February 1976	3
Lebanon	Second	12 December 1974	3
	Third	12 December 1976	1
	Supplementary	29 March 1976	-
Sierra Leone	Fourth	5 January 1976	3
	Supplementary	31 March 1975	-
Jamaica	Third	5 July 1976	2
	Supplementary	2 August 1976	-
Swaziland	Fourth	6 May 1976	2
Botswana	Second	22 March 1977	1
Brazil	Fourth	5 January 1976	1
Lesotho	Third	4 December 1976	1
Mongolia	Fourth	4 September 1976	1
Somalia *	Initial	27 September 1976	1
Tonga	Third	17 March 1977	1

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent before the sixteenth session
Trinidad and Tobago	Second	4 November 1976	1
Ethiopia	Initial	25 July 1977	-
Finland	Fourth	16 August 1977	-
Greece	Fourth	19 July 1977	-
Mali	Second	15 August 1977	-
Mauritius	Third	29 June 1977	-
Senegal	Third	18 May 1977	-
United Arab Emirates	Second	21 July 1977	-
Upper Volta	Second	18 August 1977	-
Zaire	Initial	21 May 1977	-
Bolivia	Supplementary	2 August 1976	-

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

59. In accordance with rule 66, paragraph 1, of its provisional rules of procedure, the Committee at its fifteenth session (March/April 1977) 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 seventh reminder to the Government of Togo, fifth reminders to the Governments of the Lao People's Democratic Republic and Zambia, third reminders to the Governments of Costa Rica, Fiji, Ghana, India, Ivory Coast, Lebanon, Nepal and Sierra Leone, second reminders to the Governments of Jamaica and Swaziland, and first reminders to the Governments of Belgium, Botswana, Brazil, Iraq, Lesotho, Mongolia, Peru, Somalia, Tonga, and Trinidad and Tobago, requesting them to submit their respective reports by 30 June 1977 for consideration by the Committee at its sixteenth session.

60. At its 352nd meeting (sixteenth session), held on 9 August 1977, 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 periodic reports should be submitted - decided that reminders should be sent by the Secretary-General to the 26 States parties concerned, in accordance with rule 66, paragraph 1, of the provisional rules of procedure, as follows:

(a) An eighth reminder to the Government of Togo, requesting it to submit its initial and second periodic reports, together with its third periodic report which is due on 1 October 1977, in one consolidated document by 1 January 1978;

- (b) A sixth 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 1 January 1978;
- (c) A sixth reminder to the Government of Zambia, requesting it to submit its second and third periodic reports, in one document, by 1 January 1978;
- (d) A fourth reminder to the Government of Lebanon, requesting it to submit its second and third periodic reports, together with additional information previously requested by the Committee, in one document, by 1 January 1978;
- (e) A fourth reminder to the Government of Fiji, requesting it to submit its second and third periodic reports, in one document, by 11 January 1978, the date on which its third periodic report will be due;
- (f) A fourth reminder to the Government of the Ivory Coast, requesting it to submit its second and third periodic reports, in one document, by 4 February 1978, the date on which its third periodic report will be due;
- (g) Fourth reminders to the Governments of Costa Rica and Ghana requesting them to submit their fourth and fifth periodic reports, in one document, by 5 January 1978, the date on which their fifth periodic reports will be due;
- (h) A fourth reminder to the Government of Sierra Leone, requesting it to submit its fourth and fifth periodic reports, together with additional information previously requested by the Committee, in one document, by 5 January 1978, the date on which its fifth periodic report will be due;
- (i) A third reminder to the Government of Jamaica, requesting it to submit its third periodic report and the additional information previously requested by the Committee, in one document, by 1 January 1978;
- (j) A third reminder to the Government of Swaziland, requesting it to submit its fourth periodic report by 1 January 1978;
- (k) A second reminder to the Government of Somalia, requesting it to submit its initial report by 1 January 1978;
- (l) Second reminders to the Governments of Botswana and Trinidad and Tobago, requesting them to submit their second periodic reports by 1 January 1978;
- (m) Second reminders to the Governments of Lesotho and Tonga requesting them to submit their third periodic reports by 1 January 1978;
- (n) A second reminder to the Government of Brazil, requesting it to submit its fourth and fifth periodic reports, in one document, by 5 January 1978, the date on which its fifth periodic report will be due;
- (o) A second reminder to the Government of Mongolia, requesting it to submit its fourth periodic report by 1 January 1978;



(p) First reminders to the Governments of Ethiopia and Zaire, requesting them to submit their initial reports by 1 January 1978;

(q) First reminders to the Governments of Mali, the United Arab Emirates and Upper Volta, requesting them to submit their second periodic reports by 1 January 1978;

(r) First reminders to the Governments of Mauritius and Senegal, requesting them to submit their third periodic reports by 1 January 1978; and

(s) First reminder to the Government of Finland requesting it to submit its fourth periodic report by 1 January 1978.

The Committee also decided that no reminder should be sent to the Government of Greece, which informed the Committee, through the Secretary-General, that its fourth periodic report was under preparation and would be submitted shortly.

61. 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." 10/

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. 5).

62. In this connexion, the Committee wishes to repeat 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 to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention." 11/

The Committee still holds that view.

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

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

## B. Consideration of reports

63. At its fifteenth and sixteenth sessions, the Committee completed its consideration of all the reports and additional information submitted to it before the opening date of its sixteenth session by States parties in accordance with article 9, paragraph 1, of the Convention - except for the initial report of Belgium, the third periodic reports of Austria, Nepal and Peru, and the fourth periodic reports of India and Iraq, which had been received by the Secretary-General shortly before the opening date of the sixteenth session and had not yet been made available to the Committee in all its working languages. In addition, the Committee at its sixteenth session heard a statement by the representative of Cyprus.

64. At the fifteenth and sixteenth sessions, reports submitted by 30 States parties were considered by the Committee (see annex IV below).

65. The Committee devoted 32 of the 47 meetings it held in 1977 to the discharge of its obligations under article 9 of the Convention.

66. In accordance with rule 64-A of its provisional rules of procedure, the Committee followed the practice, inaugurated at its sixth session, 12/ of requesting the Secretary-General to notify the States parties concerned of the dates on which their respective reports would be considered by the Committee. At the fifteenth and sixteenth sessions, all of the 30 States parties whose reports were considered by the Committee sent representatives to participate in the consideration of their respective reports.

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

### Chile

68. Before embarking upon its examination of the third periodic report of Chile, the Committee considered at length a proposal to the effect that the examination of that report "should be deferred until such time as the international community could feel that the Chilean Government was supporting its efforts to ensure the protection of human rights and the elimination of racial discrimination".

69. Supporters of the proposal expressed doubts as to the legality of the Chilean Junta's participation in international treaties in the sphere of human rights and freedoms. They referred inter alia to the discussions and resolutions of the latest sessions of the General Assembly and the Commission on Human Rights and to the refusal of the Government of Chile to co-operate with the United Nations on questions of human rights. They argued that there was a link between systematic violations of human rights in general and racial discrimination in particular and that racial discrimination could be eliminated only when there was respect for human rights in general. And they questioned the credibility of certain statements in the report, relating to the situation of human rights in Chile, arguing that

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12/ Ibid., Twenty-seventh Session, Supplement No. 18 (A/8718), para. 55.

such statements were not in accord with the known facts about the actual situation prevailing in Chile.

70. Opponents of the proposal before the Committee, however - while also expressing their profound concern about the situation of human rights in Chile - agreed that every State party to the Convention had a right as well as an obligation to submit the reports provided for in article 9, paragraph 1, of the Convention, and that the Committee also was duty-bound to consider those reports, in accordance with paragraph 2 of that article. Accordingly, there must be some substantial reason for any decision to defer consideration of a particular report, if the Committee were not to be open to a charge of discrimination against the reporting State concerned. None of the arguments advanced by the advocates of deferment provided sufficient reason for the proposed action. Non-co-operation with United Nations bodies was no reason for the Committee to refuse to consider, or to defer its consideration of, a report submitted by the Government concerned. Nor did violations of human rights, even when they were persistent and systematic, fall within the purview of the Committee unless they constituted racial discrimination as defined in the International Convention on the Elimination of All Forms of Racial Discrimination. Even if the situation in a given country did embody violations of the provisions of that Convention, however, that in itself would not justify the Committee's refusal to consider the report submitted by the Government in question; in fact, it would be a reason for the report to be considered.

71. At the 317th meeting, the Chairman concluded the procedural discussion by stating that "the majority of members appeared to be in favour of considering the report of the Government of Chile at the present session, and of taking note of the views of members who were opposed to doing so".

72. Much of the discussion that ensued revolved around the question of the actual status of the Constitution of Chile: was it still in force? Had it been abrogated? Or had it been suspended - for a specific or for an indeterminate period? There was interest also in the precise legal nature of the "Supreme Decree" mentioned in the report as well as in the effects of the Decree of 11 September 1973, proclaiming a state of emergency throughout Chile, upon the actual exercise of the rights safeguarded by the Constitution and laws of the country and listed in the report.

73. Some members observed that it was pointless to proceed with a discussion of the constitutional and legal rights mentioned in the report as long as there was uncertainty about the actual status of the instruments establishing those rights. Other members argued that the Committee could not reach meaningful conclusions about the existence or non-existence of practices of racial discrimination as long as it could not determine whether the Constitution and laws establishing certain rights and proclaiming equality in the enjoyment thereof were actually in force. It was also argued that the fact that the report cited provisions establishing certain rights but withheld the information that the instruments containing those provisions were not in force reflected adversely on the credibility of the report as a whole and rendered the Committee's examination thereof pointless.

74. Apart from these central questions, around which much of the discussion revolved, some of the specific contents of the report were discussed. It was pointed out that the list of rights said to be recognized in the legal system of Chile fell short of the list of rights contained in article 5 of the Convention.

It was emphasized that the use of the word "arbitrary", as a qualification of "discrimination", in constitutional Acts Nos. 2 and 3, was disturbing, since no form of discrimination could be justified. Some members drew attention to the fact that trade relations with South Africa were maintained. Other members pointed to the absence of information on the implementation of article 7 of the Convention. And some critical comments were made on the information provided in the report regarding some of the measures taken to ensure the development and protection of certain racial groups.

75. The following specific questions were asked: could provisions of the Convention be invoked before Chilean courts in order to obtain legal protection against racial discrimination? Had there been instances of recourse to the courts by victims of arbitrary or illegal acts or omissions depriving them of the legitimate exercise of their rights? And in what circumstances was Chilean nationality a condition of employment?

76. Some members asked that the actual texts of the provisions of laws and Constitutional Acts mentioned in the report should be supplied. Particular mention was made of Act No. 15.576 (promulgated, in a revised form, in Act No. 16.643) and Book II, Title IV, paragraph 10 of the Penal Code - which related to article 4, paragraphs (a) and (b) of the Convention.

77. The representative of Chile made a statement at the 319th meeting of the Committee, in which he dealt with the constitutional situation in his country, the present situation with regard to human rights and the specific issue of racial discrimination. He informed the Committee that four Constitutional Acts, amending the Constitution of 1925, had been promulgated in 1975 and 1976. He described the scope of Constitutional Acts Nos. 1 and 2 in general terms and analysed the provisions of Constitutional Act No. 3, which was entitled "Constitutional Rights and Duties" and which modified articles 10 to 20 of the Political Constitution of 1925. He confirmed that the state of siege, declared on 11 September 1973, was still in force, and that by virtue of that declaration certain rights (not including those in articles 6, 7, 8, 11, 15, 16 and 18 of the International Covenant on Civil and Political Rights) had been restricted. And he informed the Committee that his Government would submit shortly to the Secretary-General the texts of the Chilean Civil and Penal Codes, the Constitutional Acts to which he had referred, the Constitution of 1925 and the various decrees and acts referred to in his Government's report and in his statement.

78. At its 320th meeting, the Committee decided by consensus to "suspend its consideration of the report of Chile until the legal documents promised by the representative of Chile are made available to the Committee in order to enable the Committee to conclude its consideration of the report at its present session". A working group was set up to examine the additional information to be received from the representative of Chile.

79. When the Committee resumed its consideration of the report of Chile at its 336th meeting, it considered the proposals made by the working group. At its 338th meeting, the Chairman read out a statement which represented the conclusions he drew from the Committee's debate on the report. It read:

"1. It appeared from the discussions that the Committee regretted that the third periodic report of Chile as submitted on 3 February 1977 did not contain sufficient information to enable the Committee to ascertain the extent to which the constitutional situation prevailing in Chile might affect the

implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

"2. The Committee had noted that the additional documentation, consisting of constitutional and other legislative material, submitted during the session by the representative of Chile could not, because of its form and volume, be made available to the Committee in the working languages.

"3. The Committee wished to indicate that, if the Government of Chile so wished, it could present to the Committee the information mentioned in the preceding paragraph in a form and volume that could be made available to the Committee."

The Chairman also stated that, "in drawing that conclusion, he was aware that the majority of members of the Committee, when considering the information presented to it by the Government of Chile, had expressed their deep concern with regard to the systematic violations of human rights and fundamental freedoms in that country and their fear that that situation presented a serious obstacle to the fulfilment of the obligations of Chile under the International Convention on the Elimination of All Forms of Racial Discrimination".

#### Federal Republic of Germany

80. The fourth periodic report of the Federal Republic of Germany was found by the Committee to contain useful information; satisfaction was expressed that the report supplemented and brought up to date the information contained in earlier reports and responded to some of the inquiries and observations made by members of the Committee at previous sessions.

81. Much of the discussion revolved around the situation of the Danish ethnic minority and the Gypsies in the reporting State. Some members thought that the criteria for the definition of a national minority were not sufficiently precise, and that the information regarding the representation of the Danish minority in the legislative bodies was not very clear. Several members inquired about the difference in the official attitudes towards the two minorities. It was asked whether the Gypsies enjoyed political rights. It was observed that the Gypsies - because of their traditions and mode of life - needed greater understanding and more assistance than other minorities. It was asked whether the recommendation of the Council of Europe for a propaganda campaign to influence public opinion in favour of the Gypsies had been acted upon by the Government of the reporting State; what the views of the reporting State were regarding a draft agreement, under preparation by the Council of Europe, intended to prevent stateless Gypsies from being deported from one State to another; and what treatment was given to Gypsies who were not citizens of the Federal Republic of Germany. It was observed that the report made no reference to a "Jewish minority" or to the situation of Africans residing in the reporting State.

82. While welcoming the information on the situation of foreign workers, some members sought additional information on specific issues: what social security measures had been adopted for foreign workers who were not covered by the legal provisions of the European Economic Community system or of bilateral agreements between the reporting State and other European and non-European States? Had any efforts been made to teach the children of those workers their mother tongue? Were

there any legal provisions prohibiting or authorizing the settlement of foreign workers in certain areas of the Federal Republic of Germany? Were foreign workers permitted to join trade unions, to hold official posts in unions, and to act as trade union representatives or shop stewards; and could they elect representatives to the labour tribunals and be elected to them? Some members observed that the information contained in annex 4 of the report, on the countries of origin of foreign workers in the reporting State, was not as precise with regard to certain Asian and African countries as it was with respect to European or American countries. 13/

83. Some members thought that the information on the judicial measures taken to give effect to the provisions of the Convention was cursory: the report referred to sentences passed by the courts, specifying the courts and the dates on which sentences had been pronounced and describing the charges but not the nature of the sentences. The statement, that "the European Commission on Human Rights had not found in any case to date that the Federal Republic of Germany has violated the ban on racial discrimination set forth in Article 14 of the Convention on Human Rights", did not explain whether that was because no complaints had been lodged, because complaints had been lodged but had not yet been disposed of, or for other reasons.

84. Some members repeated views expressed at earlier sessions of the Committee, to the effect that the implementation of the provisions of article 4, paragraphs (a) and (b), of the Convention fell short of the undertakings contained in that article. Whereas paragraph (a) of that article provided that the dissemination of ideas based on racial superiority was an offence punishable by law, irrespective of its aim, it was forbidden in the Federal Republic of Germany only if its purpose was to foster racial hatred. Moreover, in accordance with a ruling by the Hanseatic High Regional Court of Hamburg on 18 February 1975, insulting or maliciously ridiculing persons belonging to certain groups was punishable only under certain conditions, whereas article 4, paragraph (a), of the Convention did not set any conditions for such incitement to be punishable. Doubts were expressed also about the implementation by the reporting State of article 4, paragraph (b), of the Convention. With particular reference to the National Democratic Party, it was recalled that, at its tenth session, the Committee had decided "to request the Government of the Federal Republic of Germany to take note of the comments made and the concern expressed during the discussion and to provide, in its next report, information about the programmes and activities of the National Democratic Party" (A/9618, para. 23); and it was observed with regret that the report under consideration did not contain the requested information in the expected detail or specificity. Some members expressed their disappointment that that Party had not been declared illegal.

85. The absence of information on the relations of the reporting State with the racist régimes in southern Africa, as envisaged in the Committee's general recommendation III and decision 2 (XI), was regretted by several members of the Committee.

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13/ At the 360th meeting of the Committee, held on 18 August 1977, a member of the Committee stated that information on some of the questions mentioned in the present paragraph had already been given in earlier reports of the Federal Republic of Germany.

86. Noting that the report under consideration referred, in its text as well as in its annexes, to West Berlin, some members of the Committee recalled that West Berlin was not part of the Federal Republic of Germany, and it was therefore not justified to refer to Land Berlin in the annex to the report. It was stated that, accordingly, "the approach revealed in the report was not based on international law and constituted a violation of it". A member of the Committee inquired whether the Federal Republic of Germany had extended the application of the Convention to West Berlin.

87. The representative of the Government of the Federal Republic of Germany commented on some of the observations and inquiries summarized in the preceding paragraphs. In reply to the questions about the difference between the treatment of the Danish minority and the treatment of the Gypsies, he stated that the situations of the two groups were entirely different and that therefore each group required different positive treatment by the Government. He stated that only the Danish minority sought special political status. He stated also that no one was required to make a declaration regarding his membership of a minority group. Gypsies who were citizens of the reporting State enjoyed the same rights as other citizens, whereas foreign Gypsies were treated according to their nationality; differences of treatment existed primarily in the field of political rights. His Government had recently ratified the Convention relating to the Status of Stateless Persons, which provided for special measures for the protection of such persons in the light of their particular situation. Annex 4 contained a reference to "Israeli nationals" but there were no statistics as to "Germans of Jewish origin" since "no one was required to indicate his race". The initial report of his Government had contained relevant statistics on Africans in his country. Foreign workers having a work permit issued by the competent authority could circulate freely throughout the country; however, a work permit was limited to a specific area to ensure that all necessary facilities to which the workers were entitled could be provided to them. Foreign workers could join trade unions, participate in trade union elections and become trade union officials. Concerning certain categories of foreign nationals, about which the report under consideration was not sufficiently specific, his Government would be more specific in its next report. Information on the sentences passed by the courts for certain acts of racial discrimination had not been provided because "it had been thought that it might take too long to give every detail regarding those cases". As for the implementation of the provisions of article 4, paragraph (a), of the Convention, his Government had, after careful consideration, reached the conclusion that dissemination of opinions of racial superiority should be punishable if it was intended to create racial discrimination or hatred. That interpretation was in line with the article in question, which allowed for "due regard to the principles embodied in the Universal Declaration of Human Rights", which "called for freedom of opinion and association". Regarding the National Democratic Party, "he could only repeat that the NPD programme of 1973, while stressing national ideas and the importance of characteristics of men and peoples according to their history and traditions, did not refer to racial differences and that NPD officials did not make statements advocating racial discrimination". Accordingly, there was no basis for a ban on the Party by the Federal Constitutional Court. As for the absence of information concerning his country's relations with southern Africa, the representative of the Government of the Federal Republic of Germany told the Committee that his Government "had, in fact, once again carefully considered whether to include such information in its reports" but that, "as neither general

recommendation III nor decision 2 (XI) entailed an obligation to include in reports submitted pursuant to article 9, paragraph 1, of the Convention any information on relations with the minority régimes in southern Africa or, in general, on relations with third parties, it had decided, on legal grounds, not to expound its attitude towards southern Africa in its fourth periodic report". Recalling that, in the Fourth Committee of the General Assembly, his Government "had given a detailed account of all aspects of those problems in order to make its attitude known" and that "those statements were generally accessible in the relevant documents", he added: "Nevertheless, without recognizing any obligation to report on that subject, his Government, in order that the Committee might have as much information as possible, was willing to explain its attitude towards southern Africa"; and he proceeded to do so. With reference to the observations made regarding information on West Berlin, he stated that, "in agreement with the three Powers, the Federal Republic of Germany had extended the scope of the Convention to cover West Berlin"; he added, however, that "a discussion of the status of Berlin would be inappropriate in the Committee on the Elimination of Racial Discrimination".

### Philippines

88. The fourth periodic report of the Philippines was found to contain useful information, supplementing the information supplied in earlier reports.

89. Recalling that, at its ninth session, while considering the third periodic report of the Philippines, the Committee had been informed by the representative of the Government of the Philippines that his Government had not found it necessary to adopt special legislation to give effect to the provisions of article 4 of the Convention /A/9618, para. 155/, members of the Committee welcomed the information in the report under consideration that a draft decree to implement article 4 of the Convention had been submitted to the President of the Philippines for approval on 23 May 1976. They expressed the hope that the full text of the proposed new legislation would be made available to the Committee after it was enacted.

90. Inquiries were made about the implementation of article 5 of the Convention. Although an earlier report from the Government of the Philippines had supplied information on that question, it was recalled that, since then, a new Constitution had been promulgated in 1973 and therefore a new situation had been created. It was observed that, although article II, section 9, of the Constitution of 1973 contained a clause prohibiting discrimination on the grounds of sex, race or creed, that provision related only to labour relations; in order to comply with article 5 of the Convention, a general guarantee affirming the rights of everyone to equality before the law and a special clause prohibiting discrimination on the ground of race, colour, descent or national or ethnic origin would have to be inserted in the Constitution.

91. Concerning the implementation of article 6 of the Convention, it was asked whether the right of effective recourse to the courts by persons who had been subjected to racial discrimination was based on any legal texts, whether specific cases of that kind had been heard by the courts and, if so, what the verdicts had been.

92. Several members recalled the importance and the mandatory character of the provisions of article 7 of the Convention, and inquired about the implementation of those provisions by the reporting State. It was observed that the large number of



ethnic groups in the Philippines emphasized the importance of the implementation of that article, and that the State control of education which prevailed in the country should be a means of facilitating that implementation.

93. Some members asked whether the Constitution of 1973 was still in full effect or whether any of its provisions had been suspended. They also wished to know whether the régime of martial law in the Philippines still prevailed and what effect it had had upon the enjoyment of human rights in the country, and particularly on the prevention of racial discrimination.

94. Much of the information contained in the report was in response to the Committee's general recommendation III and decision 2 (XI). Members of the Committee noted the multifaceted struggle of the reporting State against racism in southern Africa. They took note of its contributions to relevant United Nations funds. Noting that the International Softball Association had censured and suspended the Softball Association of the Philippines as a consequence of its refusal to participate in the world softball championship held in New Zealand in January 1976 because of the participation of South Africa, it was observed that it was the International Softball Association that deserved censure. Members took note also of the information that the competent authorities in the reporting State had cancelled the importation of 150,000 cases of sardines marked as if they had come from a third country, because they were found to be South African sardines; they saw this as a manifestation of the vigilance of the Government of the Philippines in its application of its principled policy towards South Africa, and suggested that it would be useful for the Committee to know the name of the third country involved.

95. The detailed annex to the report, providing a breakdown of the population of the Philippines on the basis of the 1970 census, as envisaged in general recommendation IV of the Committee, was welcomed. Several members noted, however, that the population groups were identified by mother tongue and not on the basis of ethnic or racial considerations. Some members wondered to what extent the breakdown of the population by mother tongue was in fact a breakdown by ethnic origin, and how much importance was attached to linguistic differences in efforts to prevent racial discrimination. They inquired whether any special measures had been taken to assist minorities in integrating into Philippine society in accordance with article 1, paragraph 4, and article 2, paragraph 2, of the Convention.

96. The representative of the Government of the Philippines assured the Committee that the text of the draft decree to implement article 4 of the Convention would be made available to the Committee once it had become law. Concerning article 5 of the Convention, he stated that, in addition to the anti-discrimination provision of article II, section 9, of the Philippine Constitution, which related only to labour relations, there were relevant provisions in the Bill of Rights. His Government would submit further information concerning measures taken to comply with article 7 of the Convention, but he could already cite one example: the educational curriculum in the Philippines required a study of the United Nations Charter in secondary schools. The Constitution of 1973 remained in force, except for some amendments which had been approved by referendum in 1975; martial law was still in force. He would convey to his Government the comments and questions of members of the Committee so that they could be taken into account in the next report.

## Pakistan

97. The fourth periodic report of Pakistan was considered by the Committee together with the supplementary information supplied by the representative of the Government of the reporting State in his introductory statement. Members of the Committee considered the new information bearing in mind that, at its ninth session, the Committee had found that the Constitution of 1973 and Act VI of the same year, amending the Penal Code, fulfilled the requirements of article 4 of the Convention and recognized the rights enumerated in articles 5 and 6. The discussion at the fifteenth session therefore dealt mainly with two subjects: the implementation of article 7 of the Convention and the demographic composition of Pakistan.

98. Some members of the Committee noted the measures taken to keep public opinion informed about the struggle against racism, observing that that evil could most effectively be eliminated by education and information. They took note also of the teaching of the principles of Islam, which condemned all discrimination, and of the observance of the International Day for the Elimination of Racial Discrimination in Pakistan. However, it was observed that religious teaching was not enough to draw attention to the dangers of racial discrimination. The wide scope of the measures envisaged in article 7 of the Convention was emphasized; and it was thought that additional efforts should be made to carry out Pakistan's full obligations under that article.

99. The statement that Pakistan did not have any ethnic minorities but only religious minorities was questioned by several members of the Committee: some doubted that the entire population of Pakistan was ethnically and racially homogeneous; others wondered whether differences, which may have been in their origin purely religious, had not given rise over the centuries to ethnic diversity as well.

100. Some members drew attention to the obligations arising under article 5 of the Convention. They took note of the celebration in Pakistan of Minorities Week, which in their view helped to improve the position of the non-Muslim minorities. That measure followed on those mentioned in the second periodic report of Pakistan and provided an indispensable foundation for a reduction in the inequalities between the various population groups; and that was viewed as an important aspect of the application of article 5 of the Convention.

101. Recalling the information previously received by the Committee regarding the attitude of the reporting State towards the racist régimes in southern Africa, some members wanted to know what attitude Pakistan had adopted towards the International Convention on the Suppression and Punishment of the Crime of Apartheid.

102. The representative of the Government of Pakistan assured the Committee that he would inform his Government of the importance attached by the Committee to the implementation of the provisions of article 7 of the Convention. He said that religious differences in Pakistan had not led to ethnic distinctions, and it was difficult to identify religious groups on a racial basis. He was certain that the matters which aroused the Committee's concern would be taken into account by his Government when the next periodic report was prepared.

Syrian Arab Republic

103. The fourth periodic report of the Syrian Arab Republic was considered by the Committee together with the supplementary information provided by the representative of the Government of the reporting State in her introductory statement.

104. Several members recalled that, at its tenth session, the Committee had found that articles 307 and 308 of the Penal Code satisfied most of the requirements of article 4 of the Convention, but that some requirements (in particular, the obligation to declare illegal and prohibit the organizations described in para. (b) of that article) were not fulfilled by the existing legislation (A/9618, para. 204).

105. Some members recalled also that the Committee had found that the Constitution of 1973 covered nearly all the rights listed in article 5 of the Convention; and it was noted that the report under consideration stated that the "fundamental principles" of the Constitution applied to "all citizens" without any distinction or exclusion on any grounds. Some members wished to know what legislative provisions governed the situation of foreigners in the Syrian Arab Republic; however, other members drew attention to the provisions of article 1, paragraph 2, of the Convention in that regard. A desire to receive further information on the specific measures adopted in implementation of article 5 of the Convention was voiced; and, in that connexion, it was observed that, at its tenth session, the Committee had been informed that other legislative and administrative measures had been adopted or were being taken to give effect to the provisions of the Convention but that the report currently under consideration provided no additional information on such measures.

106. Further information on the implementation of article 6 of the Convention was also requested.

107. The Committee took note of the information supplied by the representative of the Government of the reporting State in her introductory statement regarding the implementation of article 7 of the Convention; some members expressed the hope that future reports would include further information on that subject.

108. The representative of the Government of the Syrian Arab Republic informed the Committee that recent amendments to the Penal Code referred to any organization which practised racial discrimination, thus bringing Syrian legislation into conformity with the requirements of article 4, paragraph (b), of the Convention. She would inform her Government of the questions raised in that connexion, so that it could furnish details of the relevant provisions. With regard to article 7 of the Convention, she said that measures in application of that article had been taken in her country. She regretted that no mention had been made of them in the fourth periodic report of her Government, but the omission would be remedied in its next report. A copy of the full text of the Constitution of 1973 had been transmitted to the Secretariat of the United Nations.

109. The report under consideration as well as the introductory statement of the representative of the reporting State drew attention to the situation prevailing in those parts of Syrian national territory which were under Israeli occupation. The Committee was informed that that situation had deteriorated, largely as a result of the stepped-up programme of establishment of Israeli settlements on Syrian soil; "the racist practices of Zionism were thus radically changing the

demographic structure of the Golan Heights", stated the representative of the Government of the reporting State.

110. It will be recalled that questions relating to the submission of information by the Syrian Arab Republic, in accordance with article 9, paragraph 1, of the Convention, about the situation in occupied Syrian territories had been discussed by the Committee at its third, fourth, seventh and tenth sessions (A/8418, paras. 37-45, 78-83 and 89-96; A/9018, paras. 110-120; and A/9618, paras. 205-207); that the Committee had adopted decisions on the subject at each of those sessions: decision 1 (III) of 23 April 1971, addressed to the Syrian Arab Republic, and decisions 4 (IV) of 30 August 1971, 4 (VII) of 25 April 1973 and 1 (X) of 22 August 1974, addressed to the General Assembly; that the General Assembly, in section III, paragraph 2, of its resolution 2784 (XXVI) of 6 December 1971, had endorsed the opinions and recommendations contained in decision 4 (IV); that, in paragraph 4 of resolution 3134 (XXVIII), of 14 December 1973, the General Assembly had taken note of decision 4 (VII) and recalled its endorsement of decision 4 (IV) of the Committee; and that, in paragraph 8 of resolution 3266 (XXIX) of 10 December 1974, the General Assembly had shared the Committee's concern voiced in its decision 1 (X) and recalled its endorsement of the Committee's decision 4 (IV).

111. At its fifteenth session of the Committee, all members who participated in the consideration of the fourth periodic report of the Syrian Arab Republic expressed concern at the situation. At the 323rd meeting of the Committee, a drafting group of five members was set up to prepare a text for adoption by the Committee. The proposed text was presented to the Committee at its 324th meeting, and was adopted by consensus. The text of the decision of the Committee appears in chapter VIII, section A, decision 1 (XV).

#### Czechoslovakia

112. The fourth periodic report of Czechoslovakia was considered by the Committee together with additional information contained in the introductory statement made by the representative of the reporting State and supplementary information circulated to the Committee during the session. In considering that report and the new information before them, members of the Committee bore in mind that, at its eleventh session, the Committee had expressed the desire that future reports from Czechoslovakia would supply information on the implementation of article 6 of the Convention, on the status of foreign workers in the country, on the status of the Gypsies and on the demographic composition of Czechoslovakia (A/10018, paras. 121 and 122).

113. Regarding the application of article 6 of the Convention, members of the Committee asked whether an individual could enter a complaint in regard to violations such as those covered by articles 196, 198 and 221 of the Penal Code or whether that was undertaken by the State on his behalf, and also whether reparation could be sought if the injury had been committed by a government official.

114. Members of the Committee welcomed the detailed information on the application of article 7 of the Convention, supplementing the information contained in earlier reports. It was asked, however, whether the lessons on colonialism and racism incorporated into the teaching of geography, history and other subjects related only to Africa, as the report indicated, or to Asia as well. It was observed in that connexion that it was not enough simply to draw attention to instances of

injustice, which might inspire feelings of pity in the pupils; it was also necessary that teaching should take a positive line and provide information about the history, art and cultures of Africa and Asia.

115. It was noted that the report stated that "the legal, labour and social status of foreign workers in the Czechoslovak Socialist Republic are regulated bilaterally by treaties that guarantee these persons an equal position with that of home workers, both as concerns working conditions and social protection". It was asked, in that connexion, whether in addition to such bilateral treaties there was also a general legal régime providing that foreign workers were entitled to the same working conditions and social security and retirement rights as Czechoslovak nationals, and also whether foreign workers had the right to join trade unions and to take part in at least the social activities of enterprises. Several members asked for information on the number of foreign workers in Czechoslovakia and for a breakdown of that number on the basis of countries of origin.

116. Members of the Committee welcomed the information given by the representative of the Government of Czechoslovakia, in her introductory statement, on the subject of Gypsies. Some members expressed the hope that that information would be incorporated in the Government's fifth periodic report.

117. Some members inquired about the criteria used in classifying the population of Czechoslovakia into different ethnic groups.

118. Some members requested that the texts of Ordinance No. 18/1970 and Constitutional Act No. 144/1968 be made available to the Committee.

119. The representative of the Government of Czechoslovakia commented on the observations and questions summarized in the preceding paragraphs. Regarding the application of article 6 of the Convention, she stated that the question of reparation was regulated by the provisions of the Civil and Penal Codes; that proceedings had to be initiated by the State authorities; that if the person committing the wrongful act had been in an official position, he would be prosecuted under section 158 of the 1973 Penal Code, which dealt with abuses of power; and that the provisions relating to genocide and other acts of a similar nature were regarded as extremely important and relevant. Regarding the application of article 7 of the Convention, she said that special attention to the cultural history of other countries was given in schools, since that was regarded as the best way of promoting understanding between peoples. Referring to foreign workers she said that - with the exception of certain political rights - they enjoyed essentially the same rights as Czechoslovak nationals. Bilateral treaties with certain States simply specified certain working conditions, which were always in conformity with the principle that foreign workers enjoyed the same rights as Czechoslovak citizens. She informed the Committee that the classification of citizens into different nationalities was based on individual declarations by each person. And, finally, she assured the Committee that the remaining requests - for statistical information on foreign workers and for the texts of certain laws - would be conveyed to her Government.

#### Uruguay

120. The fourth periodic report of Uruguay was considered together with the

information contained in the introductory statement made by the representative of the Government of the reporting State before the Committee.

121. The Committee welcomed the following statement in the report under consideration: "In view of the comments made by members of the Committee during the consideration of the third report submitted by Uruguay - comments in which reference was made to the absence in our legal system of any specific provision to give effect to article 4 of the Convention - we wish to inform the Committee that the Government of Uruguay is intending to incorporate the relevant legal rules in its positive law, and that a reform of the Penal Code with this in view is now in an advanced stage. Also, as we have already stated, this aspect is being studied in the amended version of the Constitution which is being prepared by the Council of State." Members of the Committee expressed the hope that the relevant texts would be provided to the Committee when they were adopted.

122. With regard to the principle of equality before the law, provided for in article 5 of the Convention, a question was raised regarding the import of article 8 of the Constitution of Uruguay, which reads: "All persons are equal before the law, no other differences being recognized among them than that of talent and virtue". It was observed that that provision might not necessarily exclude racial considerations, since it might be considered that one racial or ethnic group was more talented than another. An interest was expressed in receiving information on how the clause about talent and virtue was interpreted by the courts of Uruguay. Members of the Committee noted with satisfaction that, among the measures taken to guarantee equality, the Government of Uruguay had organized a competitive examination, without any requirements based on race or ethnic group, with a view to filling vacancies in the Foreign Service. It was asked, however, whether there had previously been any requirement that candidates must belong to a particular race or ethnic group; whether the competitive examination had been organized in order to comply with the provisions of the Convention; how it had been received by the population; and the recourse available to candidates who considered that they might have been excluded because of their ethnic origin. Members of the Committee asked for further details on the manner in which the various rights listed in article 5 of the Convention - which were said to be recognized and guaranteed by Uruguayan law to all persons without distinction as to race, colour, or national or ethnic origin - were affirmed in the Constitution and legislation of Uruguay.

123. The information in the report under consideration, relative to the implementation of the provisions of article 7 of the Convention, supplemented the information contained in the second and third periodic reports. Nevertheless, it remained lacking in specificity, and more detailed information was requested. It was observed, moreover, that the information on that subject supplied to the Committee was confined to measures in the field of education, and did not deal with measures taken in the other fields specified in article 7 of the Convention, particularly that of public information. It was noted that the measures described thus far did not put into effect one of the obligations imposed by article 7 of the Convention, namely, the obligation to propagate the purpose and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and other relevant instruments.

124. With respect to the declaration made by the Government of Uruguay to recognize the competence of the Committee in accordance with article 14 of the Convention,

reference was made to a statement made by the representative of the Government of Uruguay at an earlier session of the Committee, to the effect that the establishment or designation of the body mentioned in paragraph 2 of article 14 of the Convention was "optional". It was observed that, while it was true that the word "may" was used in that paragraph, it was the "establishment" or "indication" of that body that was optional, and not its existence; otherwise, the procedure prescribed in paragraphs 4 and 5 of article 14 of the Convention could not be put into operation.

125. Some members of the Committee asked for information on the relations between the reporting State and the racist régimes in southern Africa, and on Uruguay's position with regard to ratification of the International Convention on the Suppression of the Crime of Apartheid.

126. Some members asked whether any changes had been made in the Constitution of Uruguay, whether all its provisions were being implemented and, if not, whether any of the provisions not being applied were concerned with problems of racial discrimination. Questions were raised also about the existence of a state of emergency in Uruguay, and its effect on the implementation of the provisions of the Convention, particularly article 5. Reference was made to a statement by the representative of the Government of Uruguay at the twelfth session of the Committee, to the effect that some of the provisions of the Convention had been included in internal legislation; and a request was made for specific information on that subject, indicating precisely the provisions which had been included in Uruguayan legislation and those which had not.

127. Information was requested by some members of the Committee on the situation of the Indian tribes in the northern part of Uruguay; on the participation of ethnic minorities in governmental and administrative establishments, and in Parliament; on the status of foreigners in the reporting State; and on the immigration policy of the Government of Uruguay.

128. The representative of the Government of Uruguay commented on some of the observations and questions summarized in the preceding paragraphs. She said that the phrase "talent and virtue" in article 8 of the Constitution of Uruguay referred to a person's characteristics and talents, which would of course be relevant if the person were applying for a particular post. She asserted that her Government maintained no diplomatic relations with Southern Rhodesia and applied all United Nations sanctions against that country. Although, in exercise of its sovereignty, her Government maintained diplomatic relations with South Africa, "that did not imply approval of the internal measures which that country might take, or support for the racist policies which the South African Government might adopt". There was no special legislation for minority groups in Uruguay, since all persons were equal before the law. The rights of foreigners legally resident in Uruguay were guaranteed under the Constitution, and foreigners were entitled to vote after 15 years' continuous residence even if they had not taken Uruguayan nationality. Uruguay's immigration policy provided for no restrictions based on ethnic origin. If the Committee so desired, she could request her Government to provide statistical data on minority groups, including a breakdown of the Uruguayan population by ethnic origin.

#### France

129. The second and third periodic reports of France, submitted in one document,

were considered together with the information supplied by the representative of the Government of France in the introductory statement she made before the Committee.

130. Referring to the information on the implementation of article 4, paragraph (a), of the Convention, some members of the Committee expressed satisfaction at the judgements passed by the Paris Court of Appeal and Grenoble Court of Main instance, which appeared to them to give priority to the obligations under the relevant provisions of the Convention over freedoms such as the freedom of expression. It was observed by other members, however, that the attitude of France to the dissemination of racist ideas by groups was clearer than its attitude to dissemination of racist ideas by individuals. As for the situation with regard to the implementation of paragraph (b) of article 4 of the Convention, the report under consideration left some members of the Committee uncertain as to whether all the requirements of the Convention were satisfied by French legislation - for the texts of the relevant provisions of French law had not been supplied to the Committee. It was not clear, for example, whether the dissolution of racist organizations was optional or mandatory. Moreover, it appeared that the legislation provided that penalties might be imposed on persons who attempted to re-establish associations which had been dissolved, but not on persons who had previously joined those organizations. It was observed, however, that that limited application of the provisions of article 4, paragraph (b), of the Convention must be considered in the light of the declaration of interpretation made by France: in order to protect freedom of association, French law made no provision for punishing a person belonging to an association pursuing illegal aims before the association itself was banned.

131. In the opinion of some members of the Committee, insufficient information was given in the report under consideration about the implementation of articles 5 and 7 of the Convention by the Government of France.

132. While the statistical information on the population of overseas départements was received with appreciation, some members of the Committee expressed their regret that the report under consideration contained no information about the implementation of the provisions of the Convention in those territories, although a request to that effect had been made by the Committee at a previous session (A/9618, para. 214).

133. The information on judicial measures taken to give effect to anti-racist legislation was welcomed by members of the Committee; it was observed that the accounts of specific prosecutions and of legal proceedings instituted on charges brought by individuals testified to the extent of the action taken to combat racial discrimination in France. Certain judgements passed by French courts were the subject of praise voiced by several members of the Committee. However, it was regretted that insufficient information was supplied on most of the cases cited and on the judgements passed by the courts. And it was suggested that the provisions of the Law of 1 July 1972 were perhaps not sufficiently well known; if they were, a larger number of actions might be brought by individuals under the law; at present, most proceedings were instituted on the initiative of the parquet.

134. Several members of the Committee expressed their regret that the report under consideration contained no information on the relations of the reporting State with racist régimes, as envisaged by the Committee in general recommendation III and decision 2 (XI); and critical comments were made regarding those relations.



135. Although the report contained useful information about the composition of the foreign population, it did not give any statistics of the French population based on ethnic or national origin. The Committee took note of the statement that, in the absence of statistics on the subject, it was difficult to compile demographic information and present it to the Committee. Some members inquired about the measures taken to assist certain language groups, such as German-speaking Alsatians and the Basques and the Bretons: did children in such minority groups have the right to receive an education in their own language? And, if not, were they in danger of being put at a permanent disadvantage?

136. As for the foreign population, some members praised the policy of the French authorities of offering the same education to French and foreign children and also taking special measures to enable foreign children to continue their studies in their national language. It was observed, however, that - with respect to residence permits - the status of nationals of countries of the European Economic Community differed from that of nationals of African States. Some members asked for information about the immigration policy of the reporting State and the laws and regulations which gave effect to that policy.

137. The detailed information on migrant workers contained in the report gave rise to a detailed discussion in the Committee. Some members felt that the attitude revealed in the first periodic report had obviously changed for the better: conditions were now more favourable for a fuller implementation of the provisions of the Convention. However, it was noted that nationals of countries of the European Economic Community, nationals of the African States formerly under French administration and Algerian nationals enjoyed a special status, since they were exempted from the obligation to possess a work permit; and it was not clear to some members how the Government of France could reconcile that situation with the provisions of article 1 of the Convention, which did not allow any exceptions. Some members expressed the hope that an information campaign would be launched, in order to bring about a better understanding among the French population of the problems of foreign workers.

138. A request was made by some members of the Committee for the actual text of the relevant provisions of Law No. 72-546 and the Articles of Association Act.

139. The representative of the Government of France commented on some of the observations and questions mentioned in the preceding paragraphs. She asserted that the French courts interpreted article 4, paragraph (a), of the Convention in exactly the same way for individuals as for groups and that articles 3, 7 and 8 of the Articles of Association Act of 1901 satisfied the requirements of article 4, paragraph (b), of the Convention. The French Government did not view its interpretative declaration relating to article 4 of the Convention as a reservation. The overseas départements were part of France and their inhabitants were French citizens; the provisions of the Convention were applied in the départements in the same way as in other parts of France. Information on some of the sentences handed down by French courts was given orally to the Committee. France maintained official relations with States, not with Governments; the fact that France maintained trade relations with South Africa could not be interpreted as conflicting with its position on apartheid, which it did not support; lately, France had prohibited all sales of arms to South Africa. The concept of a minority did not exist in the French Constitution; requests for information on the ethnic composition of the French population might be impossible to meet, because, ethnically, the population was very mixed; and any information which might be given could only be provided

against the background of the non-recognition in France of an ethnic minority distinct from French nationality. If certain foreign workers enjoyed what appeared to be preferential treatment, that was due to the fact that their status was regulated by reciprocal agreements with their countries of origin. A publicity campaign had been launched concerning the 1972 Act, addressed to the French people and to enterprises; the representative of France gave the Committee some information about that campaign.

### Morocco

140. The third periodic report of Morocco was considered by the Committee together with the information given by the representative of the Government of Morocco in his introductory statement. It was noted with appreciation that, for the most part, the report under consideration consisted of responses to the inquiries and comments made by members of the Committee during the consideration of the second periodic report of Morocco.

141. Much of the discussion revolved around the relationship, within the Moroccan legal system, between the provisions of international law and those of domestic law. The report under consideration affirmed: "the incorporation in Moroccan legislation of international legal provisions gives these provisions a special force, since the Moroccan Constitution implicitly recognizes the primacy of international law over domestic law". After referring to the preamble and article 31 of the Constitution, and citing the relevant provisions thereof, the report concluded that the provisions of the Convention had become an integral part of the internal public order "from which no derogation is admissible" and were therefore being "fully applied". Some members disagreed, while other members agreed, with that conclusion.

142. The issue mentioned in the preceding paragraph was directly related to the question of whether or not the implementation of article 4 of the Convention required the enactment of new legislation. It was observed that existing legislation did not by itself satisfy the requirements of article 4 of the Convention; and it was asked whether a citizen could invoke that article to complain in the courts of an act of racial discrimination against him. Some members drew attention to the introductory statement made by the representative of the Government of Morocco, informing the Committee that "the competent Moroccan authorities were at present studying the specific obligations arising from article 4 of the Convention" and assuring the Committee that "he was confident that the steps to be taken in that connexion would give full satisfaction to the Committee". Some members requested that the texts of the Dahirs of 29 June 1935 and 15 November 1958 be supplied to the Committee in order to enable it to assess the degree to which existing legislation conformed to the norms established in article 4 of the Convention.

143. Some members asked whether all the rights enumerated in article 5 of the Convention were also affirmed in Moroccan legislation. Others asked whether the clauses concerning equality before the law in the Constitution of 1972 differed from those of the previous Constitution, which had contained no specific references to distinctions, exclusions, restrictions or preferences based on race, colour, descent or national or ethnic origin. It was also asked whether the material submitted in the initial report of Morocco concerning the implementation of article 5 of the Convention should be brought up to date as a result of the

adoption of the Constitution of 1972. Some members of the Committee noted with interest the provisions of the Dahir of 12 August 1913, on the civil status of aliens, as reinforced by the provisions of article 13 of the Dahir of 27 September 1957. With particular reference to article 5, paragraph (d) (ii), of the Convention, several members of the Committee noted with satisfaction the information given in the report and elaborated upon by the representative of the Government of Morocco, concerning the decision to allow - and indeed to encourage - Moroccan Jews who had left the country to return to Morocco and to enjoy all the rights guaranteed to all citizens. In that connexion, some members referred to article 3 of the Moroccan Nationality Code of 1958, which provides that: "With the exception of Moroccans of the Jewish faith, to whom the personal status rules for Moroccan Jews shall apply, the Code of Personal Status and Succession applicable to Moroccans of the Moslem faith shall apply to all nationals".

144. With respect to article 6 of the Convention, some members of the Committee referred to articles 353 and 360 of the Code of Civil Procedure and to decisions of the Administrative Chamber of the Supreme Court quashing decisions which violated the laws and regulations in force. Some members asked whether the Supreme Court had quashed any judgements considered to be discriminatory on the ground of ethnic origin or other racial consideration. Other members asked if any measures were being applied against discrimination in the private sector.

145. Several members repeated the request, made at earlier sessions of the Committee, for detailed information on the measures taken to implement the obligations of the reporting State under article 7 of the Convention.

146. Some members of the Committee noted with satisfaction the information given by the representative of the Government of Morocco in response to general recommendation III and decision 2 (XI) of the Committee. They took note also of the fact that the Kingdom of Morocco had embarked on the procedure for accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

147. Hope was expressed that, in its next report, the Government of Morocco would provide the Committee with the demographic information envisaged in general recommendation IV; it was stressed, however, that the submission of such data should not be regarded as an end in itself but as a means to clarifying the extent to which the human rights enumerated in article 5 of the Convention were being enjoyed on a basis of equality.

148. The representative of the Government of Morocco commented on some of the observations mentioned in paragraph 2, above. Reaffirming that "international law took precedence in Moroccan legislation even over domestic law", he stated: "Treaties that might affect the provisions of the Constitution were approved in accordance with the procedure laid down for the reform of the Constitution. It followed that all the conventions to which Morocco had acceded and which were compatible with its Constitution automatically became part of Moroccan law. The Constitution would not be amended unless Morocco acceded to a new convention whose provisions were not entirely consistent with those of the Constitution." Referring to other observations made during the current discussion of his Government's report, he assured the Committee that the legal texts requested by some of its members, notably those that were being prepared in relation to certain articles of the Convention, would be supplied later, and that information bearing on articles 5 and 7 of the Convention would be given in his Government's next report.

He told the Committee that he would transmit the comments of its members to his Government, which would not fail to take them into consideration in preparing its fourth periodic report.

#### Democratic Yemen

149. The second periodic report of Democratic Yemen was considered together with the introductory statement made before the Committee by the representative of the reporting State.

150. Noting the provisions of the relevant articles of the Constitution and Penal Code of the reporting State which corresponded to the provisions of article 4, paragraph (a), of the Convention, some members of the Committee inquired whether other texts existed which satisfied the requirements of paragraph (b) of that article.

151. Members of the Committee noted with satisfaction that most of the human rights enumerated in article 5 of the Convention were guaranteed in the Constitution of Democratic Yemen, and that article 34 of that instrument guaranteed that "all citizens are equal in their rights and duties irrespective of their race /or/ ethnic origin", that "all are equal before the law", and that "the State does all it can to realize the equality through providing equal political, economic, social and cultural opportunities". It was noted also that the report stated that "the practical implementation of these rights was realized by the provisions of a series of legislations and adequate administrative measures"; and the hope was expressed that the next report would contain detailed and textual information about those measures. In connexion with article 24 of the Constitution, a question was raised about the conditions under which foreigners could own property and whether those conditions were applicable to all foreigners or only to some groups of them. Likewise, it was asked whether the provisions of article 50 of the Constitution - concerning freedom of movement within the Republic, and freedom to enter and leave the country - applied both to nationals and to aliens.

152. Effect was given to the provisions of article 6 of the Convention by article 42 of the Constitution and by article 7 of the 1976 Penal Code. Some members requested additional information about the manner in which the relevant provisions were applied in court practice.

153. Some members expressed the hope that information on the implementation of article 7 of the Convention and the demographic information envisaged in general recommendation IV of the Committee would be supplied in the next periodic report of Democratic Yemen.

154. The representative of the Government of the reporting State assured the Committee that the observations, questions and wishes expressed during the Committee's consideration of his Government's second periodic report would be taken into consideration in the preparation of the third periodic report.

## Norway

155. A supplementary report, submitted by the Government of Norway as an addendum to its third periodic report and replying to questions raised during the Committee's consideration of that report at its fourteenth session, was welcomed as a manifestation of the co-operation of the Government of Norway with the Committee.

156. The relationship of international law to Norwegian law gave rise to some discussion. The report under consideration states: "International law does not automatically form an integral part of Norwegian law, at any rate not in the sense of enjoying equal status with the law ... In the event of any conflict of laws, Norwegian law will, in principle, take precedence. Since, however, legislative harmony [of Norwegian law and the Convention] has been ascertained, such a conflict is hardly likely to arise. In addition, another very important factor enters into the picture, namely, the rule of legal interpretation which assumes that Norwegian law accords with international law. This means that the courts, in their interpretation of Norwegian law, must base themselves on the assumption that Norwegian law does not come into conflict with our obligations under international law." Some members of the Committee were of the opinion that that situation provided an adequate legal framework for ensuring the protection of the rights affirmed in the Convention. Other members, however, asked how punitive action under an article of the Convention could be taken if domestic legislation was presumed to be in accordance with the Convention, which did not, of course, lay down penalties for violations of its provisions. It was thought that further information on this whole subject should be given in a future report.

157. Some members considered that section 135a of Norway's General Penal Code could satisfactorily ensure the application of the provisions of article 4, paragraph (a), of the Convention. It was stated, however, that that section of the Norwegian Penal Code covered only public utterances and communications, since private utterances and communications lay outside the field in which the penal law could effectively be applied without an oppressive system of surveillance; on the other hand, it was affirmed that that section of the Penal Code covered single acts directed against individuals as well as the dissemination of ideas and acts against groups of the population. It was observed also that no information was given in the report on the fulfilment of the undertaking to declare illegal and prohibit organizations which promote and incite racial discrimination, in accordance with the provisions of article 4, paragraph (b), of the Convention.

158. Some members noted that the report under consideration referred to a number of areas where there was no legal protection of certain rights listed in article 5 of the Convention. For example, in connexion with the right to work, mentioned in article 5, paragraph (e), of the Convention, the report stated that there were no penal provisions directed against acts of discrimination in the employment of personnel in the private sector, the existing situation apparently having not made such provisions necessary. Some members observed that it was better to anticipate events without waiting for discriminatory acts actually to be committed. Some members asked for further clarification of the differences in the treatment of Norwegian nationals and foreigners referred to in the report.

159. The reservation attached to Norway's Declaration on article 14 of the Convention - stipulating that "the Committee shall not consider any communication from an individual or group of individuals unless the Committee has ascertained

that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement" - gave rise to some questions. Some members wondered how the Committee could ascertain whether or not a particular case was, or had been, before another international body, when the Committee could not in accordance with paragraph 6 of article 14, reveal the identity of the individual or group of individuals concerned without his or their express consent. It was therefore hoped that the complex and technical question of the reservation would be further clarified in the next report of Norway.

160. The representative of the Government of Norway gave a preliminary reply to some of the questions raised and assured the Committee that the comments made by its members would be studied in depth by his Government and answered in its fourth periodic report.

### Australia

161. The initial report of Australia and additional documents supplied by that Government were considered by the Committee together with the introductory statement made by the representative of Australia before the Committee.

162. Members of the Committee expressed their satisfaction with the comprehensiveness of the report and documents before them, with the candour with which conditions in the reporting State were described and discussed, and with the fact that the information was organized on the basis of the guidelines laid down by the Committee. It was observed that the extensive material supplied by the Government of Australia in connexion with its initial report would form a useful background for consideration of future reports from that Government.

163. The multifaceted approach of the Government of Australia to the problems of racial discrimination was noted with satisfaction. The Committee took note of the four principles underlying the policy of the Australian Government: that racial discrimination should be proscribed by appropriate legislation; that clear legal remedies should be provided; that formal administrative machinery should be established to supplement the legal and judicial measures by mediation and conciliation; and that steps should be taken - in such fields as research, education and public information - to combat racial prejudice and promote tolerance and understanding. Several members of the Committee commented on the special emphasis placed by the Australian Government on methods of mediation and conciliation and expressed an interest in receiving information in the future on the effectiveness of those methods; they pointed out, however, that procedures of conciliation could not be an adequate substitute for the prohibition and punishment of those acts to which mandatory articles of the Convention, such as article 4, refer.

164. It was noted that the definition of racial discrimination in the Racial Discrimination Act of 1975 was based on the definition provided in article 1, paragraph 1, of the Convention.

165. Members of the Committee considered the situation of "Aboriginal" groups in Australia and the policy of the Australian Government regarding them in the light of the provisions of article 1, paragraph 4, and article 2, paragraph 2, of the Convention. Some members expressed misgivings about the terminology used in the material before the Committee - referring to such words as "Aboriginals", "ethnics"

and "reserves" and observing that those words had acquired unacceptable racist connotations; and the attention of the Committee was called to a statement in the first annual report of the Commissioner for Community Relations, to the effect that "a principal problem for the Aborigines was in their lack of self-respect as a community and as individuals", which appeared to be a generalization about racial and ethnic groups of the kind which usually generates and/or manifests racial prejudice. Some members expressed concern at the fact that some provisions of the Racial Discrimination Act of 1975 applied specifically to acts of discrimination against immigrants and appeared not to apply to acts of discrimination against "Aboriginals"; they recalled that the latter were the only indigenous population, whose protection against racial discrimination should receive high priority. In that connexion, it was noted that "descent" - which was one of the five factors of racial discrimination mentioned in section 9, paragraph 1, of the Racial Discrimination Act of 1975 (following the wording of article 1, para. 1, of the Convention) - was omitted from the texts of sections 10, 12, 13, 14, 15 and 18 of that Act; and the omission seemed to be the result of drawing a distinction between the treatment accorded immigrants and measures affecting "Aboriginals". On the other hand, it was suggested that government policy with regard to immigrants tended to treat them in the same way as "Aboriginals" and that, to the extent to which the latter were an underprivileged group, the treatment accorded to immigrants should rather aim at putting them on an equal footing with other population groups constituting the bulk of Australian society. Referring to the special measures dealing with "Aboriginals", some members thought that the Government of Australia was trying to reconcile two important principles: it was anxious to bring about the integration of all groups and it wished to preserve each group's culture and traditions. Fears were expressed, on the one hand, lest the measure under consideration contribute to the loss of the unique social and cultural heritage of the "Aboriginals" and, on the other hand, lest those measures result in the "Aboriginal" population being cut off, or at any rate kept at a distance, from the Australian population in general, or lest the special educational programmes designed for the benefit of the "Aboriginals" serve in fact to keep them at an inferior educational level. The provisions of Australian legislation regarding "reserves" gave rise to expressions of concern in the Committee, particularly in view of the danger that the institution of "reserves" might imply restrictions on movement and might produce or perpetuate racial segregation.

166. The situation of immigrants gave rise to some questions, in addition to the observations mentioned in the preceding paragraph. Noting that, according to the information in the tables annexed to the initial report of Australia, the proportion of immigrants of Asian and African origin in the past three decades to the total immigrant population was only 7.3 per cent, some members inquired whether that very small proportion reflected a definite policy on the part of the Australian Government and whether a quota system based on countries-of-emigration was in effect. It was asked whether, in the Australian experience, massive immigration had given rise to new problems of racial discrimination - other than the usual problems affecting the relations of the general population with the immigrants - such as racial discrimination by one group of immigrants against another, or by the immigrants against the "Aboriginal" populations.

167. The application of article 4 of the Convention in Australia gave rise to much discussion. It was noted that there was a discrepancy between the statement in the report, that "in ratifying the Convention, ... the Australian Government

declared that it was not in a position to treat the matter covered by article 4 (a) as punishable by the criminal law", on the one hand, and the actual text of the declaration made by the Australian Government upon its ratification of the Convention (which was not a reservation under article 20 of the Convention), on the other. That declaration stated: "Australia is not at present in a position specifically to treat as offences all the matters covered by article 4 (a) of the Convention. Acts of the kind there mentioned are punishable only to the extent provided by the existing criminal law ... It is the intention of the Australian Government, at the first suitable moment, to seek from Parliament legislation specifically implementing the terms of article 4 (a)". Several members expressed the hope that the Australian Government would soon act in accordance with that statement, thereby fulfilling its obligations under the mandatory provisions of article 4 of the Convention. While noting that some of the acts mentioned in article 4 of the Convention were declared "unlawful" in sections 16 and 17 of the Racial Discrimination Act of 1975, some members called attention to the fact that the Convention required that all the acts mentioned in article 4, paragraph (a), shall be declared "offences punishable by law" and that the organizations and acts described in article 4, paragraph (b), shall be declared "illegal" and "prohibited"; and it was pointed out in that connexion that the provisions of section 26 of the Racial Discrimination Act of 1975 designated acts of racial discrimination as "unlawful" but not as "offences" subject to criminal law. Some members asked for further information on the existing criminal law under which acts of the kind mentioned in article 4 of the Convention were punishable.

168. In connexion with the application of article 5 of the Convention, questions were asked about the exceptions provided for in section 24 (2) of the Racial Discrimination Act of 1975; about the different penalties provided for discrimination in employment and in dismissal from employment, under section 6, subsections 1 and 2, of the Racial Discrimination Act of 1976 of South Australia; and about the requirements of section 18 of the Racial Discrimination Act of 1975, which stipulates that an act which was done for two or more reasons, of which racial discrimination was one, would not be unlawful unless racial discrimination was the "dominant reason for the doing of the act". In connexion with the provisions of paragraph (c) of article 5 of the Convention, reference was made to sections 25 and 31 of the Australian Constitution: section 25 appeared to countenance the possibility that, under the law of any Australian state, "all persons of any race" might be "disqualified from voting at elections for the more numerous House of the Parliament of the State"; and section 31 appeared to empower states to apply their electoral laws not only at state level but also for Commonwealth Parliamentary elections, unless the Parliament provided otherwise. It was recalled that neither section 25 nor section 31 of the Australian Constitution had been amended.

169. With regard to the application of article 6 of the Convention, it was noted that an aggrieved person could, in accordance with sections 24 and 25 of the Racial Discrimination Act of 1975, commence civil proceedings, in respect of acts made unlawful by Part II of the Act - but only after obtaining a certificate from the Commissioner for Community Relations that he had been unable to settle the matter. Referring to the power of the Commissioner, under section 21 (2) of the Act, to refuse or to cease to investigate a complaint, some members asked what would happen if the Commissioner considered a complaint to be "frivolous" or the matter to which the act related "trivial", while the complainant held a contrary view. Members asked whether the ombudsman played any role in the implementation of the Racial Discrimination Act.



170. Concerning article 7 of the Convention, several members noted with satisfaction the emphasis put by the Australian Government on measures taken in the fields of education and public information to combat racial prejudice and racial discrimination. Some members of the Committee asked whether the Government's programme included measures to inform the population of the establishment of the complaints machinery and the bodies associated with it, or efforts to publicize the ideals of the Convention.

171. Members of the Committee noted with regret that the report did not contain the information envisaged by the Committee in its general recommendation III and decision 2 (XI), concerning relations with the racist régimes in southern Africa. The information given in the report concerning Australia's policy in relation to racial discrimination in sport required clarification: some members asked how "South Africa's willingness and ability to move away from racial discrimination in sports" - which was described as "the best condition for permitting the entry of South African sporting teams into Australia" - was verified.

172. The demographic information provided in the report in response to the Committee's general recommendation IV gave rise to questions relating to classification and terminology, and it was hoped that the lines of demarcation between different categories would be sharpened, and overlapping of categories avoided, in future reports.

173. The machinery established for dealing with problems of racial discrimination was discussed; there was fear that overlapping of functions or conflicts of jurisdiction might adversely affect the effectiveness of existing or contemplated bodies. Some members commended the Commissioner for Community Relations for the perceptiveness, the candour, and the sensitivity to the more subtle varieties of racial discrimination manifested in his first annual report. The references in that report to inadequate resources were noted with concern. A hope was expressed that the Australian Government would continue to furnish the Committee with the annual reports of the Commissioner.

174. The representative of Australia commented on the observations and inquiries made by members of the Committee and summarized in the preceding paragraphs. He assured the Committee that the objections voiced by some members to the use of terms like "Aboriginals" and "reserves" would be brought to the attention of the Australian Government, as would also the comments on the statement describing the "Aborigines" as lacking in self-respect - which, he said, would no doubt be contradicted by many of the data contained in the report of the Commissioner himself and disagreed with by many "Aboriginals". His Government had recognized the fundamental right of "Aboriginals" to retain their racial identity and traditional life-style or, if they wished, to adopt partially or wholly the way of life of the Australian people. Future reports would give special attention to the measures being taken to improve the conditions of "Aboriginals" and their integration into the Australian community, while respecting their unique social and cultural heritage. The purpose of the rules governing movement of "Aboriginals" to and from "reserves", which were approved by the "Aboriginals" concerned, was to keep "non-Aboriginals" out of those areas; there were not restrictions on the movements of "Aboriginals" in Australia. There was no basis in law for the idea that the "reserves" for "Aboriginals" were a breach of article 1, paragraph 4, or article 2, paragraph 2, of the Convention. With reference to immigration policy, he stated that Australia did not apply country quotas.

175. With regard to article 4 of the Convention, the representative of Australia said that his Government would continue its enquiry to ascertain what legislation, if any, was required to satisfy the obligations imposed by paragraph (a) of that article; in the meantime, the federal law on conspiracy would be applicable in many cases of racial discrimination: conspiracy to do any of the acts which were made unlawful by the Racial Discrimination Act of 1975 was illegal under the Federal Crimes Act. In connexion with article 5 of the Convention, he stated, that the purpose of the exceptions mentioned in section 24 (2) of that Act was to provide exceptions to the operation of the Act in private households. That purpose was not incompatible with article 1, paragraph 1, of the Convention, which defined racial discrimination as distinctions on the grounds of race that impaired the enjoyment of human rights in fields of "public life". Commenting on section 6 of the Racial Discrimination Act of 1976 of South Australia, which provided higher penalties for acts of racial discrimination in hiring than in dismissal, he informed the Committee that a person wrongfully dismissed could also bring a civil action for damages, and observed that that fact might have been taken into account by the Legislature. With respect to the right to vote, he stated that section 51, paragraph xxvi, of the Constitution had been amended in 1967 so that "Aboriginals" who wished to do so could vote. Concerning article 6 of the Convention, he stated that a refusal by the Commissioner for Community Relations to deal with a complaint did not necessarily deprive a complainant of the right to pursue his complaint further: the Commissioner's decision was reviewable by a court. In addition, a complainant would usually have recourse to the Federal ombudsman or to a state ombudsman, depending on the nature of the complaint. Referring to the questions about the powers of the ombudsman, he stated that some states in Australia had an ombudsman, and that a Federal ombudsman had recently been appointed. In the Australian states, the ombudsman had jurisdiction to act in any case of a complaint made to him so long as it related to a matter arising under state laws. The jurisdiction of the Federal ombudsman - who would assume his duties when the Federal Ombudsman Act came into operation later in 1977 - would be restricted to investigating allegations against Federal officials, including the Commissioner for Community Relations.

176. The representative of Australia assured the Committee that the questions raised by its members with regard to the application of article 7 of the Convention would be brought to the attention of the competent Australian authorities. The request for information on relations with South Africa would be conveyed to his Government; however, his Government had no dealings with the illegal minority régime in Zimbabwe and would continue to support the Security Council resolutions imposing sanctions against Zimbabwe until a negotiated and internationally accepted settlement was achieved. He informed the Committee about his Government's contributions to relevant United Nations Funds. Trade relations with South Africa were permitted to continue, though without official assistance where that could be avoided. The Australian Government did not actively promote trade with South Africa, and the presentation of trade displays and any other form of promotional publicity in South Africa had been discontinued since 1972. As for relations in sports, his Government's policy had been stated in its report; in view of the way in which sport was organized in South Africa, that policy left very little scope for the entry of South African sportsmen and women into Australia. As for the demographic information presented by his Government, the comments made in the Committee about the need for greater care in racial identification, would be conveyed to the appropriate Australian authorities. He assured the Committee that his Government would ensure that there was no conflict of jurisdiction between the activities of the Commissioner for Community Relations, the Australian Commission

on Human Rights and the Ethnic Affairs Council. The request concerning future annual reports of the Commissioner for Community Relations would be borne in mind in the preparation of the second periodic report of Australia.

### Nigeria

177. The fourth periodic report of Nigeria was considered together with the introductory statement made by the representative of the Government of Nigeria before the Committee. It was noted that the present report did not contain much information in addition to that which had already been supplied in previous reports from Nigeria.

178. Noting that Nigeria had been in a state of emergency and under military rule since 1966, some members of the Committee asked about the scope of the Emergency Act and the extent to which it affected the fundamental human rights provided for in the Constitution.

179. Referring to article 2, paragraph 1 (d), of the Convention, some members asked whether any penalty was attached to a violation of the provision in section 28 (1) of the Nigerian Constitution of 1963 relating to disabilities or restrictions: they wondered whether a statement of policy in the Constitution was sufficient to prohibit and bring to an end racial discrimination practised in violation of that policy.

180. Several members expressed the view that sections 50 and 51 of the Nigerian Criminal Code did not satisfy the requirements of article 4 of the Convention. It was noted that, as early as its seventh session, the Committee had asked about the extent to which the provisions of those sections of the Penal Code had been reviewed to bring them into line with the provisions of the Convention, but that the present report did not answer that question.

181. As neither the reports previously received from the Government of Nigeria, nor the report under consideration, contained information on the legislative, administrative or other measures adopted to give effect to article 5 of the Convention, a hope that the fifth periodic report would give such information was expressed.

182. With respect to article 6 of the Convention, it was observed that, although satisfactory progress had been made, the situation could be further improved.

183. It was noted that no information on the implementation of article 7 of the Convention had yet been received from the Government of Nigeria; and it was observed in that connexion that the provisions of that article were mandatory and not contingent upon the existence of some discernible need for their application in a particular country.

184. The information on the implementation of United Nations resolutions concerning relations with the racist régimes in southern Africa, in response to general recommendation III and decision 2 (XI) of the Committee, was welcomed by several members. However, it seemed to some members that the scope of the Order of 1976 was narrower than that of the Decree of 1973 cited in the report, in that the earlier law prohibited totally any kind of trade relations with the racist régimes in southern Africa while the later law appeared to apply only to exportation of goods.

185. It was noted with regret that the report contained no information on the composition of the Nigerian population in terms of ethnic and racial origin, as requested in general recommendation IV of the Committee.

186. Some members, welcoming the existence in Nigeria of a National Committee for the Dissemination of Information on the Evils of Apartheid, asked for information on the scope of that Committee's action and the content of its programmes.

187. The representative of the Government of Nigeria assured the Committee that the observations made by its members would be carefully studied by the competent authorities in Nigeria.

#### Panama

188. The fourth periodic report of Panama was considered together with the introductory statement made before the Committee by the representative of the reporting State.

189. It was asked whether article 19 of the Political Constitution of Panama of 1972 - which states: "There shall be no personal privileges or distinctions or discrimination because of race, birth, social class, sex, religion or political ideas" - covered also discrimination based on colour, descent, or national or ethnic origin, as provided for in article 1, paragraph 1, of the Convention.

190. The Committee took note of the information on the situation of the indigenous population, and of the measures taken to protect them against racial discrimination, as contemplated in article 1, paragraph 4, and article 2, paragraph 2, of the Convention. There was some uncertainty, however, whether the objective of the Government of Panama was to preserve the customs and traditions of indigenous groups or to integrate them into national society and life. Thus, some members found it difficult to reconcile the provisions of article 102 of the Panamanian Constitution, which states that the State "shall draw up courses of education and development for indigenous groups with their own cultural patterns, to enable them to play an active part in civic life", with the statements in the report, to the effect that "there are no special measures regarding education for the indigenous population, since everything falls within a general plan and policy", that the Indian schools "have the same official programmes and curricula as all other schools in Panama", and that "these programmes and curricula are not adapted to the life of the indigenous population, nor do they make any provision for special instruction in the particular culture of each group". Moreover, some members asked why the law establishing the Department of Indian Affairs and the National Indian Institute, enacted in 1952, had "remained a dead letter", and why the Directorate of Indian Affairs, established at the end of 1971, had been unable to fulfil its specific aims, with the result that the functions of that body had subsequently been delegated to the Directorate for Local Government.

191. In connexion with article 3 of the Convention, a member of the Committee inquired whether Panama had acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

192. Several members observed that little information was provided in the report concerning the implementation of the mandatory provisions of article 4, paragraphs (a) and (b), of the Convention; and further information was requested.

193. In connexion with article 5 of the Convention, it was noted with satisfaction that the report gave an extremely detailed and precise account of the legislative measures adopted by the reporting State to ensure equality before the law and non-discrimination in health, education and other fields. It was observed, however, that information on the implementation of those legislative measures, through administrative and other actions, would be very useful. While the opening clause of article 20 of the Panamanian Constitution, stating that "Panamanians and aliens are equal before the law" was noted with satisfaction, questions were raised regarding the remainder of the article, which stated: "but for reasons of work, health, morality, public security and the national economy, the law may subject to special conditions or deny the exercise of specific activities to aliens in general". A member of the Committee asked for further information on the restrictions permitted under that article; another member, while understanding the reasons for limitations based on "health, morality, public security and the national economy", asked for an explanation of the words "for reasons of work". Information was also sought regarding the restrictions on foreign workers referred to in article 68 of the Constitution.

194. It was noted that information on the implementation of article 6 of the Convention was lacking; and it was felt that the provisions of article 40 of the Constitution of Panama ("Every person shall have the right to present respectfully worded petitions and complaints to public officials") might provide excuses for public officials to dismiss petitions and complaints on the pretext that they were not respectful.

195. It was observed that the information in the report purporting to refer to the provisions of article 7 of the Convention related in fact to article 5, paragraph (e) (v) and (vi). It was hoped that the next report would contain information pertaining to the obligations of the reporting State under article 7 of the Convention.

196. The extensive information given in the report on Panama's actions on the international level with respect to the struggle against racial segregation and apartheid was noted with satisfaction. Referring to the statement in the report that Panama's legislation "prohibits vessels flying its flag from engaging in transport operations involving trade with the racist Government of Southern Rhodesia" and recalling that Southern Rhodesia had no ports, a member of the Committee asked whether the Republic of Panama allowed vessels flying its flag access to South African ports.

197. The demographic information contained in the report was noted with appreciation.

198. Part II of the fourth periodic report of Panama, entitled "Discrimination in the Panama Canal Zone", was considered together with its annex. Members of the Committee noted with concern the information about racial discrimination and racial segregation contained in that part of the report under consideration. Some members asked, however, whether the reported discriminatory measures and practices were based on race or on citizenship. In particular, it was asked whether the segregation in housing and discrimination in employment and wages were practised as between citizens of the United States and citizens of Panama, or between white United States citizens on the one hand and black United States citizens and Panamanians on the other.

199. The representative of Panama commented on some of the observations and inquiries made by members of the Committee and summarized in the preceding paragraphs. He informed the Committee that his Government had just signed the Convention on the Suppression and Punishment of the Crime of Apartheid. He stated that in the Canal Zone discrimination was practised against non-white United States citizens as well as Panamanians. And he assured the Committee that he would communicate the questions put by its members to his Government, and that the additional information they requested would be furnished in the fifth periodic report of his country.

200. It will be recalled that an additional report from Panama, supplementing that country's initial report and supplying information on the situation in the Panama Canal Zone, had been considered by the Committee at its fourth session and that, after an extensive debate on the competence of the Committee to take any action on that information, the Committee had adopted its decision 3 (IV) on 26 August 1971 A/8418, paras. 61-72. It will be recalled also that the General Assembly had endorsed the Committee's decision in resolution 2784 (XXVI) of 6 December 1971. It will be noted, however, that neither the second nor the third periodic report of Panama had referred to the situation in the Panama Canal Zone, and that questions regarding that situation had been raised by members of the Committee at its seventh and tenth sessions A/9018, paras. 212-214 and A/9618, paras. 237-239.

201. After some discussion of the competence of the Committee to deal with part II of the report before it and of the kind of action it could take, the Committee approved - at its 332nd meeting - a proposal by the Chairman to establish a working group of six members to draft the text of a statement that would be acceptable to all members of the Committee. The draft proposed by the working group was considered by the Committee at its 334th meeting and, with some amendments, was adopted by consensus. The text of the Committee's decision appears in chapter VIII, section A, decision 2 (XV).

#### Sweden

202. The third periodic report of Sweden was considered by the Committee together with the introductory statement made by the representative of the Government of Sweden. Members of the Committee noted with satisfaction the extensive comments contained in the report before it on the observations and inquiries made by members of the Committee when the second periodic report of Sweden was considered at an earlier session.

203. It was observed that the measures taken in favour of the Lapps were preservation measures, whereas the special measures envisaged in article 1, paragraph 4, and article 2, paragraph 2, of the Convention were clearly not intended to be of indefinite duration.

204. Some members observed that, under article 4, paragraph (a), of the Convention, all the acts described in that paragraph shall be declared offences punishable by law, whereas chapter 16, section 5, of the Swedish Penal Code provided that no punishment shall be imposed if there was "only insignificant danger that the urging or the attempt might be followed". Some members of the Committee were of the opinion that chapter 16, sections 5 and 8, of the Swedish Penal Code did not give effect to the mandatory requirement of the first part of article 4, paragraph (b), of the Convention, to "declare illegal and prohibit" certain organizations engaged

in racist activities; one member of the Committee disagreed with that assessment, however.

205. Some members of the Committee thought that it would be desirable for the Government of Sweden, in future reports, to specify legislative measures corresponding to each of the rights mentioned in article 5 of the Convention, as well as supply information on how those measures were applied. With regard to immigration policy, some members asked whether the Swedish Government made a distinction between the nationals of other Scandinavian countries, the nationals of other European countries, and those of non-European countries, and whether a quota system was in effect. Members of the Committee welcomed the new wording of section 9, chapter 1, of the new Swedish Constitution, as well as the new provisions in section 15 of chapter 2 of that instrument, guaranteeing equality before the law and prohibiting racial discrimination, respectively; section 20 of the same chapter, extending to aliens in Sweden the same protection given to Swedish nationals by section 15, was also viewed as representing substantial progress. Information was requested on the conditions of employment of foreign workers and on the social security system applicable to them as compared with the situation of Swedish nationals.

206. In connexion with the rights mentioned in article 6 of the Convention, some members noted with satisfaction that persons claiming that they had been victims of racial discrimination were free, under Swedish legislation, to institute criminal proceedings if the public prosecutor was unwilling to prosecute. It was asked whether there was a conflict of competence between the Ombudsman and the Chancellor of Justice. A desire, expressed at an earlier session, to have the text of the Act of 1972 regarding damages supplied to the Committee was repeated at the present session.

207. Information on the application of article 7 of the Convention, already requested at earlier sessions, was again requested at the present session. It was hoped also that the Swedish Government would initiate an information programme aimed at modifying the attitude of the population towards the gypsies.

208. Concerning the declaration made by the Swedish Government, recognizing the competence of the Committee in accordance with article 14 of the Convention, it was asked whether the Swedish Government had established or indicated the body mentioned in paragraph 2 of that article; it was noted that some of the provisions of paragraphs 3, 4 and 5 of that article required the existence of such a body. It was observed also that the reservations attached to the declaration in question by the Government of Sweden were difficult to implement because, under paragraph 6 (a) of article 14 of the Convention, the Committee was prohibited from revealing the identity of the individual or groups concerned without his or their express consent.

209. The representative of the Government of Sweden commented on some of the observations and questions summarized in the preceding paragraphs. His Government considered that Swedish legislation had in fact satisfied the requirements of article 4, paragraph (b), of the Convention; although the organizations in question were not declared illegal or prohibited, their members could be punished - which was "the essential point". He doubted whether amendments to the Swedish Constitution would be made in that connexion. There was no difference in treatment as between Swedish and alien workers; if such a difference existed, the trade unions would take pains to remedy it. He confirmed that difference in treatment, as

between Scandinavian, other European and non-European aliens, existed; but he noted that wide-ranging co-operation treaties had been concluded between the Nordic countries, in particular on the waiving of visa requirements. He asserted that there was no conflict of competence between the Attorney General and the Ombudsman. In connexion with article 7 of the Convention, he observed that questions relating to human rights, and racial discrimination in particular, were dealt with in school curricula. The establishment or indication of the body referred to in article 4, paragraph 2, of the Convention was not obligatory; however, the functions provided for that body were, to a certain extent, performed by the Chancellor of Justice or the Ombudsman. The other questions to which he did not reply would be duly dealt with in the next report.

### Holy See

210. In considering the fourth periodic report of the Holy See, several members recalled the special character of the reporting State and observed that that had a direct effect on the kind of report they expected it to submit in accordance with article 9 of the Convention. Some members suggested that the Holy See was not expected to fulfil all the obligations laid down in the convention; at the same time, much was expected of the Holy See under certain articles of the Convention, such as articles 3 and 7. On the other hand, it was suggested by other members that it was not for the Committee to decide what provisions of the Convention were applicable to a State, but it was for that State to describe how it had applied the provisions of a Convention to which it was a party; and it was recalled that the Holy See had not made any reservations, when it ratified the Convention, regarding the limited applicability of some of its provisions. It was suggested also that, in addition to articles 3 and 7 of the Convention, some provisions of article 2 were relevant.

211. It was observed by some members that the statements reproduced in the report dealt mainly with human rights in general and not with racial discrimination as a particular manifestation of the violation of human rights; a contrary opinion was also expressed, to the effect that if people were able to enjoy their human rights, they were ipso facto freed from racial discrimination.

212. Some members of the Committee, noting that racial discrimination was not an abstraction but a living reality for those affected by it, thought that the statements in the report treated racial discrimination precisely as an abstraction and failed to establish a link between the general and the particular, and thereby lost a great deal of effectiveness. They had expected the report to contain clear statements of position on the subject of racial discrimination and segregation in specific situations, such as those in southern Africa, the Golan Heights and the Panama Canal Zone; and they voiced the hope that the fifth periodic report of the Holy See would refer to actual cases on which it had taken a decisive stand. On the other hand, other members thought that it was not necessary to ask the Holy See to prepare specific projects dealing with specific issues, for the mission of the Church was essentially religious and universal: namely, to bring men to understand and love one another, in a feeling of rediscovered equality.

213. It was recalled that, when earlier reports of the Holy See were considered by the Committee, some members had asked what the Church had done to settle problems of racial discrimination at the local level, and what statements it had made at that level; and it was observed with regret that no reply to that question was given in the present report.



214. Noting that article 3 of the Convention expressed an attitude of condemnation and article 7 one of exhortation, some members thought that the report of the Holy See seemed to lay more stress on the exhortatory aspect than on the condemnatory; they observed that the fight against the evil of racial discrimination called for the forthrightness and courage of the prophet, who would unhesitatingly condemn evil without fear of the consequences. On the other hand, it was emphasized by other members that compassion and persuasion possessed considerable moral force, and that bringing about a transformation in the hearts and minds of men was a task of the highest importance. And it was suggested that, if the report under consideration contained less in the way of condemnation than might have been expected, that was because the Church was less inclined to condemn than it had been in earlier times.

215. It was hoped that the Holy See would provide information on its attitude towards the Decade for Action to Combat Racism and Racial Discrimination, and on whether it had prepared a special programme in connexion with it.

216. It was asked whether the Holy See had acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, or whether it contemplated any specific measures in connexion with it; on the other hand, it was observed that the Holy See was not in a position to take some of the actions provided for in that Convention.

217. It was asked whether in Catholic schools and theological colleges there were programmes giving effect to the provisions of article 7 of the Convention, and whether the Holy See intended to intensify its action to call the attention of international public opinion to the suffering of victims of racial discrimination and the struggles of those striving to recover their dignity and freedom.

218. It was hoped that the fifth periodic report of the Holy See would contain information about the papers submitted for the International Justice and Peace Contest (referred to in para. 16 of the fourth periodic report).

219. The representative of the Holy See assured the Committee that he would bring the comments made by its members to the attention of the Holy See. As a number of members had thought that the report was too general, he wished to stress the unique structure of the Holy See, not only in its own territory but throughout the world. Its influence was exercised through the intermediary of bishops, who proclaimed the principles enunciated by the Pope. In addition, the Holy See exercised a special influence in the field of education. Its mission was not to condemn but to persuade, and to appeal to the conscience of all men. It did not rule out condemnation in certain cases; but it believed it was necessary first to try to persuade and to inform before intervening in support of the principles which it professed. Condemnation was a solution to be adopted only in the last resort.

#### Netherlands

220. The third periodic report of the Netherlands was considered together with the introductory statement made by the representative of the reporting State.

221. Some members of the Committee noted with satisfaction that a Bill was introduced in 1976 to amend the relevant provisions of the Constitution so as to prohibit discrimination based on race; they inquired whether that amendment had already been adopted.

222. With regard to the law governing the status of Moluccans who were not of Netherlands nationality, enacted on 1 January 1977, some members inquired whether the Government had taken steps to enable the Moluccans to decide whether they preferred to remain stateless or to enjoy the rights which Netherlands nationality would confer on them.

223. Referring to the information given in the report, concerning the arrest of members of the Netherlands People's Union in connexion with the distribution of racist pamphlets, and to the statement that, when the criminal investigation was completed, the Public Prosecutor would decide whether or not to demand the dissolution of the political party in question, some members stated that it would be useful if the next periodic report of the Netherlands would inform the Committee about the decision of the Public Prosecutor, since that question came under article 4, paragraph (b), of the Convention.

224. Some members referred to the information on the proceedings against a bar owner, whose case appeared to come under article 5, paragraph (f), of the Convention, and hoped that the summary of the courts' decisions given in the report would be supplemented in the next report by the text of the decision of the Court of Appeal.

225. Some members recalled earlier requests for information on the implementation of article 7 of the Convention and expressed the hope that the fourth periodic report of the Netherlands would provide such information.

226. An inquiry about the relations of the Netherlands with the racist régimes of southern Africa was made, and the hope was expressed that the information envisaged by the Committee in general recommendation III and decision 2 (XI) would be supplied.

227. Some members of the Committee took note of the information about the refusal of municipal authorities to issue certificates of "non-Jewish faith", because these might serve as the equivalent of certificates of "non-Jewish origin", the issuance of which - in connexion with trade or travel - would "conflict with the spirit and tenor of the Convention". They expressed satisfaction with the attitude of the Government of the reporting State and expressed the view that requiring "proof of non-Jewish origin" as a condition for the entry of persons was tantamount to racial discrimination, which they deplored. However, some members asked whether the countries to which such practices were attributed were parties to the Convention and, if so, whether the information given by the Government of the Netherlands regarding those reported practices should not have been brought to the attention of the Committee in accordance with the procedures provided for in article 11 of the Convention, instead of article 9. It was also asked whether the competent authorities of the reporting State would adopt the same attitude towards the question, if persons - proposing to emigrate to a country whose legislation conferred special privileges upon Jews in connexion with immigration and naturalization - asked for certificates of Jewish faith or origin.

228. The representative of the Netherlands commented on some of the observations and questions summarized in the preceding paragraphs. Concerning the proposed amendments to the Constitution, he explained that there had not yet been time to consider the amendments which had recently been introduced in Parliament. A special status was required for the Moluccans since they had not been able to retain their previous nationality and did not wish, for political reasons, to acquire

Netherlands nationality, although they could have done so if they had wished. He gave further particulars about the court decisions mentioned in paragraph 5 above. With regard to the issue of "certificates of non-Jewish origin", he stated that the countries concerned had not, at the time in question, been parties to the Convention; his Government had not taken any steps to ascertain whether or not those countries had in the meantime become parties to the Convention, as that was clearly outside the scope of the obligation under which it reported. A case such as that described in the last sentence of the preceding paragraph had not arisen in the Netherlands; however, he saw no reason why there should be an exception to the position taken by his Government if such a case arose.

## Denmark

229. The third periodic report of Denmark was considered by the Committee together with the introductory statement made by the representative of Denmark - who explained that her Government's current report consisted mainly of replies to questions raised during the Committee's consideration of the second periodic report of Denmark.

230. It was asked whether the Convention was to become a part of Danish law or whether the only legislation was to be the Racial Discrimination Act - which appeared to cover only article 4, paragraph (b), of the Convention, to some extent article 6, and possibly the condemnation of racial discrimination required in article 3, but not the Convention as a whole.

231. It was noted that the measures described for implementing article 2, paragraph 2, of the Convention, with respect to Greenland had not yet gone beyond intentions. A member of the Committee asked if any steps had been taken to apply that provision of the Convention, as a result of the recommendations contained in the preliminary report of the Committee for Local Autonomy in Greenland. Another member noted with satisfaction that progress continued to be made towards granting the inhabitants of Greenland a greater share in their own administration.

232. A member of the Committee asked whether the Government of Denmark considered that the provisions of article 3 of the Convention were met by accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

233. The degree to which the relevant provisions of the Constitution and Danish legislation satisfied the requirements of article 4, paragraph (b), of the Convention gave rise to much discussion. Some members asked for further clarifications, beyond those given in the report under consideration. Could legal proceedings be instituted against the leaders of an association which continued its activities after it had been prohibited provisionally by the Government or dissolved by a court judgement? If so, what form would the punishment for such an offence take? And what would be the penalty for members of an association who had committed an illegal act before the association had been prohibited or dissolved? Other members stated that the Danish law cited in relation to article 4, paragraph (b), of the Convention referred specifically to the use of violence or instigation to violence, whereas that provision of the Convention made no such reference but simply referred to organizations, and organized and other propaganda activities, which promoted and incited racial discrimination. Other members of the Committee, however, expressed the view that Danish law satisfied the requirements of article 4, paragraph (b), of the Convention.

234. A member of the Committee asked whether migrant workers had the same rights and privileges as Danish workers. An inquiry was made about the number of migrant workers in Denmark, the proportion of the total population they represented, and the proportion among migrant workers of those who were nationals of Nordic States, member States of the European Economic Community and other States.

235. It was observed that none of the three reports received from Denmark contained sufficient information with respect to that country's fulfilment of its obligations under article 7 of the Convention; and it was hoped that additional information on that subject would be given.

236. It was noted that the information envisaged by the Committee in general recommendation III and decision 2 (XI), concerning relations with the racist régimes of southern Africa, had not been supplied by the reporting State.

237. The representative of Denmark commented on some of the observations and questions summarized in the preceding paragraphs. In Denmark, national law was carefully examined and, when necessary, adapted before international conventions were ratified. Further information on Greenland would be furnished in the next periodic report. The Danish Government considered that its ratification of the Convention was in itself sufficient implementation of article 3. She gave the Committee some information on migrant workers in her country and on the application of article 7 of the Convention, and assured the Committee that she would convey to her Government, for further consideration, the requests for information and the questions raised by members of the Committee.

### Algeria

238. The second and third periodic reports of Algeria were considered jointly, together with the introductory statement made by the representative of Algeria before the Committee.

239. While noting that the reports before them were more informative than the initial report, members of the Committee observed with regret that there were still many gaps in those reports. Hope was expressed that the next periodic report of Algeria would fill those gaps, would provide texts of relevant provisions of the Constitution of 1976 and of Algerian legislation, would refer to relevant judicial, administrative and other measures in addition to legislative measures, and would follow the guidelines laid down by the Committee.

240. The general statements of policy repeated in both reports before the Committee, and the brief information on the Law of 31 December 1962 and on article 298 of the Penal Code, appeared to meet the requirements of the preamble and subparagraphs (a), (b), (c), and (d) of article 2, paragraph 1 of the Convention. However, more detailed information was required, including the texts of the relevant legal provisions. With specific reference to the Law of 31 December 1962 - which prolonged the legislation in force before independence and declared that "all texts and provisions based on colonialism or discrimination ... or which run counter to the normal exercise of democratic freedoms were null and void" - members of the Committee asked for precise information on the laws which had been repealed and the laws which had replaced them, and asked whether any laws had been declared null and void by the courts. It was asked also whether courts at all levels could decide which provisions were null and void, or whether such decisions were left to higher courts.

241. It was observed that the provisions of article 4, paragraph (a), of the Convention were only partially reflected in the portions of article 298 of the Penal Code cited in the report. Members of the Committee inquired whether any penal provisions existed to meet the requirements of article 4, paragraph (b), of the Convention.

242. With respect to article 5 of the Convention, hope was expressed that future

reports would contain information not only on relevant legal provisions guaranteeing equality before the law and equality in the enjoyment of the human rights listed in that article, but also on the many social, economic, cultural and other reforms carried out in Algeria since independence.

243. Noting that no information on the application of articles 6 and 7 of the Convention had been supplied in any of the reports submitted by Algeria, hope was expressed that the next report would contain detailed information on those subjects.

244. The information on Algeria's multiform contribution to the struggle against colonialism and racial discrimination was noted with satisfaction; however, members of the Committee regretted that that information was couched in excessively general terms and did not do justice to Algeria's well-known role in the international arena.

245. It was noted that the reports received from Algeria did not contain the demographic information envisaged in the Committee's general recommendation IV. Referring to articles 1 to 3 of the new Algerian Constitution - on which no information had been provided by the reporting State - a member of the Committee inquired whether any measures had been taken to ensure that the attainment of the goals set out in those articles would not result in discrimination against minorities.

246. The representative of Algeria reiterated that the fundamental bases of Algerian society, which governed both the domestic and the foreign policy of his Government, were Islam, socialism and the anti-imperialist struggle; and observed that, by their very nature, these closely interrelated elements were inconsistent with racial discrimination. With regard to the provisions of article 4, paragraph (b), of the Convention, he pointed out that under article 55 of the new Constitution the right of association and freedom of expression were unconditionally guaranteed except when invoked to undermine the socialist revolution and the foundations of the State. With regard to the application of article 5 of the Convention, he noted that cultural, agrarian and industrial revolutions were simultaneously under way in Algeria and that full equality of all citizens was at the basis of all of them. Referring to article 7 of the Convention, he affirmed that Algeria's own history was closely tied to the struggle against colonialist discrimination and that Algerian children were taught to combat racism. He was puzzled by references to the concept of "minority" in connexion with Algeria, where there were no minorities and where no group felt itself subject to discrimination. He assured the Committee that the observations and inquiries made by its members would be conveyed to his Government; he trusted that they would be reflected in the fourth periodic report of Algeria.

#### Mauritius

247. Members of the Committee noted that the second periodic report of Mauritius did not fill the gaps which the Committee had found in the initial report, and to which it had drawn attention at its ninth session /A/9618, paras. 94-96/. The two pronouncements by the Supreme Court on the provisions of the Mauritian Constitution relating to discrimination in two recent cases were considered to be of interest but not relevant to the problem of racial discrimination.

248. The report before the Committee reproduced the texts of sections of the

Constitution which had been supplied to the Committee in the initial report. Members of the Committee inquired why "caste", which was included in the definition of discrimination governing the provisions of section 16 of the Constitution, was omitted from section 3, which prohibited discrimination in the enjoyment of certain human rights and fundamental freedoms. It was noted also that the list of human rights recognized in section 3 of the Constitution did not include all the rights enumerated in article 5 of the Convention. With regard to section 16 of the Constitution, it was pointed out that subsection 4 (b) could be interpreted as meaning that racial discrimination against non-citizens of Mauritius was permitted; that the provisions of subsection 4 (c) did not appear to conform to the requirements of article 5, paragraph (d) (iv), of the Convention; and that the provisions of subsection 5 might, in practice, permit discrimination against certain groups of the population in appointments to public office.

249. The representative of Mauritius responded to the request for demographic information by pointing out that Mauritius was a multiracial society and one which did not have any indigenous population, all the present inhabitants having come from Europe, Africa, India and China. A census had been taken in 1975, and the results would be included in the next periodic report. He assured the Committee that the observations and inquiries made by its members would be communicated to his Government.

#### United Arab Emirates

250. It was noted with satisfaction that the initial report of the United Arab Emirates was comprehensive in scope. Members of the Committee wished that the report had been organized on the basis of the guidelines laid down by the Committee.

251. Noting that, according to the report, "article 25 of the Constitution states that all persons shall be equal before the law and that there shall be no discrimination between them", and that the opening statement of the report asserts that the legislation of the country was "based on the principle of equal treatment without distinction as to origin, religion or colour", some members recalled that article 1, paragraph 1, of the Convention refers to discrimination "based on race, colour, descent, or national or ethnic origin".

252. The status of foreigners in the reporting State was considered in connexion with article 1, paragraph 2, of the Convention. Members of the Committee noted the statements in the report that "article 40 of the Constitution provides that foreigners shall enjoy, within the Union, the freedoms stipulated in international charters" and that the Constitution "guarantees all residents in the territory of the State rights, justice and equality, the only distinction made between them being that required by the duty to protect citizens and to distinguish them from foreigners in view of the obligations which they have towards the State and which are not binding on foreigners"; and they asked for further clarification of the precise import of these statements. Some members noted that the information on social assistance, education and health protection referred at times to "all citizens" and at other times to "all"; and they wondered whether some of the guarantees in question were confined to citizens and others applied to aliens as well. The uncertainty was heightened by the fact that the sentence, "This applies not only to citizens but to all residents in the territory of the State without any discrimination", followed immediately the statement that, in accordance with

article 19 of the Constitution, "the State also guarantees health protection for all, including free medical treatment"; and it was not clear whether the earlier sentence applied only to the statement about health protection or whether it referred to the statements relating to education and social assistance which preceded it, as well. Some members inquired about the status of foreign workers in the reporting States. However, other members of the Committee recalled the provisions of article 1, paragraph 2, of the Convention.

253. The statement in the report that "there is no reason for the State to adopt specific measures to combat racial discrimination as such" gave rise to the observation, made by several members of the Committee, that - under the general obligations of article 2 of the Convention - specific action giving effect to certain provisions of the Convention, such as those of article 4, was mandatory except in those cases where the legislation of the State concerned already satisfied the requirements of those articles; in such cases, the reporting State was called upon to inform the Committee of its existing legislation and to demonstrate its adequacy.

254. Members of the Committee expressed the hope that detailed information on the application of articles 4, 5, 6 and 7 of the Convention would be provided in future reports.

255. Noting the information on the multiform contribution of the reporting State to the struggle against colonialism and racial discrimination throughout the world, some members asked whether the United Arab Emirates had any relations with the racist régimes of southern Africa.

256. Members of the Committee expressed the hope that the demographic information envisaged in general recommendation IV would be supplied.

257. Noting that the report referred to certain articles of the Constitution without citing their actual texts, and that it mentioned several laws without furnishing precise information on their scope or provisions, members of the Committee expressed the hope that, in its second periodic report, the United Arab Emirates would supply the texts of articles 14, 17, 19, 20, 25, 33, 34, 39 and 40 of the Constitution as well as detailed information on the Migration Act, the Act on the Civil Service, Act No. 17 of 1972 concerning Nationality and Passports and Act No. 6 of 1973 concerning Migration and Residence.

258. The representative of the United Arab Emirates commented on some of the observations and inquiries made by members of the Committee and summarized in the preceding paragraphs. Concerning the rights of foreigners, he informed the Committee that, while migrants, unlike citizens, were not provided with free housing and land, they were provided with free medical care and free education and were able to study abroad. Neither immigrants nor citizens paid income taxes in the United Arab Emirates. He noted that the bilateral agreements between his Government and a number of other Governments also governed the treatment of the nationals of those Governments. He stated that "the United Arab Emirates had no relations whatever with Southern Rhodesia and South Africa". He assured the Committee that he would forward the comments made by members of the Committee to his Government.



## Upper Volta

259. Members of the Committee noted with satisfaction that the initial report of Upper Volta was comprehensive in scope; it supplied information on the application of the provisions of articles 2 to 7 of the Convention as well as the information envisaged by the Committee in general recommendation III and decision 2 (XI). The information given in the report dealt not only with legislative measures, but also with judicial, administrative and other measures, as required by article 9, paragraph 1, of the Convention. And the report supplied the actual texts of many of the legal provisions to which it referred.

260. The Committee took note of the statements that - notwithstanding the suspension of the Constitution in 1974 - the Convention, which took precedence over the laws of the reporting State, retained its validity, and that the principle of equality, and hence the rejection of all racial discrimination, continued to hold good as a general principle of law. Members of the Committee, while recognizing that the suspension of a State's Constitution was an internal matter which did not fall within the competence of the Committee to consider, were concerned with the continued validity of the obligations incurred by the State in question, in consequence of its accession to, or ratification of, the Convention. Some members, referring to the statement that the principle of equality continued to hold good as a general principle of law, asked: What were the "general principles" which replaced the Constitution when it was suspended? What legal provisions had taken the place of articles 20 and 21 of the Constitution? What legal justification did the Government of Upper Volta have for its statement that the Convention retained its full validity? Inasmuch as article 1 of Law 15-AL of 31 August 1959, providing penalties for acts of racial discrimination, opened with the words, "Under the Constitution of the Republic of Upper Volta", how had the penal provisions of that article remained in force since the suspension of the Constitution? In that connexion, it was suggested that the actual text of the Proclamation of 8 February 1974 should be supplied to the Committee and that the representative of the reporting State should meanwhile inform the Committee whether the whole of the Constitution or only certain chapters of it had been suspended.

261. Members of the Committee were generally in agreement that the laws in force appeared to satisfy the requirements of article 4, paragraph (a), of the Convention. Some members were of the view that not all the requirements of article 4, paragraph (b), of the Convention were met by existing legislation, since the provisions of Law 20-AL of 31 August 1959 did not specifically prohibit racist organizations; other members, however, thought that the power to dissolve associations and groups, by decree of the President of the Council made in the Council of Ministers, in accordance with article 10 of Law 18-AL of 31 August 1959, satisfied the relevant requirements of article 4 of the Convention. In that connexion, members of the Committee drew attention to the statement in the report that, "should any gaps or loopholes be discovered, new provisions to strengthen safeguards at the national level, as a result of the entry into force of the Convention, could be drawn up in connexion with the preparation of the Penal Code of Upper Volta".

262. Note was taken of the brief statements that administrative measures had been taken to prevent discrimination in the assignment of civil servants to posts regardless of their ethnic origin as well as to protect foreign workers, and hope was expressed that more detailed information on such measures would be provided in the second periodic report of Upper Volta.

263. Members of the Committee noted that measures had been taken in compliance with the provisions of article 7 of the Convention, and asked that further details on those measures be supplied in the next report, as envisaged in the Committee's general recommendation V.

264. The information on the decrees adopted in 1963, 1966 and 1967 banning trade relations with the racist régimes of southern Africa and "instituting sanctions against Southern Rhodesia" was noted with satisfaction by members of the Committee.

265. Some members asked that further particulars about the only case brought before Upper Volta Courts under instruments designed to punish racial discrimination be furnished in the next report, and in particular the nature of the act of racial discrimination of which the accused was found guilty and for which he was given a suspended prison sentence and ordered to pay one franc damages to each of the plaintiffs.

266. It was hoped that the text of article 27 of Law 20-AL of 31 August 1959, to which article 28 of the same Law refers, be supplied in the next report.

267. The representative of Upper Volta commented on some of the observations and inquiries made by members of the Committee and summarized in the preceding paragraphs. He stated that "suspension of the Constitution really involved only the dissolution of Parliament and the banning of political activities"; that "all legal measures deriving from the Constitution remained valid and were being implemented"; and that "measures to eliminate racial discrimination were unaffected by the suspension of the Constitution". He pointed out that the Government was in the process of examining a new draft constitution, which would be put to a referendum in due course. Referring to the sentence passed in the case mentioned in paragraph 7, he explained that it was a merely symbolic one, since the plaintiffs had requested only a symbolic one franc for damages. He assured the Committee that he would convey to his Government the comments made during the consideration of the initial report of Upper Volta.

#### Malta

268. The supplementary report submitted by Malta as an addendum to its third periodic report, which had been considered by the Committee at its thirteenth session, contained detailed information on the implementation of article 7 of the Convention.

269. The Committee welcomed the initiative taken by the Government of Malta in submitting the additional information. It was pointed out that the importance attached by the Committee to the submission of detailed information pertaining to the application of article 7 of the Convention had recently been demonstrated by the adoption of general recommendation V at the fifteenth session. It was noted, however, that the supplementary report before the Committee had been submitted several weeks before the adoption of that general recommendation.

270. The Committee noted with satisfaction the wide range of measures adopted by the Government of Malta in fulfilment of its obligations under article 7 of the Convention, and the detailed information it furnished on those measures.

Egypt

271. The fourth periodic report of Egypt was considered together with the introductory statement made by the representative of Egypt before the Committee.

272. It was noted that the report before the Committee supplied no new information which had not already been given in the preceding reports submitted by Egypt. It was noted with satisfaction, however, that the statement made by the representative of the reporting State supplied additional information, and brought previously furnished information up to date.

273. It was observed that the statement in the report that, in accordance with articles 8 and 40 of the Egyptian Constitution, the State guarantees equality before the law "without discrimination between them on the basis of sex, origin, language, religion or creed" did not refer to all the factors of discrimination mentioned in article 1, paragraph 1, of the Convention.

274. In connexion with the provisions of article 4, paragraph (a), of the Convention, it was noted that article 6 of Law No. 34 of 1972 provided for penalties for any person who incites hatred, contempt or dissension between various communities; and it was asked whether the words "various communities" referred to ethnic and racial communities.

275. In connexion with the provisions of article 5 of the Convention, it was observed that the fourth periodic report of Egypt states that Egypt "guarantees equality for all persons in Egypt as regards the enjoyment of the political, economic, social and cultural rights set forth in international conventions, without any discrimination or distinction", whereas the information received previously had indicated that equality was guaranteed for "all Egyptians" or "all nationals". It was asked whether the latest report reflected a change in the status of foreigners resident in Egypt or whether there was merely some inaccuracy in the translation of the original Arabic wording of that report. Noting that the principle of equality was firmly anchored in Egyptian legislation, some members asked for information on specific measures taken in practice to ensure that all groups of the population did in fact enjoy the equal opportunities guaranteed in principle.

276. The Committee took note with satisfaction of the information, provided by the representative of Egypt, that measures had been taken in compliance with Egypt's obligations under article 7 of the Convention; and hope was expressed that further detailed information on that subject would be embodied in the fifth periodic report of Egypt.

277. The information given to the Committee by the representative of Egypt on his Government's multiform contributions to the struggle against racial discrimination in the international arena was noted with satisfaction by the Committee.

278. The Committee noted with concern the statement made by the representative of Egypt to the effect that racial discrimination was being practised in Sinai, a part of the national territory of Egypt over which that State was unable - because of foreign occupation - to fulfil its obligations under the Convention. Members of the Committee expressed the hope that the Government of Egypt would furnish detailed information on that subject in its next report. Inasmuch as the reporting State had not asked the Committee to take any action with respect to that issue, the

Committee confined itself to taking note of the information before it, expressing its concern, and inviting the Government of Egypt to provide it with such additional information as might be available to it in the future.

### Jordan

279. The second periodic report of Jordan was considered together with the introductory statement made before the Committee by the representative of the reporting State. The Committee noted with regret that the report before it contained little information in addition to what had been supplied in Jordan's initial report - which was considered by the Committee at its thirteenth session and found to contain "little of the information required in accordance with article 9, paragraph 1, of the Convention" /A/31/18, para. 1567. In view of the additional information given to the Committee by the representative of the reporting State in his introductory statement, the Committee decided - with his consent - that that statement be issued as a supplement to the second periodic report of Jordan.

280. Members of the Committee noted the statements, in the report before it, that "legislation is not adopted in a vacuum and laws are generally enacted to remedy certain issues or problems that exist or are likely to exist" and that, "since the phenomenon of discrimination in all its forms had been and still is alien to Jordanian culture, religion and political thought, there has been no effort to legislate further on this matter". They recalled that States parties to the Convention had accepted certain binding obligations, including, for example, the obligation to declare the acts described in article 4, paragraph (a), of the Convention as offences punishable by law and to declare illegal and prohibit the organizations and activities described in article 4, paragraph (b), of the Convention. They recalled also that the Committee had consistently maintained that States parties to the Convention whose existing legislation did not satisfy those requirements, and the requirements of other mandatory provisions of the Convention, were obligated to enact the necessary legislation.

281. Members of the Committee took note of the statement of the representative of Jordan that his Government's next report would inform the Committee of relevant existing legislation, of measures taken in implementation of article 7 of the Convention, and of the demographic information available to it, as envisaged by the Committee in general recommendation IV.

282. Members of the Committee noted with satisfaction the statement by the representative of Jordan that his country "has no diplomatic, economic or other relations with any racist régime".

283. Members of the Committee noted with concern the information relating the situation on the West Bank of the Jordan River, currently under Israeli occupation, in so far as it relates to the competence of the Committee under the Convention. At its 346th meeting, held on 4 August 1977, it decided to ask its Rapporteur to prepare the text of a draft decision, in the light of the observations made by members of the Committee at that meeting and along the lines of decision 1 (XV). At its 347th meeting, held on the same date, the Committee considered the text prepared by its Rapporteur and, after some revisions and amendments, adopted it by consensus. The text adopted by the Committee appears in chapter VIII, section B, decision 1 (XVI).

## Italy

284. The initial report of Italy was found by the Committee to be comprehensive in its scope; some members observed that it contained practically all the data which the Committee needed in order to perform its task, and noted that, in addition, the report contained a section on "future measures planned in the short and medium term in implementation of Italy's commitments as a State Party to the Convention". Members of the Committee took note of the care with which the report was prepared, and of the statement that "the preparation of this report was preceded by an ad hoc interministerial meeting", in which representatives of non-governmental organizations also participated. And it was noted that the report was organized in accordance with the guidelines laid down by the Committee.

285. Referring to the statement, contained in the report before the Committee, that, "as far as legislative measures are concerned, all the articles were carefully examined when the Act ratifying the Convention was being prepared and the conclusion was reached that in the Italian situation there was no need to provide for any legislative measures other than those of a penal nature required under article 4", some members observed that the Italian legislation - as described in the report - did not define or condemn acts of racial discrimination other than those described in article 4 of the Convention. They expressed concern at that deficiency, particularly in view of the fact that the report recognized that there could be "isolated cases of de facto differences" in Italy, and because the effectiveness of the means of recourse and the compensation for injuries would be diminished by that deficiency. Some members asked whether any law existed in Italy - other than the legislative measures taken to give effect to the provisions of article 4 of the Convention - which made racial discrimination a punishable offence. In that connexion, some members referred to the right of access, without discrimination, to any place or service intended for use by the general public, in accordance with article 5, paragraph (f), of the Convention; they observed that notwithstanding the statement in the report that there was no situation conflicting with that right in Italy - Italian legislation did not guarantee that violators of that right could be punished or ensure for victims of such violations the "effective protection and remedies" or the "just and adequate reparation or satisfaction" required under article 6 of the Convention. Reference was made to the statement that, "should any such cases of racial discrimination assume a criminal character, the injured persons would be protected by the provisions of the Penal Code"; and it was observed that it was difficult for members of the Committee to offer an opinion on the situation without having received from the reporting State the texts of the penal provisions alluded to.

286. With regard to the implementation of article 4 of the Convention, members of the Committee considered the provisions of article 3 of Act No. 654 of 13 October 1975, on the Ratification and Implementation of the Convention and noted that all the acts mentioned in paragraph (a) of that article were covered, except for "the provision of any assistance to racist activities, including the financing thereof". It was noted that, whereas paragraph (b) of article 4 of the Convention referred to organizations "which promote and incite racial discrimination", the provisions of article 3 of Act No. 654 applied only to organizations "whose aims include incitement to racial hatred or discrimination"; in that connexion, it was observed that, although it was unlikely that an organization would proclaim that incitement to racial discrimination was one of its aims, some organizations would resort to such practices in actual fact; and it was therefore felt that legislation was needed to deal with those organizations which in fact incited to racial discrimination but which did not publicly proclaim their aims.

287. It was hoped that future reports from Italy would contain information on the situation actually prevailing with regard to the enjoyment of the rights listed in article 5 of the Convention by the various segments of the Italian population.

288. The information on the implementation of article 7 of the Convention was noted with satisfaction. It was hoped that future reports from Italy would give more detailed information on that subject, as envisaged in general recommendation V of the Committee. It was suggested also that the purposes of article 7 might be best served by the adoption of a positive approach through the provision of information on the customs and way of life of other peoples and ethnic groups. And it was regretted that the report did not refer to an important seminar on the question of minorities, held in Trieste in 1974, which had dealt inter alia with the methods of informing public opinion about the nature of the problems of minorities in Italy and the world.

289. The Committee noted with satisfaction the statement that a draft declaration in accordance with the optional provisions of article 14, paragraph 1, of the Convention had already been drawn up. Noting that the report before the Committee had been submitted in March 1977, some members asked whether there had been further relevant developments since that time. Some members inquired whether the body mentioned in paragraph 2 of article 14 of the Convention had been established or indicated, and observed that difficulties might be encountered in the application of the provisions of paragraphs 3, 4 and 5 of that article if such action was not taken. Some members commented on the rationale for, as well as the practical difficulties that might arise from, the qualification that "recognition of the Committee's competence in this respect does not extend to communications which are already under consideration or awaiting consideration by another international investigative or regulatory body".

290. It was noted with regret that the information envisaged by the Committee in general recommendation III and decision 2 (XI) had not been supplied in the report before the Committee.

291. Some members referred to the statement that "no information concerning judicial measures can be supplied because the system of classifying offences in Italy does not include a specific category of offences motivated by racial prejudice". It was observed that the application of Act No. 654, which ratified the Convention and implemented the provisions of article 4 thereof, should make it possible to classify those offences which were motivated by racial prejudice and to provide the Committee with information on cases in which the provisions of article 3 of Act No. 654 had been invoked.

292. The information on minorities in Italy, given in the report, was considered incomplete: some members noted that, in addition to the main minority groups mentioned in the report, there were other groups such as those speaking Greek, Albanian and Croat; that, in addition to the national and international provisions cited in the report, a reference should be added to article 15 of the Peace Treaty and to article 3 of the Statute of the Friuli-Venezia Giulia region, as well as the decision of the Italian Parliament to call for special legislation regarding the rights of the Slovene minority in the Friuli-Venezia Giulia region, in accordance with the Treaty of Osimo (which was ratified after the preparation of the report).

293. An interest was expressed in receiving information on the way in which Italy was applying the Convention in respect of the nomad populations mentioned in the report; on the composition and size of the refugee population in Italy; and on the reasons for which special measures had been taken with regard to so-called "coloured domestic helpers".

294. The representative of Italy commented on the observations and inquiries made by members of the Committee and summarized in the preceding paragraphs. He pointed out that, under a system such as that prevailing in Italy, it would be difficult to promulgate a law condemning racial discrimination as such, since acts of racial discrimination which related solely to private affairs of individuals could not be made an offence under the Italian Penal Code. The fact that the Code did not include a specific category of offences motivated by racial prejudice, however, did not mean that such a motivation would not be taken into account when sentence was pronounced; the Code laid down minimum and maximum penalties for each category of crime and it was for judges, in the light of any attenuating circumstances or motivations, to decide on the severity of sentences within that range. Implementation of article 5, paragraph (f), of the Convention was governed by a law which established the right of the owner of any premises to deny access to any person or group; unless such a refusal could be proved to be racially motivated, it could not be considered that an offence had been committed under Italian law. He had no further information on the draft declaration in accordance with article 14 of the Convention; the reservation in that declaration was probably motivated by the desire to prevent different bodies from reaching different conclusions on the same case, thereby causing confusion. It had not been deemed necessary to include in the report the information envisaged by the Committee in its general recommendation III and decision 2 (XI), because his Government's interpretation of its obligations under the Convention was that it should report on the conditions in its own territory as regarded racial discrimination and steps to eradicate it; however, the position of the Italian Government with regard to the policy of apartheid had been stated on innumerable occasions in various United Nations bodies. He would ask his Government to provide information in future reports on cases, if any, dealt with under the terms of Act No. 654 and on the Greek and Albanian minorities and nomad populations in Italy. Most of the refugees in Italy were political refugees from places such as Eastern Europe and Chile. The special measures that had been taken with regard to "coloured domestic helpers" had been designed to protect them against certain forms of exploitation of which they had been victims; those protective measures had already been effective in improving the situation.

#### Venezuela

295. The supplementary report of Venezuela, prepared in response to the decision taken by the Committee at its thirteenth session A/31/18, paras. 125-127, consisted of replies to questions raised by members of the Committee during the consideration of Venezuela's third and fourth periodic reports.

296. Some members of the Committee expressed the opinion that the supplementary report left many questions unanswered and failed to address certain specific questions. It was observed also that the report before the Committee did not answer any of the questions in terms of the specific context of the Convention.

297. It was noted that, whereas it was stated in the report that "since the concept

of race is rejected in Venezuela, it is difficult to speak in terms of a racial mixture. It would be preferable to speak in terms of the different cultures which merged over the years", article 61 of the Constitution of Venezuela states that "discrimination on grounds of race ... shall not be permitted".

298. Some members requested clarification of the statement in the report that "there is no special protection for foreigners, who enjoy the same protection as citizens, since the Venezuelan Constitution provides that there are no differences between citizens and foreigners", in the light of the provisions of article 45 of the Constitution, which states that "foreigners shall have the same duties and rights as Venezuelans, with those limitations and exceptions established by this Constitution and the laws". Information on the precise nature of those "limitations and exceptions" was requested.

299. Members of the Committee considered the information given in the report on existing provisions of Venezuelan laws which give effect to the provisions of article 4, paragraph (b), of the Convention. It was noted that articles 286, 292 and 293 of the Venezuelan Penal Code, as quoted in the report, did not meet the requirement that the organizations described in the Convention should be declared illegal and prohibited. Some members noted that the report states that "the Committee expressed the desire that the type of association referred to in article 293 of the Penal Code of Venezuela should be declared illegal", and observed that what was at issue was not a desire on the part of the Committee but an obligation under the Convention. It was noted also that the report states that "the observation by the Committee on the Elimination of Racial Discrimination will be taken into account when the reform of the Venezuelan Penal Code is carried out" and, in that connexion, it was asked whether the reform of the Venezuelan Penal Code was in fact being carried out.

300. Some members asked for clarification of a statement in the report, that "the authorities may close down an establishment because it has practised discrimination, in accordance with article 61 of the Constitution". While recognizing that article 61 of the Venezuelan Constitution provides that "discrimination on grounds of race ... shall not be permitted", they could not find in that general principle sufficient grounds for the authorities to impose any particular penalty or to close down any establishment practising racial discrimination.

301. The representative of Venezuela told the Committee that he could not amplify or clarify the answers given in the report since they had been prepared by competent experts in Venezuela; and he regretted that some members of the Committee were dissatisfied with them. He assured the Committee of his Government's full support and of his intention to convey the comments made by members of the Committee to his Government for appropriate action.

#### United Kingdom of Great Britain and Northern Ireland

302. The fourth periodic report of the United Kingdom was considered together with the introductory statement made before the Committee by the representative of the reporting State.

303. Members of the Committee noted that the report before them placed the Committee in a somewhat unusual position. The information in the report related to the situation which had obtained in the two-year period from April 1974 to



March 1976, when the Race Relations Acts of 1965 and 1968 were still in force; an annex to the report comprised a White Paper entitled "Racial Discrimination", submitted to Parliament in September 1975, examining the shortcomings of the then-existing legislation and outlining the main features of a new law then proposed; the new Race Relations Act 1976, which had come into force in June 1977, was not supplied to the Committee, on the ground that it had been enacted after the end of the biennial period covered by the report; and the fifth periodic report of the United Kingdom, which would report on the new law, would be due during the Committee's next (seventeenth) session. Some members were of the opinion that, under those circumstances, it would be wise for the Committee to defer consideration of the report before it until it had received the fifth periodic report. It was argued that, inasmuch as the purpose of the consideration of reports from States was to make suggestions and general recommendations, consideration of the fourth periodic report would not lead to relevant results since the legislative situation it described had already come to an end, while, at the same time, the law currently in force was not available to the Committee for consideration. On the other hand, it was pointed out that the reporting State had fulfilled its obligation under article 9, paragraph 1, of the Convention by presenting - albeit belatedly - the report before the Committee, and that that report contained relevant information on dependent territories and comments on observations and inquiries made by members of the Committee at previous sessions. At its 348th meeting, held on 5 August 1977, the Committee decided to proceed with its consideration of the introductory part of the report (Part A), the information on dependent territories (Part B) and replies to questions raised at previous sessions (annexes I and II), and to refer to the White Paper (annex III) only in so far as it was relevant to such discussion - with the understanding that the information in the White Paper, the text of the Race Relations Act 1976, and the assessment of whether it was working satisfactorily would be considered when the fifth periodic report of the United Kingdom was before the Committee. <sup>14/</sup> In that connexion, a hope was expressed that the United Kingdom would submit its next report in time for its consideration by the Committee at its seventeenth session and that it would submit also the text of the new law on nationality and citizenship as well as the texts, previously requested, of the Immigration Act 1971 and the Immigration Rules.

304. Reference was made to the comment in the report on observations made at a previous session of the Committee regarding the implementation of article 4 of the Convention. Although the report stated that "the United Kingdom's interpretation of article 4 remains the same as set out in paragraphs 22-33 of the Third Biennial Report", it was noted with satisfaction that in paragraph 126 of the White Paper the United Kingdom Government had indicated that it would ensure that it would no longer be necessary to "prove a subjective intention to stir up racial hatred". Furthermore, although the Government of the reporting State continued to hesitate to extend the criminal law to deal with the dissemination of ideas based on racial superiority in the absence of a likelihood that group hatred would be stirred up by it, it had come to recognize that strong views were held on this important point and had not closed the door to possible reconsideration of its position - as was indicated in paragraph 127 of the White Paper. The information in the annex entitled "Results of prosecutions under the Race Relations Act 1965", submitted in response to requests made by some members of the Committee, was considered insufficient to serve the purpose for which it had been requested in the first

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<sup>14/</sup> In the following paragraphs, only those opinions and observations which fell within the framework of this decision are reflected.

instance. Some members noted with concern the reports of strong racist statements appearing in the media in the United Kingdom in recent years, and wished to know whether action was being taken to curb the racist activities of such organizations as the National Socialist Movement and the National Front.

305. Some members asked for information on the application of the provisions of article 7 of the Convention, and on the programmes which might have been formulated in connexion with the Decade for Action to Combat Racism and Racial Discrimination.

306. Part B of the report, entitled "Dependent Territories", was found to be perfunctory and uninformative in certain sections. The paragraph on Belize, for example, referred to a request by the Committee for information on the ethnic composition of the population of Belize and on the effects of the influx of migrant workers on social relations, and simply stated in reply that the Government of Belize had reported that there had been no developments of note during the period under review and that they had nothing to add since the submission of the third periodic report of the United Kingdom. The paragraph on Solomon Islands referred to the new Constitution of that territory but made no mention of the provisions relating specifically to racial discrimination.

307. It was noted with regret that the information envisaged by the Committee in its general recommendation III and decision 2 (XI), concerning relations with the racist régimes in southern Africa, was not supplied in the report.

308. The representative of the United Kingdom assured the Committee that his Government would endeavour to submit its next report in time for consideration by the Committee at its next session, and would submit also the texts of the Acts requested by the Committee. However, with regard to the request for the text of the law on nationality and citizenship, he explained that his Government had published a Green Paper on that subject in April 1977, as a consultative paper to be studied by those concerned, but that no legislation was likely for at least two to three years. In connexion with the organizations mentioned by some members of the Committee and described as racist organizations, he stated that they had no significant support; they existed because it was difficult to reconcile their suppression with freedom of speech and democracy, but they were kept under close watch. Information on United Kingdom programmes relating to the Decade and on measures taken in accordance with article 7 of the Convention would be provided in the next report, which would also contain more information on dependent territories. With regard to providing the Committee with information on relations with the racist régimes in southern Africa, he recalled his Government's position regarding general recommendation III, which had been made known to the Committee on 15 August 1973 - namely, that his Government would not include information on relations with South Africa in its reports.

#### Bahamas

309. The initial report of the Commonwealth of the Bahamas was brief and furnished no information on any measures adopted by the Government of the reporting State to give effect to the provisions of the Convention.

310. While it was cognizant of the scope of the reservation expressed by the Government of the Bahamas when it acceded to the Convention, the Committee was of the view that the reporting State was nevertheless duty-bound, under article 9, paragraph 1, of the Convention to furnish information on the relevant provisions

of its Constitution, on the relevant legislative provisions in force, on its judicial processes in so far as they related to the Convention, and on other measures taken in compliance, for example, with article 7 of the Convention.

311. The representative of the Bahamas said that his Government would endeavour to ensure that its next report contained all the information necessary to make it acceptable to the Committee, bearing in mind the reservation expressed by the Bahamas on its accession to the Convention. He assured the Committee that he would convey the comments made by its members to his Government.

#### Cuba

312. The third periodic report of Cuba was considered together with the introductory statement made before the Committee by the representative of the reporting State. Members of the Committee noted with satisfaction that the new report gave detailed and comprehensive information on legislative, administrative and other measures adopted since the submission of the second periodic report some 16 months earlier, as well as detailed information and texts relevant to the observations, inquiries and requests made by members of the Committee at its thirteenth session. Several members supported a proposal that, with the consent of the representative of the reporting State, the report under consideration should be reclassified as a document for general distribution.

313. A view, expressed at the thirteenth session of the Committee, was reiterated at the sixteenth session: the premise on which the Cuban reports were based - namely, that the only cause of racial discrimination was socio-economic exploitation and that freedom from such exploitation would lead to the disappearance of racial discrimination - did not take into account other elements, including psychological elements, which created prejudices even in conditions of complete equality. The psychological element could be eliminated only through education; and the reports of Cuba implicitly recognized that fact by describing the measures taken by the Cuban Government in the fields of education and public information.

314. Bearing in mind the provisions of article 2, paragraph 2, of the Convention, a member of the Committee asked if any measures had been taken to promote equality for the ethnic groups referred to in the report, particularly in the matter of education, language use, cultural activities in those groups' own languages, etc.

315. Several members of the Committee expressed the view that the information contained in the third periodic report of Cuba, together with the information given in earlier reports, showed that full effect had been given in that country to the mandatory requirements of article 4 of the Convention. With reference to paragraph (a) of that article, however, it was asked whether "the provision of any assistance to racist activities, including the financing thereof" had been declared "an offence punishable by law"; and it was observed that the texts of articles 219, 224, 227 and 232 of the Code of Social Protection, quoted in the report, did not refer to the offences expressly mentioned in article 4, paragraph (a), of the Convention. With regard to paragraph (b) of that article, it was noted that the provisions of the Associations Act cited in the report did not make it clear whether organizations and propaganda activities which promoted and incited racial discrimination were declared illegal in Cuba. It was observed also that the provisions of article 224 of the Code of Social Proceedings - which states that

"persons attending meetings or demonstrations at which any offence described in this Code or in particular statutes is committed shall be punishable as stipulated for the offence in question" - were excessive in their scope; but it was noted, on the other hand, that the Committee could not object to that article as long as it did not give rise to the application of punishments of a discriminatory nature. It was recalled that, when the Committee was considering reports from other States parties, the view had been expressed that it was not enough to declare illegal and prohibit organizations whose proclaimed aim was the promotion and incitement of racial discrimination, inasmuch as the Convention required that all organizations which promoted and incited racial discrimination should be declared illegal and prohibited, and it was clear that that requirement applied to all racist organizations regardless of whether or not they acknowledged the promotion and incitement of racial discrimination as their "aim".

316. With regard to the provisions of article 5 of the Convention, reference was made to the rights mentioned in paragraphs (c) and (d) (viii) as well as to the principle of equality before the law and equality in the enjoyment of human rights mentioned in the preamble of that article. It was observed that the new Elections Act, in addition to ensuring complete equality both in voting and in the matter of being elected, gave expression to the highest democratic principles, since it regulated not only the election of members of the legislature but also the procedures for their removal and for the holding of referenda; on the other hand, it was noted that, under that Law, members of government organs were elected indirectly. It was observed also that the fact that freedom of speech and of the press could be exercised only in keeping with the objectives of socialist society raised the question of whether that restriction was fully consistent with the right of everyone to equality before the law. It was noted that the Migration Act and the Alien Status Act gave broad protection to foreigners residing in Cuba and accorded them equal treatment; but questions were raised - in connexion with the statement that, for the purposes of those Acts, foreigners had been classified into visitors, diplomats, guests, temporary residents and permanent residents - as to whether the equal treatment of all those categories of foreigners, including diplomats, was not inconsistent with international agreements defining diplomatic privileges.

317. Several members of the Committee expressed the view that the information given in the successive reports of Cuba, including the report under consideration, showed that the requirements of article 6 of the Convention had been fulfilled. On the other hand, it was noted that the report under consideration did not reply to a question raised at the Committee's thirteenth session, as to what redress was offered to a person who considered that his rights under articles 40 and 41 of the Constitution had been violated. It was observed that the information in the report under consideration referred exclusively to questions of criminal procedure, whereas the implementation of article 6 of the Convention basically raised questions of a civil nature, which were not dealt with at all in the report. It was stated that, while an injured party was allowed a period not exceeding 10 days in which to take penal action, a corresponding time-limit was not specified for the investigation to be carried out by the authorities. It was stated also that, while clear provision was made for a procedure in which the victim of an act of racial discrimination by other private individuals could lay the information in hand before the police, the Public Attorney or the courts, it was not clear to whom a private individual should address himself in cases in which the alleged perpetrator was a government official. It was suggested that there was a discrepancy between the procedures provided for in article 122 of the Criminal Procedure Act and those described in article 123 of that same Act. And it was stated that the

articles of the Criminal Procedure Act cited in the report indicated that injured parties could take penal action only for the offences of insult, calumny, false accusation and unlawful claim and that, if an official or agent of the State committed an illegal act of a discriminatory nature which did not fulfil those conditions, action could be taken only on the initiative of the Public Attorney; on the other hand, it was stated that article 276 of the Criminal Procedure Act expressly stated that if a private individual was prepared to continue prosecution, the court should proceed with the case as appropriate.

318. Many members of the Committee noted with satisfaction that the report under consideration contained detailed information on diverse measures taken in implementation of article 7 of the Convention.

319. Many members of the Committee took note with satisfaction of the information on Cuba's active participation in the international struggle to eliminate racial discrimination.

320. The representative of Cuba commented on the observations and inquiries made by members of the Committee and summarized in the preceding paragraphs. She stated that the Revolutionary Government of the Republic of Cuba had established equality for all citizens and eliminated all forms of racial discrimination when it had established a new political and socio-economic structure. She stated also that the various ethnic and racial groups in Cuba had been completely integrated. She pointed out that the information in the report before the Committee supplemented - but did not repeat - the information given in earlier reports, which provided replies to some of the questions raised by members of the Committee at the current session, particularly with regard to articles 4 and 6 of the Convention. Article 52 of the Cuban constitution clearly stated that the mass media were public property used to serve the interest of the working class and of society. Article 227 of the Code of Social Protection defined as illicit any associations which encouraged racial hatred or discrimination, and the Associations Act provided sanctions against associations which infringed its stipulations, even if they had been established with lawful aims. All Cuban citizens participated directly and on an equal footing in electing their representatives; Cuba's socialist institutions also provided a means for direct and systematic participation by the people in decision-making. The privileges and immunities granted diplomats were defined in separate enactments based on reciprocity and international agreements. Articles 277 et seq. of the Criminal Procedure Act provided that action could be taken against offences either by the Public Attorney on the initiative of the State or, exceptionally, by the injured party, who was given 10 days in which to proceed. Articles 430 et seq. listed the offences in respect of which the injured party could initiate proceedings. Other remedies were established by article 129 of the Judicial System (Organization) Act and by Act 1323, governing the organization of central State administrations. The apparent discrepancy between the provisions of article 122 and those of article 123 of the Criminal Procedure Act was explained in the light of the provisions of article 116 of that Act, and those two articles were shown to be mutually complementary.

#### Cyprus

321. A statement by the representative of Cyprus was made before the Committee at its 351st meeting, held on 8 August 1977, in accordance with a decision taken by the Committee at its 342nd meeting, held on 2 August 1977. The statement gave additional information on the situation in Cyprus and concluded with a request for appropriate action to be taken by the Committee.

322. At its 351st meeting, held on 8 August 1977, the Committee considered three proposals: that it take note of the information laid before it by the representative of Cyprus and defer further action until the seventeenth session, when it would have before it the fifth periodic report of Cyprus; that it include in the body of its annual report to the General Assembly a statement, perhaps in the form of a summary by the Chairman, expressing its concern and its hopes regarding the situation in Cyprus; and that it take a formal decision regarding the information laid before it by the representative of Cyprus. It decided on the third course of action and agreed to a proposal by the Chairman to ask the Rapporteur to prepare the text of a draft decision, taking into account the views expressed at that meeting as well as previous decisions of the Committee.

323. At its 352nd and 353rd meetings, held on 9 August 1977, the Committee considered the text submitted by its Rapporteur and several proposed amendments. The 353rd meeting was suspended briefly for consultations among the proponents of the various amendments. The revised text submitted to the Committee after the resumption of its 353rd meeting was adopted by consensus. The text adopted by the Committee appears in chapter VIII, section B, decision 3 (XVI).

C. General recommendation V adopted by the Committee at its fifteenth session

324. At its 337th and 338th meetings, held on 13 April 1977, the Committee considered a proposal submitted by Mr. Sayegh aimed at calling the attention of States Parties to the importance of the provisions of article 7 of the Convention and inviting them to furnish - in the reports submitted by them under article 9, paragraph 1, of the Convention - detailed information on the measures adopted by them to give effect to those provisions.

325. While considering the draft general recommendation before them, Committee members considered also the need to provide States Parties with some guidance on the manner in which the provisions of article 7 of the Convention could most effectively be applied, and the possible role which UNESCO might be willing to play in assisting the Committee and the States Parties in that regard.

326. At its 338th meeting, the Committee adopted by consensus the text of the draft general recommendation before it; authorized its Chairman to write a letter transmitting the recommendation to UNESCO and, recalling the Committee's decision 2 (VI) concerning co-operation between UNESCO and the Committee, asking for that body's co-operation; and decided to take up the question at its sixteenth session, taking into account the relevant information from UNESCO, comments from States Parties, and suggestions from individual members. 15/

327. The text of general recommendation V appears in chapter VIII, section A, decision 3 (XV).

328. At its sixteenth session, the Committee was informed by the Secretary-General that - in accordance with article 9, paragraph 2, of the Convention and rule 67 of the provisional rules of procedure of the Committee - he had transmitted the text of general recommendation V to the States Parties, by a note verbale dated 2 May 1977, for any comments they might wish to make. The comments received by the Secretary-General from States Parties before the end of the sixteenth session of the Committee were made available to it.

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15/ For the action taken by the Committee at its sixteenth session, in pursuance of this decision, see chap. III.

329. At its 355th meeting, held on 10 August 1977, the Committee considered how best to discharge its obligation, in accordance with article 9, paragraph 2, of the Convention and rule 67 (3) of its provisional rules of procedure, to report to the General Assembly its own suggestions and general recommendations "together with comments, if any, from States Parties". It was noted that some of the replies of States Parties to the Secretary-General's note verbale of 2 May 1977, transmitting the text of general recommendation V, consisted not only of comments on the general recommendation itself but also of additional information, including information on how the responding States Parties had applied article 7 of the Convention in their respective territories. The Committee decided to authorize its Rapporteur to select those portions of the replies of States Parties which constituted comments on general recommendation V, for inclusion in the Committee's annual report.

330. The comments received from States Parties on general recommendation V of the Committee appear in annex V, below.

D. Classification and distribution of reports of States parties to the Convention and other documents of the Committee

331. At the 351st meeting of the Committee, held on 8 August 1977, Mr. Dayal submitted to the Committee a proposal to amend decision 1 (IX) of 12 April 1974 /A/9618, paras. 21-30/ concerning the classification and distribution of reports submitted by States Parties, under article 9 of the Convention, and other documents of the Committee. Mr. Dayal explained that the purpose of his proposal was, first, to obtain greater publicity for the work of the Committee and to facilitate the task of scholars and researchers interested in that work, and, secondly, to remedy certain "illogicalities" in the manner in which the Committee classified its documents. Under the existing procedure, he noted, reports submitted by States Parties were classified as documents for restricted distribution - in spite of the fact that those reports were considered by the Committee at public meetings, that the summary records of those meetings were given general distribution, and that the substance of the Committee's deliberations was included in the Committee's annual reports, which were generally available as General Assembly documents. Other official documents of the Committee should also be classified as documents for general distribution, with a view to encouraging the public and organizations and individuals concerned with the elimination of racial discrimination to take a more lively interest in the Committee's proceedings.

332. The Committee considered Mr. Dayal's proposal at its 351st and 352nd meetings, held on 8 and 9 August 1977 respectively. Mr. Dayal accepted some amendments proposed by other members of the Committee - ensuring that the reclassification of the documents in question would not be retroactive but would take effect as of the seventeenth session of the Committee; that reports from States Parties would be given general distribution "unless the States Parties request otherwise"; that other official documents of the Committee would be given general distribution "except when the Committee decides otherwise"; and that the proposed classification and distribution procedures would not apply to the voluminous documents which some States submit, together with their reports, for the use of members of the Committee as background material.

333. At its 352nd meeting, held on 9 August 1977, the Committee adopted by consensus the draft decision proposed by Mr. Dayal, as amended. The text of that decision, as adopted, appears in chapter VIII, section B, decision 2 (XVI).

## CHAPTER V

### 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

334. The Committee considered this item at its 336th meeting (fifteenth session) on 12 April 1977 and at its 357th and 358th meetings (sixteenth session), on 15 August 1977.

335. The action taken by the Trusteeship Council at its forty-third session in 1976 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 1975 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the seventh annual report of the Committee on the Elimination of Racial Discrimination submitted to the General Assembly at its thirty-first session. 16/ 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 1976 were contained in paragraph 259 of its report to the General Assembly. 16/

336. In so far as the General Assembly, owing to lack of time, had been unable to consider at its thirtieth session the report of the Committee for 1975, at its thirty-first session it considered jointly the two reports of the Committee for the years 1975 and 1976. 17/ By its resolution 31/81 of 13 December 1976, the General Assembly, inter alia, took note with appreciation of the reports of the Committee on the Elimination of Racial Discrimination; commended the Committee for focusing greater attention on the just cause of the peoples struggling against oppression of the colonialist and racist régimes in southern Africa; took note also of the part of the reports of the Committee concerning petitions and other information relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies; and drew the attention of the relevant United Nations bodies to the Committee's opinions and recommendations relating to those Territories.

337. At its fifteenth session (March/April 1977), the Committee was informed by the Secretary-General of the action taken by the Special Committee at its 1976 session in connexion with article 15 of the Convention. The Special Committee, at its 1055th meeting, held on 13 September 1976, decided 18/ to authorize its Chairman to transmit, in accordance with established practice, all pertinent

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16/ Official Records of the General Assembly, Thirty-first session, Supplement No. 18 (A/31/18), chap. IV.

17/ Ibid., Thirtieth session, Supplement No. 18 (A/10018); and Thirty-first session, Supplement No. 18 (A/31/18).

18/ See A/31/23 (Part I), chap. I, sect. J, paras. 83-87.



information to the Committee on the Elimination of Racial Discrimination. Furthermore, having regard to the tasks entrusted to the Special Committee under article 15 of the Convention, the Chairman of the Special Committee drew the attention of the administering Powers concerned to the relevant parts of the report of the Committee on the Elimination of Racial Discrimination 19/ for appropriate action. The Chairman of the Special Committee, in a note dated 20 December 1976, informed the Chairman of the Committee on the Elimination of Racial Discrimination that during the year 1976 the Special Committee received no petitions falling under the terms of article 15 of the Convention and requested that the foregoing be brought to the attention of the Committee on the Elimination of Racial Discrimination.

338. At its sixteenth session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its forty-fourth (1977) session in connexion with article 15 of the Convention. The Trusteeship Council, at its 1466th meeting, held on 13 June 1977, considered the item on its agenda entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" together 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 Trusteeship Council.

339. As a result of these and earlier decisions of the Trusteeship Council and the Special Committee, the Secretary-General transmitted to the Committee at its fifteenth and sixteenth sessions the documents listed in annex VI below.

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

(a) African Territories

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

(b) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Hollist, Mr. Kapteyn, Mr. Nabavi, Mr. Nasinovsky, with Mr. Partsch as Convener.

(c) Pacific and Indian Ocean Territories

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

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

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

341. In accordance with the established practice, the Committee agreed, at its sixteenth session, that the final text of its opinions 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 VI 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 to the United Nations bodies concerned.

342. The reports of the three working groups mentioned above were considered by the Committee at its 357th and 358th meetings, on 15 August 1977, and were adopted paragraph by paragraph, with some amendments.

343. The opinions and recommendations of the Committee based on its consideration of copies of reports and other information submitted to it in 1977 under article 15 of the Convention, as adopted by the Committee at its 358th meeting, on 15 August 1977, are as follows:

The Committee on the Elimination of Racial Discrimination,

Having 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,

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:

General

The Committee has frequently requested the Special Committee, as a part of its functions, to obtain and to convey to it fuller information relating to racial discrimination in its reports on Trust and Non-Self-Governing Territories, and had, in fact, suggested that a special chapter be included in the working papers prepared by the Secretariat for the Special Committee on matters concerning racial discrimination. The Special Committee, however, has taken the view that, in the light of General Assembly resolution 3481 (XXX), "the total elimination of racial discrimination, apartheid and violations of the basic human rights of the peoples of colonial Territories will be achieved with the greatest speed by the faithful and complete implementation of the Declaration". The documents of the Special Committee therefore contain little information relating to the situation concerning

racial discrimination in those Territories. In view of this situation, the Committee regrets that it continues to lack sufficient information on the basis of which it will be in a position adequately to discharge its responsibilities under article 15 of the Convention.

The Committee, while broadly concurring with the view expressed by the Special Committee, would, however, like to draw the attention of the Special Committee to the specific responsibility placed on the Committee on the Elimination of Racial Discrimination for combating all practices involving racial discrimination in Trust and Non-Self-Governing Territories, pending the attainment by them of their right to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

The Committee, therefore, earnestly reiterates its request to the Special Committee to take steps, as appropriate, to obtain and to transmit to it the desired information to enable it to fulfil its task under article 15 of the Convention.

#### A. African Territories 20/

##### 1. Southern Rhodesia

- (1) The Committee examined the working papers prepared by the Secretariat for the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/L.1140 and Add.1 and Add.1/Corr.1; A/AC.109/L.1146; and A/AC.109/L.1158).
- (2) The Committee expressed its grave concern over the deteriorating situation in the Territory, especially the continuing acts of brutality and dehumanization directed against the African population.
- (3) The Committee also called for action to prevent the introduction of mercenaries into the Territories as this aggravates the existing racial tension in the Territory.

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20/ Adopted at the 358th meeting, on 15 August 1977. As regards these Territories, the following documents were submitted to the Committee:

A/31/23/Add.5 and Corr.1, chap. XI (Western Sahara);  
A/31/23/Add.7 (part II), chap. XIV (French Somaliland);  
A/32/107 (Report of the United Nations Visiting Mission to Observe the Referendum and Elections in French Somaliland);  
A/AC.109/L.1138 and Add.1 (Namibia);  
A/AC.109/L.1140 and Add.1 and Add.1/Corr.1 (Southern Rhodesia);  
A/AC.109/L.1146 (Military activities in Southern Rhodesia);  
A/AC.109/L.1158 (Foreign economic interests in Southern Rhodesia);  
A/AC.109/L.1160 (Foreign economic interests in Namibia);  
A/AC.109/L.1164 (Military activities in Namibia);  
A/AC.109/L.1185 and Add.1 (Western Sahara).

## 2. Namibia

(1) The Committee had before it the working papers prepared by the Secretariat for the Special Committee dealing with various aspects of the question of Namibia (A/AC.109/L.1138 and Add.1; A/AC.109/L.1160; and A/AC.109/L.1164).

(2) The Committee took note in particular of the recent decisions adopted by the Organization of African Unity at its last meeting in Libreville and the new initiatives by the five Western members of the United Nations Security Council concerning Namibia.

(3) The Committee wishes to express concern over the non-implementation of United Nations resolutions on Namibia as well as the continuing inimical economic activities by foreign concerns in the Territory, the attempt by the Pretoria régime to organize tribally based armed forces which would inevitably exacerbate the situation and the expressed determination of the South African Government to detach Walvis Bay from Namibia, as this would be detrimental to the economic viability of the Territory, and expresses the hope that measures would be taken to stop these activities.

## 3. French Somaliland

(1) The Committee had before it the report 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 regarding French Somaliland (A/31/23/Add.7 (part II)). However, in view of its awareness of the fact that the Territory concerned has acceded to full independence and sovereignty through the exercise of the right to self-determination since the report was issued, the Committee considered it inappropriate to deal with the report.

(2) The Committee also had before it a note from the Secretary-General to the Special Committee on the Question of French Somaliland, transmitting the report of the United Nations Mission to Observe the Referendum and Elections in French Somaliland (Djibouti) and took note of the conclusions of the Mission, and in particular the orderly manner in which the referendum and elections were conducted.

(3) The Committee warmly welcomes the independence of the Republic of Djibouti and its forthcoming membership in the United Nations.

## 4. Spanish Sahara (Western Sahara)

Having considered the report 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 on Spanish Sahara (Western Sahara) (A/31/23/Add.5 and Corr.1) and the working paper by the Secretariat on Western Sahara (A/AC.109/L.1185 and Add.1), the Committee took note of the decision adopted by the Special Committee at its 1977 session, and decided to defer any consideration to a subsequent session, without prejudice to its competence to pronounce itself on the matter.

## B. Pacific and Indian Ocean Territories 21/

### 1. Tokelau Islands

(1) The Committee took note of the statements contained in the documents concerning human rights and the policies relating to the elimination of racial discrimination. It expressed the wish to be informed about the contents of the Tokelau Islands Departure Regulations 1952 which seem to touch upon the right of freedom of movement.

(2) The Committee also noted with appreciation the desire of both the people of the Tokelau Islands and of those in the New Zealand communities for a greater participation by Tokelauans in running the Office of Tokelau Affairs at Apia. It would be interested to be informed of any further developments to implement this desire. The Committee also expressed its interest in the housing and communities development in the Tokelau Islands and would welcome any further information in that field.

(3) The Committee has taken note of the suggestion of the United Nations Visiting Mission to the Tokelau Islands that the Administering Power take steps to review and equalize the Tokelau salaries structure and supports that suggestion.

### 2. Gilbert Islands

(1) The Committee considered document A/AC.109/L.1153 and, taking note of the ratio of civil servants belonging to the indigenous population and other civil servants, observed that the ratio seemed to be unfavourable to the indigenous population.

(2) It also noted the limited educational facilities in the Territory and would welcome information about any plans for and progress in education at a higher level than that mentioned in the report.

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21/ Adopted at the 358th meeting, on 15 August 1977. As regards these Territories, the following documents were submitted to the Committee:

A/31/23/Add.8 (part II), chap. XVII (Tokelau Islands);  
A/AC.109/L.1135 (Report of the United Nations Visiting Mission to Tokelau);  
A/AC.109/L.1141 (Pitcairn);  
A/AC.109/L.1142 (Solomon Islands);  
A/AC.109/L.1143/Rev.1 (Brunei);  
A/AC.109/L.1145 (Tokelau Islands);  
A/AC.109/L.1152 (Tuvalu);  
A/AC.109/L.1153 (Gilbert Islands);  
A/AC.109/L.1163 (Military activities in Guam);  
A/AC.109/L.1166 (American Samoa);  
A/AC.109/L.1167 (New Hebrides);  
A/AC.109/L.1169 (Guam);  
A/AC.109/L.1170 (Cocos (Keeling) Islands);  
A/AC.109/L.1171 (Trust Territory of the Pacific Islands);  
T/L.1205 (Outline of conditions in the Trust Territory of the Pacific Islands).

### 3. Guam

(1) The Committee, in its report to the thirty-first session, expressed its great concern about the rapid change brought about in the demographic composition of the population of Guam and requested 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. It regrets that no such information has been provided.

(2) It noted that, according to the report from the Bureau of Labour Statistics of the Guam Department of Labour, 25 per cent of the families on Guam lived below poverty income levels during 1975. It would appreciate further information whether this situation has any bearing on the question of racial discrimination under the terms of the Convention.

### 4. American Samoa

(1) The Committee considered document A/AC.109/L.1166 and reiterated its 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.

(2) The Committee would appreciate basic information on the civil and political rights of the indigenous population of the Territory as compared with those enjoyed by United States citizens.

### 5. Brunei, Solomon Islands, Tuvalu, New Hebrides, Cocos (Keeling) Islands, Trust Territory of the Pacific Islands

The Committee again expressed its regret that the reports do not contain relevant information on the civil, political, social, economic and cultural rights of the inhabitants of the Territories which would enable it to consider the application of the principles of the Convention to the specific situations prevailing in the Territories, and expresses the wish that such information be provided in the future.

C. Atlantic Ocean and Caribbean Territories, including Gibraltar 22/

The Committee had previously put a number of specific questions to the Government of the United Kingdom regarding Bermuda, Montserrat, Turks and Caicos Islands, Belize and St. Helena which have not yet been answered. The Committee notes this with regret and urges that those questions be answered in detail.

1. Bermuda

(1) The problem of reform of the electoral law has been under discussion for several years. The Committee is of the opinion that the question of independence should be decided by the people of Bermuda themselves without the participation of non-nationals.

(2) The Committee notes with satisfaction the statement of Mr. Gibbons, a leader of the United Bermuda Party, regarding the importance of pre-school nurseries, as "children got a head start before entering the primary system and at that early level they best adapt to racial harmony".

2. British Virgin Islands

The Committee would like to be informed about the results of the survey undertaken on a proposal of the United Nations Visiting Mission regarding skills needed in all sectors of the economy and the progress achieved in participation of the local population in the civil service.

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22/ Adopted at the 358th meeting, on 15 August 1977. As regards these Territories, the following documents were submitted to the Committee:

- A/31/23/Add.7 (part I), chap. XIII (Gibraltar);
- A/31/23/Add.9 (part I), chap. XXV (Antigua, Dominica, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent);
- A/31/23/Add.9 (part II), chap. XXVIII (British Virgin Islands);
- A/AC.109/L.1139 and Corr.1 (Bermuda);
- A/AC.109/L.1147 (Montserrat);
- A/AC.109/L.1148 (Turks and Caicos Islands);
- A/AC.109/L.1149 (British Virgin Islands);
- A/AC.109/L.1159 (Economic conditions in Turks and Caicos Islands);
- A/AC.109/L.1161 (Economic conditions in Cayman Islands);
- A/AC.109/L.1162 (Economic conditions in Bermuda);
- A/AC.109/L.1165 (Military activities in Belize, Bermuda, Turks and Caicos Islands and the United States Virgin Islands);
- A/AC.109/L.1168 (St. Helena).

### 3. Antigua

The Committee desires to receive the text of the new legislation passed in 1975 regarding the Newspaper Registration Act.

### 4. Dominica and St. Lucia

The Committee wishes to receive the new legislation of Dominica outlawing any organization preaching racial discrimination and violence as well as the amendment to the Corporal Punishment Abolition Act which reintroduces such punishment for certain crimes. The same applies to the controversial Public Order Bill of St. Lucia. In both cases the report of the Special Committee does not disclose the reasons for the political disturbances on these islands.

### 5. Gibraltar

The United Kingdom answered in its fourth periodic report the questions requested in the report to the thirtieth session of the General Assembly regarding wages and employment conditions. The Committee notes that there are no distinctions in salaries and wages in various fields on grounds covered by the Convention. The Committee would like to be kept informed about the developments in this and other fields which might be relevant to its responsibilities.

### 6. St. Helena

The report of the Special Committee does not contain any information regarding the attempts to eliminate the influence of South African elements in the local economy. It would particularly request to be informed about these developments.

### 7. United States Virgin Islands

The Committee notes with regret that no general information regarding this Territory has been furnished in spite of the existence of poor race relations in the islands.



## CHAPTER VI

### DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

344. 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 (A/9618, para. 38). During the year under review, the Committee considered this item at its 324th and 340th meetings (fifteenth session) held on 1 and 14 April 1977 and at its 353rd to 356th meetings (sixteenth session) held on 9, 10 and 12 August 1977.

#### A. Fifteenth session

345. The representative of the Secretary-General introduced the item and informed the Committee of developments which had taken place in the General Assembly and the Economic and Social Council and of the work of the Preparatory Sub-Committee for the World Conference to Combat Racism and Racial Discrimination.

346. Two main topics were discussed during the debate on this item: (1) the representation of the Committee at the World Conference to Combat Racism and Racial Discrimination and (2) the Committee's contribution to the Conference within the general framework of the Decade.

#### Representation of the Committee at the World Conference

347. With regard to the first topic, Mr. Blishchenko and Mr. Brin Martinez suggested that the Committee might express the wish that, if possible, it should be represented at the Conference by all its members. If financial difficulties were an obstacle, Mr. Blishchenko observed, the Committee could draw attention to the fact that it had precedence over other bodies, since it was dealing directly with Governments responsible for the implementation of the Convention. Mr. Sayegh suggested that financial implications might be significantly reduced if the venue of the Committee's summer session in 1978 were the same as that of the Conference and if the Committee concluded that session immediately before the opening of the Conference. Mr. Bahnev and Mr. Kapteyn suggested that the States parties might be asked, at their meeting in January 1978, whether they would be prepared to finance the Committee's participation. Mr. Nabavi pointed out that the decision on participation was not up to the States parties but to the Conference itself and its Preparatory Sub-Committee.

348. Mr. Sayegh noted that, if it was decided that only a limited number of the members of the Committee would participate in the Conference, two choices would be open to the Committee: selection on an ex officio basis and selection on a personal basis. Mr. Brin Martinez suggested that the Committee should select its oldest and most experienced members, and Mr. Kapteyn thought that the members of the Committee who had been requested by the Secretary-General to prepare background studies for the Conference would probably be represented; Mr. Nettel, on the other hand, proposed that the Committee should designate its Chairman or an elected officer of the Committee.

349. The possibility that some members of the Committee might participate in the Conference as members of their respective national delegations was also discussed. Mr. Dechezelles and Mr. Nettel foresaw serious difficulties in that arrangement, affecting in particular the independence of the participating members or the unity of the Committee. Mr. Partsch thought that if Committee members attended as advisers to their respective national delegations they would not lose their status as independent experts.

350. Mr. Nabavi and Mr. Sayegh thought that it was premature at that stage to consider the modalities of selective participation in the Conference, first because the final decision on the question had not yet been taken by the competent bodies and, secondly, because the membership of the Committee in 1978 would not be known until January 1978 - when the term of nine members would expire and elections to fill the vacant seats would be held by the States parties. The Committee therefore could not decide on the question of designating its representatives before the seventeenth session of the Committee, to be held in the spring of 1978.

#### Contribution of the Committee to the World Conference

351. Mr. Sayegh suggested that, before expressing a desire for the attendance of the entire Committee, it was essential to define the role which the members of the Committee would have to play at the Conference. Mr. Valencia Rodriguez urged that every effort should be made to ensure that the contribution of the Committee would be as useful and effective as possible.

352. Mr. Blishchenko said that the Committee should endeavour to formulate a position based on an analysis of the reports of States parties and the decisions of the General Assembly. Whenever the Committee saw practices of racial discrimination involving large masses of people, it could not and should not remain neutral and silent. The reports submitted to the Committee had shown that such situations existed, for example, in Panama, in the Golan Heights, and in southern Africa. Measures to counteract such situations should be among the questions to be dealt with within the framework of the Decade, and the Conference might give an impetus to the study of the problem. Mr. Dechezelles disagreed with that approach. In addition to the divisions within the Committee, there were differences of opinion in the General Assembly, as could be seen from the votes on resolutions 31/77, 31/78, 31/79 and 31/81. The countries voting against or abstaining on those resolutions included countries of which some members of the Committee were nationals. Under those circumstances, it would be wiser to seek a method of participation in which members of the Committee would find common ground in order to make a useful contribution. That contribution should be based on the Committee's work rather than on the policies advocated by members of the General Assembly and other United Nations bodies. Mr. Bahnev, on the other hand, recalled that there had been very few votes against the General Assembly resolutions to which Mr. Dechezelles referred, although some Governments had expressed certain reservations.

353. Several members suggested that the Committee should prepare a document for submission to the Conference. Mr. Brin Martinez proposed that a message based on an analysis of the Committee's decisions be addressed to the Conference. Mr. Partsch proposed a paper on the eight-year experience of the Committee in collaborating with the States parties. Mr. Sayegh proposed that a paper should be prepared analysing the provisions of the Convention, but urged that it should

be a popular essay and not a treatise addressed by technical experts to diplomats and written in the language of bureaucrats. Messrs. Kapteyn, Nettel and Partsch expressed apprehension lest the divergent views among members of the Committee on the interpretation of important articles of the Convention render that task impossible or else serve to crystallize divisions within the Committee. Mr. Nettel pointed also to the financial implications of the proposal.

354. Mr. Bahnev and Mr. Blishchenko suggested that members of the Committee could use the occasion of their attendance at the Conference to establish a dialogue with representatives of countries which were not at present States parties to the Convention, urging them to accede to the Convention. Mr. Nettel was of the opinion that such meetings would be outside the Committee's competence.

355. Mr. Sayegh suggested that an informal meeting might be arranged, while the Conference was in session, at which members of the Committee attending the Conference could discuss with representatives of States parties to the Convention some of the difficulties encountered over the years in the relationship between the Committee and States parties, and consider ways of overcoming those difficulties. Mr. Nettel thought that that was a useful suggestion, which raised neither financial nor legal difficulties. Mr. Partsch, while also agreeing with the proposal, thought that representatives of States not parties to the Convention might also be invited to attend the meeting as observers.

356. Mr. Blishchenko thought that the Committee's participation in the Conference would make it possible inter alia to establish contacts with representatives of the various groups fighting against racial discrimination, including representatives of non-governmental organizations, which gave considerable assistance to Governments in complying with the requirements of the Convention.

357. Mr. Bahnev suggested that the Committee could request the inclusion on the agenda of the Conference of an item relating to racial discrimination in all its forms and manifestations and the need to accede to or ratify the Convention. The representative of the Secretary-General pointed out that an agenda item along those lines had already been included in the draft provisional agenda, which would be considered shortly by the Economic and Social Council.

358. At its 340th meeting, the Committee decided, on the basis of a suggestion made by Mr. Nabavi, that at its sixteenth session it would consider, under the present item, two distinct subitems: contribution of the Committee to the activities of the Decade and contribution of the Committee to the World Conference.

#### B. Sixteenth session

359. When the Committee resumed its consideration of this item at its sixteenth session, it had before it the reports submitted by the Secretary-General to the Economic and Social Council at its sixty-second session (E/5920 and E/5921), the report of the Council's Preparatory Sub-Committee for the Conference (E/5922), and Economic and Social Council resolutions 2056 (LXII) and 2057 (LXII).

360. At its 353rd meeting, the Committee decided to focus its attention at the sixteenth session on the questions relating to its participation in and contribution to the World Conference to Combat Racism and Racial Discrimination, and to begin its deliberations with the concrete suggestions made by its members at the fifteenth session.

361. With respect to its participation in the World Conference, the Committee considered the suggestion made at its fifteenth session by Messrs. Blishchenko and Brin Martinez, to the effect that it should express the wish that it be represented at the Conference by all its members. Messrs. Bahnev, Dechezelles, Lamptey, Nabavi and Nettel argued that, since members of the Committee were experts serving in a personal capacity, they could not be "represented", for no expert could "represent" another expert; that the views of all members would be useful to the Conference and that, at the same time, all members would benefit - as would the Committee as a whole - from their participation in the Conference; and that the Economic and Social Council, in paragraph 4 of its resolution 2057 (LXII), had recommended that the Committee, and not representatives of the Committee, be invited to participate in the Conference as observers. On the other hand, Messrs. Aboul-Nasr, Hollist and Nasinovsky and Mrs. Warzazi argued that the recommendations of the Preparatory Sub-Committee of the Economic and Social Council (in E/5922, para. 28) and the established practice of the United Nations equally supported the idea of the participation of the Committee through designated representatives rather than by its entire membership; that, if all members of the Committee attended the Conference and each member expressed his personal views, the Conference would receive the opinions of individual experts, often at variance with one another, and not the unified, official views of the Committee; and that practical problems of seating the 18 members of the Committee, and of identification of the capacity in which they attended the Conference, would arise. Mr. Partsch thought that it would be a contradiction in terms to speak of representation by the whole; and he could see no difficulty in one member of the Committee representing other members by stating views expressed in the Committee, even if they differed from his own. Messrs. Kapteyn and Sayegh thought that, since the Conference was a gathering of States and organizations and not a seminar of experts, it was the official views of the participating bodies and not the personal views of individual participants that mattered; and that it was both possible and useful for designated representatives of the Committee to present its official views at the Conference.

362. At its 354th meeting, held on 10 August 1977, the Committee voted on the following draft decision: "The Committee, in view of its special task as the guardian of the International Convention on the Elimination of All Forms of Racial Discrimination and of its special nature as a committee of experts, is of the opinion that it is advisable that it be represented in its entirety at the World Conference to Combat Racism and Racial Discrimination." The draft decision was rejected by 6 votes to 5, with 5 abstentions.

363. The Committee noted that the draft provisional agenda of the World Conference, as proposed by the Preparatory Sub-Committee (E/5922, annex I), contained no reference to the International Convention on the Elimination of All Forms of Racial Discrimination, to its implementation, or to the part it played in the international struggle for the elimination of racial discrimination.

Messrs. Bahnev and Nasinovsky suggested that that short-coming could be remedied either by proposing the addition of a new item (or subitem) to the draft provisional agenda or by including mention of the Convention in item 11 (a). Mr. Sayegh, in supporting the latter alternative, proposed that the Committee should recommend to the General Assembly the insertion of the following words in item 11 (a) of the draft provisional agenda: "in particular, fuller implementation and wider acceptance, by ratification or accession, of the International Convention on the Elimination of All Forms of Racial Discrimination"; and that the Committee should request the Secretary-General to bring this

recommendation to the attention of the General Assembly, should the Third Committee of the General Assembly take up the question of the World Conference before it had had the present annual report of the Committee before it. At its 355th meeting, held on 10 August 1977, the Committee agreed to that proposal.

364. The Committee then proceeded to consider the question of the preparation of a document or documents for the World Conference, bearing in mind the proposals made by its members at the fifteenth session (para. 353 above). It agreed that two documents should be prepared: a popular document on the Convention and a study which would inter alia serve to support the purposes of the Committee's proposed amendment to item 11 (a) of the draft provisional agenda of the World Conference. With regard to the first document, the Committee decided to request the Secretariat to prepare a draft and to submit it to the Committee for consideration at its seventeenth session. With regard to the second document, the Committee decided to set up a working group - composed of Messrs. Dayal, Hollist, Nasinovsky and Partsch, with Mr. Dayal as chairman - to prepare general guidelines for the drafting of the document and to make recommendations regarding its authorship.

365. The general guidelines recommended by the working group were considered and approved by the Committee at its 356th meeting, held on 12 August 1977. At that meeting, the Committee approved also the recommendation that the Secretariat be entrusted with the task of preparing the draft of the document, either directly or through a special consultant - on the understanding that the draft, from 25 to 50 pages in length, would be translated into all the working languages of the Committee and circulated to its members some two weeks before the opening of its seventeenth session, and that the Committee would consider and finalize the text at that session.

## CHAPTER VII

### MEETINGS OF THE COMMITTEE IN 1978 AND 1979

366. The Committee considered this item of the agenda at its 338th meeting (fifteenth session), held on 13 April 1977 and at its 358th meeting (sixteenth session), held on 15 August 1977.

367. In connexion with the meetings of the Committee in 1978, it may be recalled that the Committee had already agreed at its fourteenth session 23/ that its spring and summer sessions should both be held at United Nations Headquarters, New York, from 20 March to 7 April 1978 and from 31 July to 18 August 1978, respectively, subject to reconsideration at a later date.

368. At its fifteenth session, the Committee was informed of the intention of the Government of Panama to extend an invitation to the Committee to hold one of its future sessions in Panama City. Subsequently, in a letter dated 14 June 1977 addressed to the Chairman of the Committee, the Government of Panama officially extended this invitation and stated that "it would be grateful to receive information from the secretariat of the Committee as to the administrative services required for the meetings in question, so that the necessary studies and arrangements can be made to ensure the utmost success of the session in due course". At the sixteenth session, the secretariat informed the Committee that the information requested by the Government of Panama including the administrative and financial implications of the proposed session in Panama City would be communicated to the Government of Panama shortly. The Committee expressed its appreciation to the Government of Panama for its invitation and, on a proposal by the Chairman, it agreed to consider holding the nineteenth session of the Committee in spring 1979 in Panama City.

369. At its sixteenth session, the Committee confirmed its earlier decision to hold its seventeenth session at United Nations Headquarters, New York from 20 March to 7 April 1978; and decided that its eighteenth session should also be held in New York from 24 July to 11 August 1978 in order to avoid overlapping with the World Conference to Combat Racism and Racial Discrimination which is scheduled to convene from 14 to 25 August 1978 and in which the Committee is expected to participate.

370. As regards the meetings of the Committee in 1979, the Committee agreed that its nineteenth session should be held, if possible in Panama City from 26 March to 13 April 1979, or alternatively at United Nations Headquarters on the same dates; and that its twentieth session should be held at United Nations Headquarters from 30 July to 17 August 1979, subject to reconsideration of the venue of both of those sessions at a later date.

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23/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 18 (A/31/18), chap. VI, para. 287.

CHAPTER VIII

DECISIONS ADOPTED BY THE COMMITTEE AT ITS FIFTEENTH AND  
SIXTEENTH SESSIONS

A. Fifteenth session

- 1 (XV). Information supplied by the Syrian Arab Republic relating to the situation in the Golan Heights 24/

The Committee on the Elimination of Racial Discrimination,

Recalling its decisions 4 (IV) of 30 August 1971, 4 (VII) of 25 April 1973 and 1 (X) of 22 August 1974,

Having considered the fourth periodic report of the Syrian Arab Republic,

Noting the reports and additional information laid before the Committee by the representative of that Government, to the effect that - as a result of the continued refusal to permit the return of the displaced population, the continued establishment of settlements, and other acts against the population of the area - the situation has not only persisted but substantially deteriorated,

1. Expresses once more its grave concern:

(a) That a State party to the International Convention on the Elimination of All Forms of Racial Discrimination has been prevented from fulfilling its obligations under this Convention in a part of its territory;

(b) That this unacceptable state of affairs has lasted for close to 10 years;

2. Once again expresses the hope that the population of the Golan Heights will be able as soon as possible to return to their homes and to enjoy fully their human rights and fundamental freedoms as citizens of the Syrian Arab Republic;

3. Asks the General Assembly of the United Nations to ensure that no change in the area which has the effect of establishing racial discrimination, including change in the demographic composition, is brought about;

4. Asks the General Assembly of the United Nations as a matter of urgency to take the necessary steps in order to enable the Government of the Syrian Arab Republic to take over full responsibility for the implementation of its obligations under the Convention on its whole national territory.

324th meeting  
1 April 1977

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24/ See chap. IV, paras. 103-111.

2 (XV). Information supplied by Panama relating to the situation in the Panama Canal Zone 25/

The Committee on the Elimination of Racial Discrimination,

Recalling its decision 3 (IV) of 26 August 1971,

Having examined the fourth periodic report of the Government of Panama under article 9 of the Convention,

Taking note of the information contained therein on the situation obtaining in that part of the sovereign territory of the Republic of Panama known as the "Panama Canal Zone" in so far as it relates to the problem of racial discrimination,

1. Concerned at the fact that the Government of the Republic of Panama is unable, for reasons beyond its control and contrary to its own determination, to fulfil the responsibilities undertaken by it as a State party to the Convention, in a part of its national territory;

2. Expresses the hope that the situation will be resolved at an early date so that, throughout the territory of the Republic of Panama, the laws and measures adopted by its Government in conformity with the purposes and principles of the Convention may be equally applied;

3. Invites the Government of the Republic of Panama to keep the Committee informed of any developments in the situation;

4. Draws again the attention of the General Assembly of the United Nations to the situation and asks it to ensure that no practices of racial discrimination in the "Panama Canal Zone" are permitted.

334th meeting  
8 April 1977

3 (XV). General recommendation V 26/

The Committee on the Elimination of Racial Discrimination,

Bearing in mind the provisions of articles 7 and 9 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Convinced that combating prejudices which lead to racial discrimination, promoting understanding, tolerance and friendship among racial and ethnic groups, and propagating the principles and purposes of the Charter of the United Nations

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25/ See chap. IV, paras. 188-201.

26/ See chap. IV, paras. 324-330.



and of the human rights declarations and other relevant instruments adopted by the General Assembly of the United Nations, are important and effective means of eliminating racial discrimination,

Considering that the obligations under article 7 of the Convention, which are binding on all States parties, must be fulfilled by them, including States which declare that racial discrimination is not practised on the territories under their jurisdiction, and that therefore all States parties are required to include information on their implementation of the provisions of that article in the reports they submit in accordance with article 9, paragraph 1, of the Convention,

Noting with regret that few States parties have included, in the reports they have submitted in accordance with article 9 of the Convention, information on the measures which they have adopted and which give effect to the provisions of article 7 of the Convention, and that that information has often been general and perfunctory,

Recalling that, in accordance with article 9, paragraph 1, of the Convention, the Committee may request further information from the States parties,

1. Requests every State party which has not already done so to include - in the next report it will submit in accordance with article 9 of the Convention, or in a special report before its next periodic report becomes due - adequate information on the measures which it has adopted and which give effect to the provisions of article 7 of the Convention;

2. Invites the attention of States parties to the fact that, in accordance with article 7 of the Convention, the information to which the preceding paragraph refers should include information on the "immediate and effective measures" which they have adopted, "in the fields of teaching, education, culture and information", with a view to:

- (a) "Combating prejudices which lead to racial discrimination";
- (b) "Promoting understanding, tolerance and friendship among nations and racial or ethnical groups";
- (c) "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" as well as the International Convention on the Elimination of All Forms of Racial Discrimination.

338th meeting  
13 April 1977

B. Sixteenth session

1 (XVI). Information supplied by the Government of Jordan relating to the situation in the Israeli-occupied West Bank of the Jordan River 27/

The Committee on the Elimination of Racial Discrimination,

Having considered the second periodic report of Jordan,

Noting the information laid before the Committee by the representative of that Government concerning the continued refusal by the Israeli occupation authorities to permit the return of the displaced population, the continued establishment of settlements, and other acts against the population of the Israeli-occupied West Bank of the Jordan River,

1. Notes that a State party to the International Convention on the Elimination of All Forms of Racial Discrimination has informed the Committee that it has been prevented from fulfilling its obligations under this Convention in a part of its territory, and expresses its grave concern at this unacceptable state of affairs;

2. Expresses the hope that the displaced population of the West Bank of the Jordan River will be able as soon as possible to return to their homes and to enjoy fully their human rights and fundamental freedoms;

3. Asks the General Assembly of the United Nations to ensure that no change in the area which has the effect of establishing racial discrimination, including change in the demographic composition, is brought about.

347th meeting  
4 August 1977

2 (XVI). Classification and distribution of documents of the Committee 28/

The Committee on the Elimination of Racial Discrimination

Decides to take the following decisions regarding the classification of the documents relating to its work:

1. With reference to the Committee's decision 1 (IX) of 12 April 1974,

(a) Paragraph 1 will remain unaltered as follows:

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27/ See chap. IV, paras. 279-283.

28/ See chap. IV, paras. 331-333.

"The summary records of the public meetings of the Committee in their final form will be classified as documents for general distribution beginning with the tenth session.";

(b) Paragraph 2 will be amended to read as follows:

"Reports submitted by States parties under article 9 of the Convention will be classified as documents for general distribution unless the States parties request otherwise, beginning with the seventeenth session.";

2. Other official documents of the Committee, including notes and reports prepared by the Secretary-General relating to various items of the agenda, shall also be classified as documents for general distribution, except when the Committee decides otherwise;

3. Documents connected with articles 11, 12 and 13 and article 14 of the Convention will be classified as restricted, except when the Committee decides otherwise;

4. The Committee requests the Secretary-General to prepare draft texts, in the light of these decisions, for the revision of rules 34 and 62 of the provisional rules of procedure, for consideration by the Committee at its seventeenth session.

352nd meeting  
9 August 1977

3 (XVI). Information supplied by Cyprus relating to conditions in Cyprus 29/

The Committee on the Elimination of Racial Discrimination,

Taking note of the information supplied by the representative of Cyprus at the 351st meeting of the Committee, held on 8 August 1977, in so far as it relates to the problem of racial discrimination,

1. Notes that a State party to the International Convention on the Elimination of All Forms of Racial Discrimination has informed the Committee that it has been prevented from fulfilling its obligations under this Convention in a part of its territory, and expresses its grave concern at this unacceptable state of affairs;

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

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29/ See chap. IV, paras. 321-323.

discrimination; and that the Government of Cyprus will be enabled to exercise its full responsibility for the implementation of all its obligations under the Convention on its whole national territory;

3. Expresses the hope that the General Assembly of the United Nations will ensure that no change in the area, including change in the demographic composition, which has the effect of establishing racial discrimination is brought about;

4. Expresses its readiness to consider at any of its future sessions any additional information concerning the conditions in Cyprus which the Government of Cyprus may wish to submit.

353rd meeting  
9 August 1977

## ANNEX I

States parties to the International Convention on the  
Elimination of All Forms of Racial Discrimination  
as of 19 August 1977

<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 Empire	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 <u>c/</u>	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>

a/ Accession.

b/ Date of receipt of notification of succession.

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

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</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
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	1 June 1969
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
Liberia	5 November 1976 <u>a/</u>	5 December 1976
Libyan Arab Jamahiriya	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

Date of receipt of the  
instrument of ratification

<u>State</u>	<u>or accession</u>	<u>Entry into force</u>
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
Qatar	22 July 1976 <u>a/</u>	21 August 1976
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
Sudan	21 March 1977 <u>a/</u>	20 April 1977
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
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 1969	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

## ANNEX II

Membership of the Committee on the Elimination  
of Racial Discrimination

<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	Bulgaria	1980
Mr. Pedro BRIN MARTINEZ	Panama	1980
Mr. Rajeshwar DAYAL	India	1980
Mr. André DECHEZELLES	France	1980
Mr. Silvo DEVETAK	Yugoslavia	1980
Mr. Christopher O. HOLLIST	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	Iran	1980
Mr. Evgeny N. NASINOVSKY	Union of Soviet Socialist Republics	1980
Mr. Erik NETTEL	Austria	1980
Mr. Karl Josef PARTSCH	Germany, Federal Republic of	1978
Mr. Fayez A. SAYEGH	Kuwait	1978
Mr. Luis VALENCIA RODRIGUEZ	Ecuador	1978
Mr. Federico VIDELA ESCALADA	Argentina	1980
Mrs. Halima Embarek WARZAZI	Morocco	1978



## ANNEX III

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

(20 August 1976 to 19 August 1977)

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>
Australia	30 October 1976	4 November 1976	-
Bahamas	5 August 1976	17 May 1977	(1) 27 August 1976 (2) 27 April 1977
Belgium	6 September 1976	24 June 1977	(1) 27 April 1977
Ethiopia	25 July 1977	NOT YET RECEIVED	-
Italy	4 February 1977	29 March 1977	-
Lao People's Democratic Republic	24 March 1975	NOT YET RECEIVED	(1) 18 April 1975 (2) 1 October 1975 (3) 30 April 1976 (4) 27 August 1976 (5) 27 April 1977
Somalia	27 September 1976	NOT YET RECEIVED	(1) 27 April 1977
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 (6) 27 August 1976 (7) 27 April 1977
United Arab Emirates	21 July 1975	29 October 1976	(1) 1 October 1975 (2) 30 April 1976 (3) 27 August 1976
Upper Volta	18 August 1975	10 November 1976	(1) 30 April 1976 (2) 27 August 1976
Zaire	21 May 1977	NOT YET RECEIVED	-

B. Second periodic reports

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Algeria	15 March 1975	13 September 1976	(1) 18 April 1975 (2) 1 October 1975 (3) 30 April 1976 (4) 27 August 1976
Botswana	22 March 1977	NOT YET RECEIVED	(1) 27 April 1977
Fiji	11 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977
Ivory Coast	4 February 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 1 October 1976 (3) 27 April 1977
Jordan	30 June 1977	24 March 1977	-
Lao People's Democratic Republic	24 March 1977	NOT YET RECEIVED	(1) 27 April 1977
Lebanon	12 December 1974	NOT YET RECEIVED	(1) 1 October 1975 (2) 30 April 1976 (3) 27 April 1977
Mali	15 August 1977	NOT YET RECEIVED	-
Togo	1 October 1975	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977
Trinidad and Tobago	4 November 1976	NOT YET RECEIVED	(1) 27 April 1977
United Arab Emirates	21 July 1977	NOT YET RECEIVED	-
Upper Volta	18 August 1977	NOT YET RECEIVED	-
Zambia	5 March 1975	NOT YET RECEIVED	(1) 20 May 1975 (2) 1 October 1975 (3) 30 April 1976 (4) 27 August 1976 (5) 27 April 1977

C. Third periodic reports

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Algeria	15 March 1977	18 February 1977	-
Austria	8 June 1977	28 July 1977	-
Chile	20 November 1976	21 June 1976	-
Chile	Supplementary report	3 February 1977	-
Cuba	16 March 1977	27 June 1977	-
Denmark	8 January 1977	8 March 1977	-
Jamaica	5 July 1976	NOT YET RECEIVED	(1) 27 August 1976 (2) 27 April 1977
Lebanon	12 December 1976	NOT YET RECEIVED	(1) 27 April 1977
Lesotho	4 December 1976	NOT YET RECEIVED	(1) 27 April 1977
Mauritius	29 June 1977	NOT YET RECEIVED	-
Morocco	17 January 1976	9 December 1976	(1) 30 April 1976 (2) 1 October 1976
Nepal	1 March 1976	6 July 1977	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977
Netherlands	9 January 1977	3 March 1977	-
Norway	Supplementary report	9 November 1976	-
Peru	30 October 1976	23 June 1977	(1) 27 April 1977
Senegal	18 May 1977	NOT YET RECEIVED	-
Sweden	5 January 1977	30 December 1976	-
Tonga	17 March 1977	NOT YET RECEIVED	(1) 27 April 1977
Zambia	5 March 1977	NOT YET RECEIVED	(1) 27 April 1977

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>
Brazil	5 January 1976	NOT YET RECEIVED	(1) 27 April 1977
Costa Rica	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 1 October 1976 (3) 27 April 1977
Czechoslovakia	5 January 1976	24 September 1976	(1) 30 April 1976 (2) 27 August 1976
Egypt	5 January 1976	2 March 1977	(1) 30 April 1976 (2) 1 October 1976
Finland	16 August 1977	NOT YET RECEIVED	-
Ghana	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977
Greece	19 July 1977	NOT YET RECEIVED	-
India	5 January 1976	18 July 1977	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977
Iraq	15 February 1977	11 July 1977	(1) 27 April 1977
Mongolia	4 September 1976	NOT YET RECEIVED	(1) 27 April 1977
Nigeria	5 January 1976	14 October 1976	(1) 30 April 1976 (2) 27 August 1976
Panama	5 January 1976	10 August 1976 24 September 1976 3 November 1976	(1) 30 April 1976
Sierra Leone	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977
Swaziland	6 May 1976	NOT YET RECEIVED	(1) 27 August 1976 (2) 27 April 1977
United Kingdom of Great Britain and Northern Ireland	5 April 1976	22 March 1977	(1) 30 April 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>
Sierra Leone	Tenth session	NOT YET RECEIVED
Lebanon	Twelfth session	NOT YET RECEIVED
Bolivia	Thirteenth session	NOT YET RECEIVED
Jamaica	Thirteenth session	NOT YET RECEIVED
Malta	Thirteenth session	9 March 1977
Venezuela	Thirteenth session	30 March 1977

## ANNEX IV

Consideration by the Committee at its fifteenth and sixteenth  
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)	Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Supple- mentary			
Chile			X				317-320 336 and 338	29-30 March 1977 12-13 April 1977
Germany, Federal Republic of				X			320-321	30-31 March 1977
Philippines				X		X	321	31 March 1977
Pakistan				X			322	31 March 1977
Syrian Arab Republic				X			323-324	1 April 1977
Czechoslo- vakia				X			323-324	1 April 1977
Uruguay				X			324-325	1-4 April 1977
France		X	X				325-327	4-5 April 1977
Morocco			X				327-328	5 April 1977
Democratic Yemen		X					328	5 April 1977
Norway					X		328-329	5-6 April 1977
Australia	X						329-330 and 335	6 April 1977 12 April 1977
Nigeria				X			330-331	6-7 April 1977
Panama				X			331-332 and 334	7 April 1977 8 April 1977
Sweden			X				332	7 April 1977
Holy See				X			333	8 April 1977
Netherlands			X				333-334	8 April 1977
Denmark			X				334	8 April 1977

State party	Type of report					Information on article 4 in reply to decision 3 (VII)	Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Supple-mentary			
Algeria		X	X				342-343	2 August 1977
Mauritius		X					343	2 August 1977
United Arab Emirates	X						343-344	2-3 August 1977
Upper Volta	X						344-345	3 August 1977
Malta					X		345	3 August 1977
Egypt				X			345	3 August 1977
Jordan		X					346-347	4 August 1977
Italy	X						346-347	4 August 1977
Venezuela					X		347	4 August 1977
United Kingdom				X			348-349	5 August 1977
Bahamas	X						349	5 August 1977
Cuba			X				350	8 August 1977
Cyprus	Statement by the representative of Cyprus						351-353	8-9 August 1977

ANNEX V

Comments of States parties on general recommendation V,  
adopted by the Committee at its 338th meeting, on  
13 April 1977 a/

AUSTRIA

/Original: English/  
/18 July 1977/

Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination obliges member States "to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to 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 this Convention".

Austria has always supported the implementation of the objectives of this article which she considers of high importance and thus welcomes general recommendation V of the Committee on the Elimination of Racial Discrimination.

The implementation of the obligations as stated in article 7 of the Convention has, however, to be viewed in the context of the particular situation of member States. The problem of racial discrimination will obviously be of particular importance for States which experience racial tensions. The importance of the problems will be of a different nature in States which experience these tensions only seldom within their frontiers. The possibilities for information on the problem areas in question will thus depend for the individual State on its domestic situation.

In this context it has to be noted that in States with a pluralistic organization of society the objectives of article 7 are often realized by non-governmental groups or organizations. In Austria there exist a large number of private associations and societies which aim at promoting understanding, tolerance and friendship among nations and which contribute continuously and actively to the realization of the objectives stated in article 7 of the Convention.

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a/ For the text, see chap. VIII, sect. A, decision 3 (XV).



GERMAN DEMOCRATIC REPUBLIC

/Original: English/

/4 August 1977/

...

When preparing its next report on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government of the German Democratic Republic will take due account of general recommendation V of the Committee on the Elimination of Racial Discrimination.

GERMANY, FEDERAL REPUBLIC OF

/Original: English/

/10 June 1977/

The Government of the Federal Republic of Germany considers general recommendation V adopted by the Committee on the Elimination of Racial Discrimination at its 338th meeting to be useful for the future work of the Committee. Already in its fourth periodic report to the Committee the Government of the Federal Republic of Germany has reported in detail on measures according to article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Government of the Federal Republic of Germany will endeavour to supply additional information in the reports it will submit in future.

ITALY

/Original: Italian/

/24 June 1977/

1. The Ministry of Foreign Affairs has taken note of general recommendation V adopted on 13 April 1977 by the Committee on the Elimination of Racial Discrimination, in which the Committee expresses its regret that few States Parties to the Convention have included information in their national reports on preventive measures taken to give effect to the provisions of article 7 of the Convention, and that the information received has often been of a general and perfunctory nature.

The Ministry intends to bring the recommendation to the attention of the government services and other bodies that co-operated in the preparation of the first Italian report as soon as information is available on the results of the Committee's examination of the report, which it is presumed will take place at the forthcoming sixteenth session.

2. As Italy is not a member of the Committee, it is not in a position to judge how far the negative facts reported by the Committee are due to a lack of will on the part of the States Parties to the Convention and how far to the highly analytical type of procedure advocated by the Committee for the preparation of national reports.

If major factors of appraisal can be drawn from the report on the fifteenth and sixteenth sessions of the Committee, which will be considered at the next session of the General Assembly, the Italian delegation will not fail to assist in considering ways and means of overcoming the difficulty of which the Committee complains.

MALTA

/Original: English/

/26 May 1977/

The Permanent Mission of the Republic of Malta to the Office of the United Nations and the other international organizations in Geneva presents its compliments to the Secretary-General of the United Nations and has the honour to refer to note verbale ... dated 2 May 1977 and to inform that the enclosure submitted with our note verbale ... dated 9 March 1977 is considered adequate compliance with article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination. b/

MEXICO

/Original: Spanish/

/19 July 1977/

The Permanent Representative is pleased to announce that his Government will submit the information referred to in article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination when it submits its second periodic report, in accordance with the provisions of article 9 of the Convention.

RWANDA

/Original: French/

/17 May 1977/

The Ministry for Foreign Affairs and Co-operation of the Rwandese Republic presents its compliments to the Secretary-General of the United Nations and, with reference to his note of 2 May 1977, has the honour hereby to inform him that the contents of general recommendation V adopted on 13 April 1977 by the Committee on the Elimination of Racial Discrimination at its 338th meeting meet with its full approval.

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b/ See chap. IV, paras. 268-270.

ANNEX VI

Documents received by the Committee on the Elimination of Racial Discrimination at its fifteenth and sixteenth 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/1781  
(United States of America) For the year ending 30 June 1976

2. Report 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.1205 and Add.1 and Add.2))

Official Records of the Security Council, Thirty-second Year, Special Supplement No. 1 (S/12390)

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 copies of petitions in 1976-1977, falling under the terms of article 15 of the Convention.
2. Copies of reports and working papers submitted by the Special Committee:

	<u>1976</u>	<u>1977</u>
Namibia	-	A/AC.109/L.1138 and Add.1
Foreign economic interests in Namibia	-	A/AC.109/L.1160
Military activities in Namibia	-	A/AC.109/L.1164
Southern Rhodesia	-	A/AC.109/L.1140 and Add.1 and Add.1/Corr.1

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a/ See chap. V, para. 343.

	<u>1976</u>	<u>1977</u>
Military activities in Southern Rhodesia	-	A/AC.109/L.1146
Foreign economic interests in Southern Rhodesia	-	A/AC.109/L.1158
Bermuda	-	A/AC.109/L.1139 and Corr.1
Economic conditions in Bermuda	-	A/AC.109/L.1162
Brunei		A/AC.109/L.1143/Rev.1
Tokelau Islands	A/31/23/Add.8 (Part II), chapter XVII	A/AC.109/L.1145
Report of the United Nations Visiting Mission to Tokelau	-	A/AC.109/L.1135
Pitcairn	-	A/AC.109/L.1141
Turks and Caicos Islands	-	A/AC.109/L.1148
Economic conditions in Turks and Caicos Islands	--	A/AC.109/L.1159
British Virgin Islands	A/31/23/Add.9 (Part II), chapter XXVIII	A/AC.109/L.1149
Montserrat	-	A/AC.109/L.1147
Solomon Islands	-	A/AC.109/L.1142
Tuvalu	-	A/AC.109/L.1152
Gilbert Islands	--	A/AC.109/L.1153
Economic conditions in Cayman Islands	-	A/AC.109/L.1161
Military activities in Guam	-	A/AC.109/L.1163
Military activities in Belize, Bermuda, Turks and Caicos Islands and the United States Virgin Islands	-	A/AC.109/L.1165

	<u>1976</u>	<u>1977</u>
Western Sahara	A/31/23/Add.5 and Corr.1, chapter XI	A/AC.109/L.1185 and Add.1
Gibraltar	A/31/23/Add.7 (Part I), chapter XIII	-
French Somaliland <u>b/</u>	A/31/23/Add.7 (Part II), chapter XIV	-
Antigua, Dominica, St. Kitts-Nevis- Anguilla, St. Lucia and St. Vincent	A/31/23/Add.9 (Part I), chapter XXV	-
American Samoa	-	A/AC.109/L.1166
New Hebrides	-	A/AC.109/L.1167
St. Helena	-	A/AC.109/L.1168
Guam	-	A/AC.109/L.1169
Cocos (Keeling) Islands	-	A/AC.109/L.1170
Trust Territory of the Pacific Islands	-	A/AC.109/L.1171

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).

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