



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

GENERAL ASSEMBLY

OFFICIAL RECORDS: TWENTY-SIXTH SESSION

SUPPLEMENT No.18 (A/8418)

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New York, 1971

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LETTER OF TRANSMITTAL

10 September 1971

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 under the Convention, is to "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 1971 and unanimously adopted, at its 82nd meeting held today, the accompanying report in fulfilment of its obligations under the Convention, which I am submitting to you for transmission to the General Assembly.

Accept, Sir, the assurances of my highest consideration.

(Signed) Rajeshwar DAYAL
Chairman
Committee on the Elimination
of Racial Discrimination

His Excellency
U Thant
Secretary-General of the United Nations
New York

I. INTRODUCTION

A. States Parties to the Convention

1. As of 10 September 1971, there were 51 States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965 and opened for signature in New York on 7 March 1966, and which entered into force on 4 January 1969 (see annex I below).

B. Sessions

2. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1971 at the Headquarters of the United Nations. The third session was held from 12 to 23 April 1971 and the fourth session from 23 August to 10 September 1971.

C. Attendance

3. The membership of the Committee was the same as during 1970 (see annex II below). All the members, except Mr. Cornelius, attended the third session of the Committee; Messrs. Ingles, Rossides and Subati attended only part of that session. Messrs. Cornelius and Ingles, and Mrs. Owusu-Addo did not attend the fourth session of the Committee. Mr. Peles attended only part of the fourth session.

D. Officers of the Committee

4. The following officers elected by the Committee at its first meeting on 19 January 1970 for a term of two years, in accordance with article 10, paragraph 2, of the Convention, continued to serve at the third and fourth sessions of the Committee:

Chairman: Mr. Rajeshwar Dayal

Vice-Chairmen: Mr. A.A. Haastrup
Mr. Gonzalo Ortiz-Martin
Mr. Zbigniew Resich

Rapporteur: Mr. Fayez Sayegh

5. In a letter dated 29 March 1971, the Secretary-General circulated to members of the Committee a note which he had received from Mr. Rajeshwar Dayal, in which Mr. Dayal stated that he wished to resign from the chairmanship of the Committee on the Elimination of Racial Discrimination. Mr. Dayal's letter was discussed at the 40th meeting of the Committee, held on 12 April 1971. Taking into consideration the views expressed by the members of the Committee, Mr. Dayal accepted not to insist on his decision to resign from the chairmanship of the Committee.

E. Secretariat

6. At its third session, Mr. Marc Schreiber, Director of the Division of Human Rights, represented the Secretary-General, and Mr. Kamleshwar Das, Assistant Director of the Division of Human Rights, acted as Secretary of the Committee. At its fourth session, Mr. Marc Schreiber and Mr. Kamleshwar Das represented the Secretary-General, and Mr. Enayat Houshmand acted as Secretary of the Committee.

F. Agenda

7. The agendas of the third and fourth sessions of the Committee were as follows:

Third session

1. Adoption of the agenda.
2. Question of the Chairmanship of the Committee.
3. Consideration of reports submitted by States parties under article 9 of the Convention:
 - (a) Initial reports of States parties which were due in 1970;
 - (b) Initial reports of States parties which are due in 1971;
4. Consideration of copies of petitions, copies of reports and of 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.
5. Consideration of such action as may be required by the Committee under article 11 of the Convention.
6. Meetings of the Committee in 1972.

Fourth session

1. Adoption of the agenda.
2. Rules of procedure of the Committee: proposed amendment to rule 35 of the provisional rules of procedure of the Committee.
3. Consideration of reports submitted by States parties under article 9 of the Convention:
 - (a) Initial reports of States parties which were due in 1970;
 - (b) Initial reports of States parties which are due in 1971;
4. Consideration of copies on petitions, copies of reports and of 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.

5. Consideration of such action as may be required by the Committee under article 11 of the Convention.
 6. Co-operation with the ILO and UNESCO: report of the Secretary-General on his consultations with the ILO and UNESCO.
 7. Meetings of the Committee in 1972.
 8. Report of the Committee to the General Assembly under article 9, paragraph 2, of the Convention.
8. As regards item 2 of the agenda of the third session, see paragraph 5 above.
9. The Committee did not take up item 5 of the agenda of its third and fourth sessions since no action was required.

II. RULES OF PROCEDURE

10. At its 54th meeting, on 21 April 1971, the Committee discussed the provision of rule 35 of its provisional rules of procedure, adopted at the first session of the Committee, 1/ which provided that "two thirds of the members of the Committee shall constitute a quorum". Mr. Aboul Nasr proposed that the present text be replaced by the following in order to avoid meetings of the Committee being unduly delayed owing to the lack of a quorum:

"A majority of the members of the Committee shall constitute a quorum. The presence of two thirds of the members of the Committee is, however, required for a question to be put to a vote."

11. At its 58th meeting, on 23 April 1971, the Committee agreed to defer consideration of the amendment proposed by Mr. Nasr until the fourth session.

12. At its fourth session at the 60th meeting, on 23 August 1971, the Committee amended rule 35 of its provisional rules of procedure by adopting the text proposed by Mr. Aboul Nasr with the second sentence revised to read as follows: "The presence of two thirds of the members of the Committee is, however, required for a decision to be taken." 2/

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

2/ For full text of the new rule see chapter VII, section B, decision 1 (IV), of the present report.

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

13. Under article 9, paragraph 1, of the Convention, every State Party undertakes to submit "within one year after the entry into force of the Convention" for that State, a "report on the legislative, judicial, administrative, or other measures that they have adopted and that give effect to the provisions of this Convention". Furthermore, "the Committee may request further information from the States Parties".

14. By the end of the fourth session of the Committee, initial reports were due, in accordance with article 9, paragraph 1, of the Convention, from 41 of the 51 States Parties. Of the initial reports due, 39 were received; and another initial report was submitted well ahead of the schedule prescribed in accordance with the Convention. In addition, 21 supplementary reports were received from 18 States Parties, in response to requests made by the Committee; 11 other States Parties, requested at the third session of the Committee to submit further information, had not yet sent in the required supplementary reports.

15. Consideration of the initial and supplementary reports received by the Committee engaged its attention in 27 meetings of the 43 meetings it held at its two sessions in 1971.

16. This consideration, and the decisions to which it gave rise, aimed principally at achieving three objectives:

(a) Ensuring that the required reports are submitted by States Parties and, as far as possible, that they are submitted on time;

(b) Determining whether or not the reports contain all the information required by the Convention; and ensuring that those reports which are judged by the Committee to be incomplete, as far as the information they contain is concerned, are supplemented by further information furnished in additional reports;

(c) Examining the contents of the initial and supplementary reports received from the States Parties in order to determine their compliance with the requirements of the Convention.

A. Action aimed at ensuring submission of initial reports by States Parties

17. In its first annual report to the General Assembly, submitted in 1970, (A/8027), the Committee reported that, at its first session, it had received 10 of the 27 initial reports which were due before the end of that session and that, by the end of the second session, 30 of the 37 initial reports which were then due had been received (A/8027, paras. 36-39). The seven States Parties whose initial reports were due at the second session but were not received were: Hungary, Iceland, Mongolia, Sierra Leone, Syrian Arab Republic, Tunisia and Uruguay.

18. In accordance with rule 66, paragraph 1, of its provisional rules of procedure, which was adopted at the second session, the Committee, when informed by the Secretary-General that an initial report which was due had not been received, "may transmit to the State Party concerned, through the Secretary-General, a reminder concerning the submission of the report". Accordingly, the Committee decided at its second session to address a reminder to six of the seven States Parties whose reports were overdue (A/8027, para. 52). The reminder was not to be addressed to the seventh State Party concerned (Mongolia), inasmuch as its initial report fell due during the session.

19. At its third session, the Committee had before it 33 of the 38 initial reports which were due when the session opened. These included two initial reports from States Parties to whom the reminder mentioned in the preceding paragraph had been addressed: Iceland and the Syrian Arab Republic. Accordingly, the Committee decided at its 57th meeting, held on 23 April 1971, to address a second reminder (the text of which is reproduced in annex III below) to Hungary, Sierra Leone, Tunisia and Uruguay, as well as a first reminder to Mongolia (based on the text adopted at the second session for first reminders, and reproduced in A/8027, annex III-C).

20. By the opening of the fourth session, the Committee had received 39 of the 40 initial reports which were due at that time. (It had received also a fortieth initial report, from Bolivia, which was submitted well ahead of the schedule laid down in article 9, paragraph 1, of the Convention, according to which that initial report would be due on 21 October 1971.) The initial reports received by the Committee included three which were submitted by States Parties to whom two reminders had been sent, in accordance with decisions adopted at the second and third sessions (Hungary, Sierra Leone and Tunisia), and a fourth initial report submitted by a State Party to whom one reminder had been addressed after the third session (Mongolia).

21. Only one State Party (Uruguay) whose initial report was due before the opening of the fourth session (in fact, that report was due on 5 January 1970) had not submitted its report, even though two reminders had been addressed to it in accordance with rule 66, paragraph 1, of the provisional rules of procedure and in pursuance of decisions adopted at the second and third sessions. Accordingly, the Committee decided, at the 63rd meeting held on 25 August 1971, to act in accordance with the provisions of rule 66, paragraph 2, of its provisional rules of procedure, which stated that "if even after the reminder... the State Party does not submit the report... required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly".

22. A list of the States Parties whose initial reports were due before the end of the fourth session of the Committee, together with other relevant information, appears in annex IV below.

23. The information contained in annex IV shows that, although all but one of the States Parties concerned had submitted their initial reports before the end of the

fourth session of the Committee,^{3/} only four of the initial reports were in fact submitted on or ahead of schedule (by Argentina, Greece, Spain, and the Ukrainian SSR) ^{4/} while 35 were submitted behind schedule - the delay in submission ranging between a few days and 19 months.

B. Action aimed at ensuring that all the information required, in accordance with paragraph 1 of article 9 of the Convention is furnished by States Parties

1. General requests for additional information

24. In its first annual report to the General Assembly, the Committee observed that the "preliminary examination" it undertook at its second session of 11 of the initial reports it had received "revealed that few, if any, provided all the information which the States Parties undertook to furnish in their initial reports, under article 9, paragraph 1 (a), of the Convention; that not all these reports were prepared on the lines suggested by the Committee in its communication of 28 January 1970 (CERD/C/R.12 contained in A/8027, annex III A) and that even those reports which were guided by that communication did not furnish all the categories of information specified in that communication" (A/8027, para. 45).

25. The Committee further reported that it decided at its second session "to send out a general communication requesting that each State Party which had already submitted its report re-examine it, in comparison with the list of categories of information requested in the communication of 28 January 1970, and furnish the Committee with the missing information. The Committee requested each State Party to submit to the Committee... such information as was requested by it but was not yet furnished by the State Party. The new communication also refers the States Parties to the summary records of the meetings of the Committee in which reports submitted by States Parties were examined" (A/8027, para. 49).

26. At the third session, the Committee examined, one by one, all the reports whether initial or supplementary, which were before it.

27. From the 41st to the 52nd meetings of the Committee, the initial report of each State Party (together with the supplementary report submitted by it, if any) was examined separately. This examination was aimed primarily, though not exclusively, at indicating the categories of information which, in the opinion of members of the Committee, were either totally lacking or insufficiently provided in the report (or reports) submitted by each State Party. Various members of the Committee made specific suggestions for requesting additional information.

^{3/} This statement refers to Uruguay, as already mentioned in paragraph 21; it does not take account of the case of Norway, whose initial report was due during the fourth session, on 6 September 1971, but had not been received before the end of the session on 10 September 1971.

^{4/} This statement does not take account of the case of Bolivia, whose initial report would be due on 21 October 1971 but was submitted on 30 July 1971.

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were "satisfactory", in the sense that they furnished all or most of the required information, and which reports were "unsatisfactory" or "incomplete" and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party's report (or reports) was "satisfactory" or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: Byelorussian SSR, Egypt, Federal Republic of Germany, Ghana, Holy See, India, Libyan Arab Republic, Nigeria, Philippines, Poland, Swaziland, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom, and Yugoslavia.

30. On the other hand, the reports submitted by the following 17 States Parties were considered by the Committee "incomplete" or "unsatisfactory", in the sense that significant categories of information were either totally lacking or insufficiently provided in them: Argentina, Brazil, Bulgaria, Costa Rica, Cyprus, Czechoslovakia, Ecuador, Iceland, Iran, Kuwait, Madagascar, Niger, Pakistan, Panama, Spain, Syrian Arab Republic, and Venezuela. At its 58th meeting, held on 23 April 1971, the Committee adopted the text of a communication which it decided to request the Secretary-General to submit to the aforementioned 17 States Parties, in accordance with rule 65 of its provisional rules of procedure. (The text of this communication is reproduced in annex V.)

31. In this communication, each State Party was requested once again to compare the information it had submitted with the communication adopted at the first session of the Committee (CERD/C/R.12 contained in A/8027, annex III A) and to furnish the Committee with all the pertinent information by 15 July 1971; and the attention of the State Party concerned was drawn to the summary records of the meetings of the Committee at which the Committee discussed the report (or reports) of that State Party.

32. The communication of the Committee was transmitted to the 17 States Parties concerned by the Secretary-General in a note verbale dated 3 May 1971.

33. At its fourth session, from the 61st to the 71st meetings, the Committee examined 15 reports, initial and supplementary, which were submitted by 14 States Parties since the end of the third session. These included four initial reports which, though due in 1970, were not received until after the end of the third session, from Hungary, Mongolia, Sierra Leone, and Tunisia; three initial reports, which were due and were received before the opening of the fourth session, from Iraq, Greece, and Finland; one initial report which, while due on 21 October 1971, was nevertheless received before the opening of the fourth session, from Bolivia; five supplementary reports submitted by Brazil, Cyprus, Czechoslovakia, Panama, and the Syrian Arab Republic, in response to the communication requesting additional information which the Committee decided at its third session to address to 17 States Parties; 5/ and two other supplementary reports, submitted by

5/ The supplementary report of a sixth State Party (Iceland) was received by the Committee at the last meeting of its fourth session, and, therefore, was not considered by the Committee.

Cyprus and Madagascar after the end of the third session in response to the communication adopted by the Committee at its second session (A/8027, annex III B).^{6/}

34. The Committee followed, at the fourth session, the procedure it had followed at its third session in the examination of the reports submitted in accordance with article 9, paragraph 1, of the Convention: it examined the report (or reports) submitted by each State Party separately; and it examined it primarily, although not solely, with a view to determining the completeness or incompleteness of the information it contained and deciding whether or not additional information was needed. The Committee took a decision concerning the completeness or incompleteness of each State Party's report (or reports) immediately after that report was examined.

35. The reports submitted by the following six States Parties were considered "complete", and the Committee decided not to request them to supply additional information: Cyprus, Czechoslovakia, Finland, Mongolia, Panama and the Syrian Arab Republic. The Committee decided that further information was needed from the following six States Parties, whose initial reports were considered "incomplete" or "unsatisfactory": Bolivia, Greece, Hungary, Iraq, Sierra Leone and Tunisia. It adopted similar decisions with respect to the supplementary reports submitted by two States Parties: Brazil and Madagascar.

36. The Committee decided to request the Secretary-General to follow, in the implementation of those decisions, the same procedure followed pursuant to similar decisions adopted at the third session, with the understanding that those States Parties from whom additional information was required, and whose second periodic reports were due on 5 January 1972, might embody such information in their second periodic reports (see also para. 57 below).

2. Specific requests for additional information

(a) Request addressed to the Syrian Arab Republic

37. The initial report submitted by the Syrian Arab Republic concluded with the following statement:

"... some 110,000 Syrian citizens of the Golan Heights have since June 1967 been deprived of those fundamental human rights enunciated by the Universal Declaration of Human Rights, the Covenants on Human Rights and specifically by article 5 of International Convention on the Elimination of All Forms of Racial Discrimination. It is therefore incumbent upon the parties to the latter Convention to carry out their individual and collective responsibilities towards the termination of the Israeli discriminatory and racist policies and practices in occupied territories".

38. The Committee considered the initial report of the Syrian Arab Republic, together with a supplementary report at the 49th, 50th, 56th and 57th meetings.

^{6/} For details on the supplementary reports requested by the Committee and submitted by the States Parties concerned, see annex VI below.

39. Mr. Aboul-Nasr suggested that the Committee might ask the Syrian Arab Republic to supplement the information contained in its initial report, relating to the situation in the Syrian territories occupied by Israel. In the discussion that followed, some doubts in relation to this suggestion were voiced. Mr. Partsch wondered whether the matter under discussion involved race or religion; and, without committing himself to an answer to the question he raised, he expressed the opinion that, if the situation under consideration involved religion rather than race, then it would fall outside the competence of the Committee. The Chairman invited the Committee to decide whether the information it was entitled to request from the States Parties under article 9, paragraph 1, of the Convention had to relate to measures adopted by the State Party concerned, or whether the information could also deal with measures taken by a third party. Mr. Haastrup pointed out that the acts of discrimination referred to were being committed by a State which was not a Party to the Convention; suggested that the Syrian Arab Republic might find it difficult to provide further information, since the territory involved was, for the moment, occupied by another State; and observed that the case was a very difficult political issue which demanded the greatest caution.

40. The question was also raised, whether the matter under discussion should be considered by the Committee under article 9 or article 15 of the Convention, or under both articles. Mr. Partsch thought that the matter pertained to article 15; Messrs. Rossides and Haastrup doubted that article 15 applied to the situation under examination; while Messrs. Peles and Sayegh expressed the opinion that it could be dealt with in connexion with both articles.

41. The proposal, however, was supported in statements made by Messrs. Getmanets, Marchant, Peles, Resich, Sayegh, Tarassov, Tomko and Valencia Rodriguez and by Mrs. Owusu-Addo.

42. Mr. Aboul-Nasr suggested that, inasmuch as doubt had been expressed about the competence of the Committee to request further information from the Syrian Arab Republic on this matter under article 9 of the Convention, this question of competence should be put to the vote. The Chairman announced that "the overwhelming majority of the members of the Committee agreed to request further information from Syria on the situation in the occupied territories".

43. However, it later became apparent that the general agreement to request additional information from that State Party was not accompanied by commensurate agreement on the manner in which such additional information should be requested. At issue was the question whether a specific request for additional information on the situation in the Syrian territories occupied by Israel should be addressed to the Syrian Arab Republic, or whether a general request asking that State Party (along with several other States Parties) to furnish additional information, in the light of the discussions reflected in the summary records of the meetings in which the reports of the States Parties concerned were examined, would suffice.

44. At the 57th meeting, Mr. Sayegh proposed that the following paragraph be embodied in the communication to be transmitted to the Syrian Arab Republic requesting additional information:

"With regard to the conditions described in the final paragraph of the first report submitted by the Syrian Arab Republic, the Committee would welcome receiving from the Government of the Syrian Arab Republic by 30 June 1971 any such additional information as may be available to it."

The proposal was adopted by 6 votes to 5, with 2 abstentions (see chapter VII, section A, decision 1 (III)).

45. The text quoted in the preceding paragraph was embodied in a note verbale dated 3 May 1971, addressed by the Secretary-General to the Syrian Arab Republic.

(b) Request addressed to Greece

46. The initial report submitted by Greece contained the following statement:

"... the provisions of articles 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 21, 24, 26, 27, 48, 56, 61 and 121 of the Constitution, as well as the provisions of the Institutional Laws of Greece for the enforcement of the new Constitution and in particular Legislative Decrees Nos. 792, 793, 794, 795, 796, 797, 800, 803 and 804 of 1971 guarantee the fundamental rights of equality before the law of every citizen in the enjoyment of his civil and political rights".

47. The Committee considered that report at its fourth session (68th meeting). In the course of the examination of that report, some members expressed the desire to receive the full texts of the articles of the Constitution as well as the Legislative Decrees cited in the passage quoted above, in order that the examination of the report of Greece by the Committee might be more meaningful. In addition, Mr. Partsch stated that, according to information which was in the public domain, some articles of the Constitution - including some of the articles cited in the report of Greece - were at one time either suspended or applied within prescribed limits.

48. Mr. Tarassov expressed the opinion that one "possibility" would be for the Committee, following the precedent established in relation to the report of the Syrian Arab Republic (paras. 37-44 above), to request Greece to provide additional information on the "content and application" of the articles of the Constitution and the Legislative Decrees cited in its initial report.

49. The Committee decided to address a request to the Government of Greece for the submission of the required information. (see chap. VII, section B, decision 2 (IV)).

3. Action aimed at ensuring greater completeness in future reports from States Parties

50. As the foregoing paragraphs would indicate, the Committee had felt constrained to devote much of its attention, during the four sessions it had held since it was established, to the task of ensuring that the reports submitted by States Parties contained as much as possible of the information which the States Parties undertook, in article 9, paragraph 1, of the Convention, to submit. The experience of those four sessions had shown that, the more complete the reports of the States Parties were, the greater the Committee's opportunity to devote its attention to the task of considering their substance and discharging its principal responsibilities under article 9, paragraph 2, of the Convention, and the lesser the need for the Committee to formulate successive communications requesting States Parties to furnish significant and needed information which was either entirely lacking or insufficiently supplied in their earlier reports.

51. At its fourth session, therefore, the Committee adopted two decisions relating to the reports expected in 1972. Those decisions were taken in accordance with rule 64 of the provisional rules of procedure, which stated that:

"The Committee may, through the Secretary-General, inform the States Parties of its wishes regarding the form and contents of the periodic reports required to be submitted under article 9 of the Convention."

52. The periodic reports expected in 1972 fell into two categories: (a) initial reports, to be submitted by States Parties for whom the Convention entered into force in 1971, and (b) second periodic reports, expected from States Parties for whom the Convention entered into force in 1969 and whose initial reports were therefore due in 1970.

(a) Initial reports which are due in 1972

53. The Convention entered into force for six States Parties (China, Morocco, Nepal, the Central African Republic, Malta and Cameroon) in 1971. Their initial reports were therefore due in 1972.

54. At its 68th meeting, the Committee agreed that the Secretary-General should continue the practice he had followed so far: when reminding a State Party of the date on which its initial report was due, in advance of that date, the Secretary-General should continue to bring to the attention of that State Party the communication adopted by the Committee on 28 January 1970 (CERD/C/R.12 contained in A/8027, annex III A) and containing some guidelines relating to the desired structure and organization of the reports.

55. At the 71st meeting on 31 August 1971, however, the Rapporteur proposed that the two concluding, as well as the two opening, paragraphs of the communication in question be deleted from the text to be transmitted by the Secretary-General to the States Parties from then on, and that the Secretary-General be advised to refer to the remaining portions, which were to be transmitted to the States Parties, as extracts from the communication adopted by the Committee at its first session which were directly relevant to the preparation of their initial reports by the States Parties. The Committee approved the suggestion.

(b) Second periodic reports which are due in 1972

56. Article 9, paragraph 1 (b), of the Convention, provided that a State Party undertake to submit a report every two years after the initial report. Accordingly, the 37 States Parties whose reports were due in 1970 were expected to submit their second periodic reports in 1972.

57. At the 71st meeting of its fourth session, held on 31 August 1971, the Committee decided to request the Secretary-General to apply to the second periodic reports the practice, which he had followed in relation to the initial reports, of sending advance reminders to the States Parties advising them of the date on which their reports were due. It also decided to request the Secretary-General to inform the States Parties of the Committee's wish that the second periodic reports should contain information on "the legislative, judicial, administrative, or other measures... that give effect to the provisions of the Convention" and that they might have adopted in the interval between the initial report and the second periodic report; and that that information be organized along the lines suggested in the communication of 28 January 1970 (CERD/C/R.12 contained in

A/8027, annex III A) for guidance in the preparation of initial reports. Moreover, the Committee decided that the States Parties whose initial reports (and supplementary reports, if any) were considered by the Committee to be incomplete, should be invited, through the Secretary-General, to include in their second periodic reports the required information which should have been - but was not - furnished in the earlier reports, and to do so in the light of the discussions held at the meetings in which the reports concerned were examined, as reflected in the summary records of those meetings.

C. Examination of the contents of reports from States Parties in order to determine their compliance with the requirements of the Convention

1. Comments by members on the information contained in the reports

58. At its 61st and 71st meetings (fourth session), the Committee considered whether its annual report to the General Assembly for 1971 should embody the views expressed by members in the course of the examination of the reports at the third and fourth sessions.

59. Three views were expressed. One view favoured reporting the observations made by members; the second view called for further substantive consideration or action; and the third view opposed both the reporting of the observations made by individual members and further consideration, at the fourth session, of the substance of reports already considered.

60. It was eventually decided that the annual report to be submitted in 1971 to the General Assembly should reflect only the formal actions that had been actually taken by the Committee at its third and fourth sessions. Accordingly, the report of the Committee would include the decisions which the Committee had adopted with a view to ensuring submission of reports by all States Parties whose reports were due, decisions to request additional information from States Parties, and such other views as were expressed by members on individual reports from States Parties and were eventually adopted by the Committee; but the report would include no "suggestions and general recommendations based on the examination of the reports and information received from the States Parties" since none were made by the Committee at the third and fourth sessions.

2. Action on information supplied by Panama relating to the situation in the Panama Canal Zone

61. In paragraph 3 of its supplementary report, Panama assured the Committee inter alia that it was "complying with the principles and provisions embodied in article 5 of the Convention...". However, subparagraph (1) of paragraph 3, after citing article 66 of the Constitution, which was described as "wholly consonant with the Convention", proceeded to state the following:

"... However, this principle of social justice has been systematically violated by the United States of America in the Panama Canal Zone. In this Panamanian territory which, under the existing Agreements, has been designated for the provision of an international public service, namely, the construction, operation, maintenance and drainage of the Inter-Oceanic Canal, salary discrimination is practised according to a worker's origin.

There is one salary scale for Panamanians and another for United States citizens. In innumerable instances, Panamanian workers receive lower salaries although performing the same work under 'equal conditions'. United States citizens, who constitute one quarter of the total labour force, earn more than Panamanians, who constitute three quarters of it. Panama has always protested against the fact that the universal principle of 'equal pay for equal work' is not observed in the Canal Zone. This has been one of the 'causes of conflict' between Panama and the United States. It is clear that in the Panama Canal Zone salary discrimination is practised against Panamanians."

Moreover, subparagraph (p) of paragraph 3 states:

"The right of access to any place or service. Segregation of any kind is inconceivable in Panama. It would be absurd in a country which calls itself the 'melting pot of the races' and 'bridge of the world'. Indeed, one source of conflict which developed at the outset between Panama and the United States was the introduction of racial discrimination, a type of apartheid, in the part of Panama known as the Panama Canal Zone. Until 1959, there existed in that territory what were known as the 'gold roll' and the 'silver roll'. The former covered whites and the latter, all other groups. Schools, shops, cinemas, hotels, clubs, services and so on, were segregated. There was even discrimination in cemeteries. Although the discriminatory 'cards' are no longer in use, the situation persists under different names, particularly with regard to salaries, as has already been noted."

62. The Committee examined this report at the fourth session, from the 63rd to the 66th meetings.

63. Opening the discussion, Mr. Sayegh noted the difficulties posed by the portion of the report dealing with the situation in the Panama Canal Zone: the Committee was informed by a State Party that racial discrimination was being systematically practised on a part of its territory, but by another State which was not a Party to the Convention. He proposed, "tentatively", that the Committee should take note "with deep regret" of the information formally given to it by a State Party, and draw the attention of the General Assembly to "that sad situation". Mr. Tarassov, at the same meeting, agreed that the report posed special legal difficulties, but thought that Mr. Sayegh's proposal was well within the Committee's competence and avoided the legal pitfalls to which he had alluded; however, he suggested an amendment, stating that the Committee did not have the "possibility" to request information from the United States of America, since it was not a Party to the Convention. Mr. Sayegh accepted the amendment, suggesting meanwhile that the word "possibility" be replaced by "competence" - to which Mr. Tarassov agreed.

64. In the discussion which followed, some members questioned the competence of the Committee to deal with the matter and opposed its taking action along the lines proposed by Messrs. Sayegh and Tarassov. The salient arguments in the lengthy debate may be summarized as follows: 7/

7/ In the following paragraphs of chapter III, direct quotations from statements attributed to individual members are drawn from the provisional summary records of the Committee.

- (i) Mr. Sukati asserted that the information contained in the portion of the report which was under consideration did not relate to article 9 of the Convention; that it was indeed a "complaint" against another State, which nevertheless could not be dealt with under article 11 of the Convention inasmuch as the other State concerned, the United States of America, was not a Party to the Convention; and that the information under examination was therefore "irrelevant" and should not be taken note of. Sir Herbert Marchant associated himself with the conclusion that the information under examination "could not be considered under the terms of article 9 of the Convention".

On the other hand, Messrs. Sayegh, Valencia Rodriguez, and Tomko argued that the information in question had been presented to the Committee in response to its request for additional information in accordance with article 9 of the Convention; and pointed out that the situation was as follows: a State Party, in the course of informing the Committee of the measures it had adopted to give effect to the provisions of the Convention on its territory, singled out one area of its national territory on which, it reported, racial discrimination was being practised. Messrs. Aboul-Nasr and Tarassov denied that the information was submitted to the Committee, or was dealt with by the Committee, as a "complaint" within the meaning of article 11. And Messrs. Dayal, Getmanets, Sayegh and Valencia Rodriguez expressed the opinion that the Committee would be failing its obligations if it were to refuse to take note of information formally submitted by a State Party to the effect that racial discrimination was being practised on its territory.

- (ii) Mr. Haastrup also questioned the competence of the Committee to deal with the matter, but for different reasons. He believed that the matter could be dealt with neither under article 15 nor under article 11, but only under article 9 of the Convention, if at all. However, in dealing with the matter under article 9, the Committee would be dealing with the situation in a territory over which the reporting State Party "had acknowledged that it had no jurisdiction". The question of the juridical status of the Panama Canal Zone was of concern to Mr. Rossides also. Messrs. Haastrup, Partsch and Rossides thought that the precise juridical status of the Panama Canal Zone, being relevant to the question at hand, should be carefully determined; and that information on the agreements between Panama and the United States concerning the Zone in question should be requested. Messrs. Haastrup and Partsch thought also that, until this information had been sought and received, the Committee could not proceed to take any action on the report of Panama.

On the other hand, Messrs. Sayegh, Tarassov and Valencia Rodriguez denied that the question of the status of the Panama Canal Zone had any relevance to the work of the Committee: the Zone was part of the national territory of the State Party which submitted the report, and that was sufficient to establish the competence of the Committee to take note of information in the report regarding the practice of racial discrimination on the portion of the territory in question.

- (iii) The competence of the Committee to deal with the matter was challenged from a third angle. Messrs. Haastrup, Ortiz-Martin, and Partsch questioned the right of the Committee to consider matters involving States which were not Parties to the Convention. Mr. Ortiz-Martin added that, if the Committee decided that it did have that right, it should first give a hearing to the non-Party State.

On the other hand, Mr. Sayegh pointed out that the Convention required such a procedure as Mr. Ortiz-Martin suggested only in article 11, paragraph 5; but, he noted, that procedure applied only to States Parties and only in the case of a complaint submitted and dealt with under article 11, and neither condition obtained in the case at hand. Article 9, he further argued, not only did not require, but in fact forbade, the Committee to seek or to receive information from any source other than the States Parties concerned. Finally, he recalled that the Committee had, over four sessions, examined reports from States Parties without inviting their representatives to participate in the discussions; in fact, in one instance it had rejected the request made by a State Party to participate in the deliberations of the Committee (see para. 88 below). Accordingly, to suggest that the examination of the report of Panama should be conditional upon granting a hearing to the United States of America, which was not a Party, would be tantamount to discriminating against States Parties in favour of non-Party States.

- (iv) Mr. Haastrup cautioned the Committee against dealing with the information on the situation in the Panama Canal Zone lest, by doing so, it involve itself in "delicate international political questions", particularly since such questions could more appropriately be debated in other United Nations organs.

On the other hand, Mr. Valencia Rodriguez, while admitting that "of course, any recommendation to the General Assembly would have political significance", warned that, likewise, "failure on the part of the Committee to bring such a case to the Assembly's attention would have political significance too".

- (v) Sir Herbert Marchant, noting that the report of Panama was "not always very precise" and that the Committee "could not ask the United States" for additional information, suggested that the Committee could ask Panama to furnish further information - for "the Committee was duty bound to assemble all the facts of a case before referring it to the General Assembly". Otherwise, the Committee would be "acting on insufficient information". Mr. Haastrup also thought that "the Committee did not have sufficient information to serve as a basis for action".

On the other hand, Mr. Sayegh thought that the information already before the Committee was sufficient to serve as a basis for the limited action envisaged in the proposal before it; and since more far-reaching action would be beyond the competence of the Committee, inasmuch as the United States was not a Party to the Convention and the matter had come before the Committee under article 9 and not under article 11, he saw no reason why the action now proposed should be deferred until the receipt of further information on the basis of which the Committee

could not in any case adopt additional measures. Mr. Nasr, however, while opposing postponement of action by the Committee until further information had been sought and received from Panama, nevertheless thought that, once Mr. Sayegh's proposal was adopted, it would be advisable to request additional information from Panama so that the Committee could at a later stage adopt a position that went beyond merely taking note of the information at hand and drawing the attention of the General Assembly to it.

65 While the debate was in progress, several amendments to the proposal before the Committee (Mr. Sayegh's proposal, embodying the text of Mr. Tarassov's amendment, as amended by Mr. Sayegh) were submitted.

66. Mr. Rossides submitted an amendment to paragraph 1 of the proposal. This amendment was later revised by him in the light of suggestions from Mr. Valencia Rodriguez. Mr. Dayal submitted another amendment to the same paragraph, which he later withdrew in favour of the revised amendment of Mr. Rossides. Mr. Haastrup submitted an amendment designed to replace the text of Mr. Rossides' amendment to paragraph 1 of the original proposal; but this amendment also was withdrawn before the vote. Mr. Rossides' revised amendment stated:

"The Committee on the Elimination of Racial Discrimination takes note of the allegations contained in information formally furnished by the Government of Panama to the effect that in part of its national territory known as the Panama Canal Zone, which is under the control of the Government of the United States of America, certain forms of racial discrimination have been and are being systematically practised."

67. To this, Mr. Sayegh proposed two amendments: first, to add the words "with deep regret" after the words "takes note"; and, secondly, to delete the words "allegations contained in".

68. Three amendments to paragraph 3 of the original proposal were submitted. An amendment by Mr. Haastrup, which would have deleted the whole paragraph, was withdrawn along with his amendment to the first paragraph. Mr. Rossides' amendment called for replacing the words "sad situation" by the word "information", while Mr. Valencia Rodriguez' amendment called for deleting the word "sad".

69. In the vote on the amendments to paragraph 1, Mr. Sayegh's first amendment was not adopted, since there were 6 votes in favour and 6 against, with 2 abstentions; Mr. Sayegh's second amendment was adopted by 7 votes to 5, with 2 abstentions; and Mr. Rossides' amendment, as amended, was adopted by 7 votes to 6, with 1 abstention.

70. Of the amendments to paragraph 3, Mr. Rossides' amendment was rejected by 7 votes to 6, with 1 abstention, and Mr. Valencia Rodriguez' amendment was adopted by 7 votes to 6, with 1 abstention. Paragraph 3, as amended, was adopted by 13 votes to none, with 1 abstention.

71. When put to the vote as a whole, Mr. Sayegh's proposal, as amended, was adopted by 12 votes to none, with 2 abstentions.

72. The text of the Committee's decision reads as follows (see also chapter VII, section B, decision 3 (iv)):

1. The Committee on the Elimination of Racial Discrimination takes note of the information formally furnished by the Government of Panama to the effect that in part of its national territory known as the Panama Canal Zone, which is under the control of the Government of the United States of America, certain forms of racial discrimination have been and are being systematically practised.

2. The Committee did not have the competence to request the relevant information on this question from the Government of the United States of America, since the United States of America is not a Party to the Convention.

3. However, the Committee wishes to draw the attention of the General Assembly to this situation.

3. Action on information supplied by the Syrian Arab Republic relating to the situation in the Golan Heights

73. It has already been reported (paras. 37-44 above) that, at its third session, the Committee decided to address to the Syrian Arab Republic a request for further information on the situation in the Golan Heights, to which an earlier report from that State Party had alluded.

74. In response to this request, the Syrian Arab Republic submitted a supplementary report, the second part of which contained the requested information.

75. Paragraph 1 of the second part of the supplementary report from the Syrian Arab Republic recalled that article 5 of the Convention "enumerates the rights that all Contracting Parties undertake to protect", and quoted the texts of paragraph d, subparagraphs i, ii, v, and vi, of that article.

76. Paragraph 2 of the second part of the supplementary report from the Syrian Arab Republic drew attention to "a number of resolutions" which "were adopted by the various organs of the United Nations requesting Israel to facilitate the return of new refugees to their homeland, and ensure the safety, welfare and security of the inhabitants of the occupied areas". The attention of the Committee was drawn to 14 such resolutions, of which seven were adopted by the General Assembly, two by the Security Council, one by the Economic and Social Council, and four by the Commission on Human Rights. "On the other hand", the report then stated, "the Israeli occupying authorities, contrary to their obligations under International Law, have, since the beginning of the occupation, embarked upon practices that have virtually deprived the population of the Golan Heights of their basic human rights, including those enumerated in article 5". In support of that statement, the Syrian report asserted that "almost the entire population" of the Golan Heights "were forcibly evicted from their land and have not since been permitted to return to their homes" and that the Israeli authorities "continue to carry out their plans aiming at the colonization of the Golan Heights". With reference to the latter statement, the report contended that the "intensive transfer of colons to the occupied Syrian area is in itself a negation of the rights of the original inhabitants".

77. Paragraph 3 referred the Committee, "for additional information on Israeli racist policies", to "reports submitted by the investigating organs of the United Nations", two of which were described as "of particular importance as they amply corroborate Israel's violations of human rights in... the Golan Heights". Those were the Report of the Special Working Group of Experts established under resolution 6 (XXV) of the Commission on Human Rights (E/CN.4/1016 and addenda) and the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8089).

78. Paragraph 4 suggested that the Committee examine 17 letters, which were listed in the annex to the report, and which had been addressed by the Permanent Representative of the Syrian Arab Republic to the Secretary-General and the President of the Security Council. Those letters were described as "mostly based on Israel sources openly advocating the deprivation of the Arab inhabitants of their basic human rights, and unabashedly promoting a situation which grossly violates the rights enumerated in article 5 of the Convention".

79. The report concluded by asserting that, while the Syrian Arab Republic, a Party to the Convention, "is faithfully carrying out its obligations under the Convention", the "overriding concern" of the Syrian people was "to restore to the population of the Golan Heights their inalienable rights so grossly violated by the Israeli military occupation", and that it was the "legal and moral responsibility" of the Parties to the Convention "to thoroughly probe Zionism at work in occupied Arab territories, and take the appropriate steps to expose the racism inherent in Zionist ideology and practices".

80. The supplementary report of the Syrian Arab Republic was considered by the Committee at its fourth session, at the 66th, 67th, 70th and 71st meetings.

81. As in the debate on the supplementary report of Panama (see paragraph 64 above), most of the arguments adduced in the debate on the supplementary report of the Syrian Arab Republic revolved around the competence of the Committee to deal with information supplied by a State Party about the situation in a part of its national territory which was not under its effective control but under the control of a State which was not a Party to the Convention. The following paragraphs summarize the main arguments presented during the debate.

- (i) Mr. Sukati expressed the opinion that what the Committee had before it was a "complaint", even though it was "disguised as" a report under article 9 of the convention, and that therefore it could not be dealt with under articles 9, 11 or 15 of the Convention.

Messrs. Aboul Nasr, Resich, Rossides and Sayegh thought that, in adopting its decision pursuant to the examination of the report of Panama (para. 72 above), the Committee had judged that it was competent to deal under article 9 of the Convention, with information supplied by a State Party in accordance with that article regarding the situation of racial discrimination in a part of its national territory over which it had no effective control.

Mr. Haastруп, while agreeing that a precedent had been established, thought nevertheless that it was "the precedent of introducing extraneous issues under the pretext of following the system of reporting under article 9 of the Convention".

(ii) Mr. Sukati thought that, inasmuch as "a state of belligerency" existed between certain Arab States and Israel, "it was inappropriate for the Committee to involve itself in such a situation" and that the Committee should "point out" to the Syrian Government that "its supplementary report was not in compliance with the Committee's request for further information under article 9 of the Convention because it dealt with a matter which was not appropriate for purposes of a report under that article".

Messrs. Rossides, Sayegh and Tarassov, on the other hand, expressed the view that the Committee, which was competent in any case to receive the information contained in the supplementary report of the Syrian Arab Republic, was under a special obligation to consider that information because it had specifically requested that State Party to furnish it, in the decision which the Committee formally adopted at its 57th meeting (para. 44 above).

Messrs. Ortiz-Martin and Partsch, however, did not agree that the decision to request further information necessarily implied a judgement establishing the competence of the Committee to take action on that information under article 9 of the Convention.

(iii) Mr. Haastrup thought that "the problem was further complicated by the fact that Israel was not a Party to the Convention". Mr. Sukati thought that that fact precluded action by the Committee, not only under article 9 but also under articles 11 and 15. Mr. Ortiz-Martin asserted that "States not Parties to the Convention should be permitted to express their views at some stage in the consideration" of such situations.

(iv) Mr. Haastrup expressed the view that the problem was "further complicated" by the fact that "the Committee did not even know the precise legal status of the Golan Heights territory".

On the other hand, Messrs. Rossides and Sayegh asserted that there was no uncertainty about the legal status of that territory, inasmuch as it was a part of the national territory of a Member of the United Nations which had fallen under military occupation by another Member as a result of war, and its "acquisition" by the occupier had been declared "inadmissible" in several formal resolutions adopted by the Security Council and the General Assembly. Mr. Rossides added that, as a result of those facts, a distinction should be drawn "between the case of Panama and that of Syria", which were "totally different" from one another: for, "whereas United States control over a portion of Panamanian territory was exercised under certain agreements" between the two Governments concerned, "Israeli control over the Golan Heights had been obtained by means of aggression".

(v) Another difference between the situations described in the reports of Panama and the Syrian Arab Republic and which, in the opinion of Messrs. Resich, Sayegh, and Tomko, had a direct and significant bearing upon the Committee's consideration of the Syrian report, was that the information contained in that report was corroborated by formal decisions adopted by several organs of the United Nations as well as by the findings of investigative bodies established by two of those organs.

Therefore, neither was further information needed before the Committee could make a decision regarding the question under examination nor could the veracity of the information supplied by the reporting State Party be doubted.

However, Mr. Sukati thought that "the fact that the allegations made in the Syrian report were supported by the findings of other bodies was irrelevant because once the Committee had declared itself to be incompetent to deal with the complaint against Israel contained in the Syrian report, it could not make any finding as to the truth of those allegations".

- (vi) The fact that various United Nations organs, including the General Assembly, had already adopted resolutions relating to the situation under consideration, and the fact that investigative bodies established by two of those organs, including the General Assembly, had already submitted reports on that situation led Messrs. Haastrup, Ortiz-Martin, Partsch and Sukati to doubt either the competence of the Committee to deal with that situation or the wisdom of the Committee's drawing the attention of the General Assembly to it. Moreover, Mr. Sukati argued that the mere citation of those resolutions and reports in the report of the Syrian Arab Republic "clearly showed that the Syrian Government was aware of the remedies available to it through other United Nations bodies". Accordingly, he cautioned the Committee against permitting itself to be "led into doing violence to the Convention by taking action on the Syrian complaint".

On the other hand, Messrs. Aboul Nasr, Rossides, Sayegh, and Tarassov argued that, whereas other organs of the United Nations examined the situation in Arab territories occupied by Israel in general, and the human rights of inhabitants of those territories in particular, only the Committee was, in accordance with its mandate, concerned exclusively with that aspect of the situation which constituted racial discrimination. Furthermore, the fact that more than one United Nations organ had already considered, and adopted decisions on, the same situation clearly showed that consideration of a situation by one United Nations organ did not preclude other organs from considering it also, unless the Charter of the United Nations prescribed otherwise.

- (vii) Mr. Valencia Rodriguez was of the opinion that the crucial question which the Committee had to decide was whether the actions of Israel in the occupied Syrian territory, and "the failure by Israel to implement those resolutions" of the organs of the United Nations concerned, "constituted discrimination based on grounds of race or national origin", or whether "the situation was the result of political events which lay outside the competence of the Committee".

Messrs. Haastrup and Sukati thought that the actions of Israel in the Golan Heights did not constitute racial discrimination and therefore did not fall within the competence of the Committee.

Mr. Haastrup asserted that, "from his reading of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8089), those

practices were not carried out on a racial basis but on the basis of the Arab-Israeli conflict". Inasmuch as the Special Committee had examined the situation in the light of the provisions of the Geneva Conventions of 1949, and also inasmuch as a state of war existed between the Syrian Arab Republic and Israel, he thought that the treatment of the population of the occupied Golan Heights should be defined not in terms of racial discrimination but in terms of the laws of war.

Mr. Sukati felt that, before deciding on the action it might take regarding the situation under consideration, the Committee should first decide whether or not, in its view, racial discrimination was involved and, accordingly, whether or not the question fell within its sphere of competence.

In the opinion of Messrs. Tarassov and Sayegh, however, racial discrimination, as defined in article 1 of the Convention, was involved.

Mr. Tarassov asserted that the situation which was created was the result not of "a state of belligerency, but of direct aggression by Israel against certain Arab States". He drew attention to paragraph 67 of the Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (A/8089), which affirmed the conclusion of the Special Committee that "the occupying Power is pursuing a conscious and deliberate policy calculated to depopulate the occupied territories of their Arab inhabitants", and states that the Special Committee had received "evidence of the establishment of Israel settlements in the... Golan Heights". He thought that that might be considered genocide, which was the supreme form of racial discrimination. Moreover, the conclusions of the Special Committee were corroborated, in his opinion, by the official philosophy of the occupying Power, namely, Zionism, which was essentially a doctrine founded on racial inequality and on belief in the superiority of Jews over other peoples.

Mr. Sayegh contended that the mere fact that the native inhabitants of the Golan Heights had been denied by the occupation authorities the right to return to their homes, while aliens were being systematically brought from other countries by those authorities and settled in that occupied territory, was sufficient to show that a clear case of "discrimination" existed. That that was also a case of "racial discrimination" was made clear by public pronouncements made by the highest-ranking decision-makers of the occupying Power, stating that their purpose was to ensure that the preponderant majority of the population consisted of Jews, as well as by the doctrinal and programmatic principles of Zionism which animated the policies of Israel. From the very outset, he stated, Zionism had aimed at creating a "State of Jews" in a territory preponderantly inhabited by non-Jews; and that aim, as Zionist leaders were aware, could be accomplished only by a twofold programme of displacing settled non-Jews and replacing them with imported Jews. Finally, the racial criterion was one of the principal criteria whereby the differentiation between a Jew and a non-Jew was made, as legislation recently promulgated by the Israeli legislature, to say nothing of the literature of Zionism, showed.

(viii) Mr. Ortiz-Martin expressed the view that "the situation in the Golan Heights was complicated by the fact that it was the result of a state of war". He was "not sure", therefore, whether the "usual criteria" relating to questions of human rights and racial discrimination in normal times of peace could be applied to the situation under consideration. Sir Herbert Marchant also implied his concurrence with the view that political inter-State conflict was involved in the case at hand and not racial discrimination. He thought that the Committee was "wasting much time on this issue", which was "charged with political connotations", and was thereby "misusing itself".

On the other hand, Mr. Aboul Nasr expressed the opinion that "the Convention did not differentiate between war and peace and did not allow racial discrimination during war any more than it did in peacetime". In addition, he asserted that "war and occupation were also governed by international law, as witness the Geneva Convention Relative to the Protection of Civilian Persons in Time of War". Mr. Sayegh drew attention to the provisions of article 2 of the Universal Declaration of Human Rights, which declared that, in the enjoyment of the rights enumerated in the Declaration - which included the right not to be subjected to racial discrimination - no distinction should be made on the basis of the "political" or "international" status of the territory to which a person belonged.

82. In the course of the debate, Mr. Sayegh submitted a proposal which was adopted by the Committee at its 70th meeting by 9 votes to 4, with 1 abstention in a roll-call vote requested by Mr. Tarassov. The voting was as follows:

In favour: Messrs. Dayal, Getmanets, Aboul Nasr, Resich, Rossides, Sayegh, Tarassov, Tomko, and Valencia Rodriguez;

Against: Messrs. Haastrup, Marchant, Ortiz-Martin, and Sukati;

Abstention: Mr. Partsch.

83. The text of the Committee's decision reads as follows (see also chap. VII, sect. B, decision 4 (iv)):

1. The Committee on the Elimination of Racial Discrimination takes note of the information, contained in the supplementary report submitted by the Government of the Syrian Arab Republic at the Committee's request, to the effect that racial discrimination is being practised in that part of Syrian national territory which is known as the Golan Heights and which is under Israeli occupation.

2. The Committee takes note also of the resolutions adopted by competent organs of the United Nations, and of the reports of the Committees set up by the General Assembly and by the Commission on Human Rights to investigate the situation, to which the report submitted by the Syrian Government makes reference.

3. The Committee wishes to draw the attention of the General Assembly to this situation.

D. Action on requests for participation in the deliberations of the Committee

1. Action on a request made by a State Party (Pakistan)

84. During the third session, the Chairman announced at the 58th meeting that he had received the following communication from the Permanent Representative of Pakistan to the United Nations:

"The Permanent Representative of Pakistan has requested that the Pakistan delegation be able to present its comments on the observations made in the Committee covering the report presented by Pakistan under article 9, paragraph 1."

85. As the provisional rules of procedure made no provision for a request of that kind, the Chairman put the request before the Committee for a decision.

86. In their statements, Messrs. Haastrup, Aboul Nasr, Partsch, Rossides, Sayegh, and Tarassov, and Mrs. Owusu-Addo opposed the request.

87. Messrs. Haastrup and Partsch pointed out that the Committee had already closed its discussion of the report from Pakistan, and should not reopen it. Regarding the question in principle the statements made by all the members who spoke on the subject showed general agreement on the following: in accordance with article 9 of the Convention, a State Party could furnish "information", on its own initiative or at the request of the Committee, in the form of reports submitted to the Secretary-General for consideration by the Committee; and it could also make "comments" on such "suggestions and general recommendations" as the Committee might make. But there was no provision in article 9 of the Convention enabling a State Party to participate in the Committee's consideration of a report submitted by it, or to comment on observations made by individual members in the course of the Committee's deliberations. However, Mr. Partsch thought that the Committee "should be able to invite Governments to explain their views", although he admitted that "the intention of the authors of the Convention in that regard was not clear".

88. In the light of the statements made at the meeting, the Chairman declared that the consensus was against granting the request made by the Permanent Representative of Pakistan and that "the request was therefore rejected".

2. Action on two requests made by a State not a Party to the Convention (Israel)

89. During the fourth session, the Chairman read out, at the 67th meeting, the following communication he had received from the Deputy Permanent Representative of Israel to the United Nations:

"In view of the fact that my country is the subject of the present discussion in connexion with the report of the Syrian Government, I should be grateful if I could be permitted to make a short statement on the matter."

90. Messrs. Haastrup and Tarassov argued that, since the Committee had at its third session rejected a similar request made by a State Party (paras. 84-88 above), it should not grant the present request, made by a State which was not a Party to the Convention. Mr. Partsch felt that "the Committee should not make suggestions and

general recommendations on a particular situation unless it accorded States not Parties to the Convention the same rights as those enjoyed by States Parties under article 9, paragraph 2". However, Mr. Haastrup said that, "since Israel was a Member of the United Nations, it would be able to make known its views on the matter during the General Assembly".

91. A formal motion by Mr. Haastrup, that "the Committee should not accede to the Israeli request", was seconded by Mr. Sukati and adopted by 10 votes to none, with 3 abstentions.

92. At the 70th meeting, the Chairman announced that he had received a second communication from the Permanent Mission of Israel to the United Nations, requesting the circulation of the text of the statement which the representative of Israel would have made before the Committee if the Committee had permitted him to do so.

93. Messrs. Haastrup, Getmanets, and Tarassov opposed the Committee's acceding to the request. Mr. Partsch argued that, if article 9 of the Convention were to be interpreted in such a way as to permit the Committee to consider the complaint of one State against another under that article - an interpretation which he did not endorse but which, he implied, the Committee had endorsed - then the two States should be treated equally, and Israel's views should be put before the Committee.

94. Mr. Tarassov suggested that the request should be rejected, not by a vote of the Committee but by a ruling from the Chair, inasmuch as it did not fall within the purview of article 9 of the Convention, which related only to States Parties.

95. The Chairman ruled that the request of the Permanent Mission of Israel was inadmissible under article 9 of the Convention, and, as there was no objection, the request was denied.

96. At the 72nd and 79th meetings of the Committee, Messrs. Haastrup, Aboul Nasr, Sayegh and Valencia Rodriguez commented on a press release issued on 30 August 1971 by the Permanent Mission of Israel to the United Nations, in which the Permanent Mission of Israel stated that the Committee had denied it the "right" to present the point of view of Israel, either orally or in writing, to the Committee during the discussion of the supplementary report submitted by the Syrian Arab Republic. All four members denied that a State which was not a Party to the Convention was entitled to participate in the discussions of the Committee or otherwise to supply information to the Committee under article 9 of the Convention and thought that that article prevented the Committee from acceding to the requests made by the Permanent Mission of Israel.

IV. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OF 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

97. The Committee considered this item at the 41st, 52nd to 55th and 58th meetings of its third session and at the 71st to 78th meetings of its fourth session.

98. The actions taken 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 1969 session and by the Trusteeship Council at its 1970 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX), were discussed in the first annual report of the Committee to the General Assembly in 1970. 8/

99. At its third session, the Committee was informed by the Secretary-General of the following action taken in 1970 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 under article 15 of the Convention as well as in reference to the Committee's statement of responsibilities under article 15 adopted at its first session on 29 January 1970 and transmitted to the bodies of the United Nations concerned by the Secretary-General. 9/

"(a) To authorize the Chairman to transmit to the Committee on the Elimination of Racial Discrimination (i) copies of the petitions relevant to the Convention; (ii) such other Special Committee documents as might contain information about the petitioners concerned; (iii) an indication to the effect that the information contained in those petitions was fully taken into account by the Special Committee in its consideration of the relevant items; and (iv) records of the meetings at which the relevant items were considered or the petitioners were heard;

"(b) To request the Secretariat to transmit to that Committee copies of the working papers prepared annually by it on the colonial territories, it being understood that it was for the Secretary-General to take action, as appropriate, on the Committee's request for copies of reports submitted by the administering Powers under Article 73 e of the Charter of the United Nations and for an indication of the portions of those reports which were directly relevant to the principles and objectives of the Convention."

8/ Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027), paras. 54-62.

9/ Full text of the Committee's statement of responsibilities under article 15 of the Convention is contained in ibid., annex IV.

100. As a consequence of the 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, the Committee on the Elimination of Racial Discrimination had before it at its fourth session the documents listed in annex VII.

101. At the 54th meeting, on 21 April 1971, Mr. Aboul Nasr proposed that the Committee should consider preparing a questionnaire modelled on the Communication of the Committee adopted at its first session and addressed to the States Parties to the Convention, 10/ to be transmitted to the Administering Authorities 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 and to be used by the Council and the Special Committee themselves in submitting material under article 15 of the Convention that would enable the Committee on the Elimination of Racial Discrimination to receive as full information as possible on the progress towards the achievement of the principles and objectives of the Convention in all the Territories to which General Assembly resolution 1514 (XV) applied. Mr. Aboul Nasr subsequently introduced a draft communication which, as amended by proposals of Mr. Partsch and Mr. Tarassov, was adopted by the Committee. That communication which was forwarded to 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, as adopted by the Committee at its 58th meeting on 23 April 1971, is reproduced in chapter VII, section A, decision 2 (III).

102. The Trusteeship Council decided at its 1383rd meeting to invite the Administering Authorities to include in their annual reports information on the matters noted in the communication of the Committee. At its 812th meeting the Special Committee decided to request the administering Powers to include in their annual reports transmitted to the Secretary-General under Article 73 e of the Charter the information called for in the communication of the Committee.

103. At the Committee's third session the Chairman appointed four working groups to examine the material before the Committee as follows:

- (a) Pacific and Indian Ocean Territories
(Mr. Getmanets, convenor, and Mr. Aboul Nasr and Mr. Valencia Rodriguez)
- (b) Atlantic Ocean and Caribbean Territories, including Gibraltar
(Mr. Partsch, convenor, and Mr. Ortiz-Martin and Mr. Peles)
- (c) African Territories under Portugese administration
(Sir Herbert Marchant, convenor, and Mrs. Owusu-Addo, Mr. Nesich and Mr. Tonko)
- (d) Other African Territories
(Mr. Ingles, convenor, and Mr. Haastrup (convenor at the fourth session), Mr. Sukati and Mr. Tarassov).

10/ Ibid., annex III A.

104. The working groups reported to the Committee their findings as well as their expressions of opinion and recommendations. Those reports were discussed by the Committee from its 52nd to its 55th meetings.
105. At the fourth session, the Committee agreed, at its 72nd meeting, to reactivate the working groups established at the preceding session, and to request them to meet separately for the dual purpose of revising their earlier reports in the light of the discussions which took place at the plenary meetings of the Committee and examining the new documents which had become available to the Committee since the third session.
106. The working groups submitted their revised reports to the Committee, which considered them at the 73rd to 75th meetings.
107. At the 75th meeting, the Chairman requested the convenors of the four working groups to meet, together with the Rapporteur and the Secretary of the Committee, in order to make final revisions of the four reports in the light of the discussions which took place at the recent meetings and to integrate them into one text.
108. The convenors of the four working groups, the Rapporteur, and the Committee's Secretary held two informal meetings.
109. At its 76th meeting, the Committee agreed to the suggestion made by the Rapporteur, on behalf of the four convenors and himself, to the effect that the final text of the Committee's Expressions of Opinion and Recommendations, prepared in accordance with article 15, paragraphs 2 and 3, 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 United Nations bodies", as required by article 15, paragraph 3, of the Convention, a list of those documents, which may be found in annex VII; (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 it received from them (in accordance with subparagraphs (a) and (b) respectively of article 15, paragraph 2, of the Convention) were prepared not in separate texts but in one integrated text, which is hereby submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention, and also to the United Nations bodies concerned; (3) that the Committee deferred the examination of the documentation transmitted to it, relating to Ifni, Spanish Sahara and French Somaliland, and the formulation of opinions and recommendations regarding them, until the fifth session.
110. The text of the Committee's Opinions and Recommendations which was considered and revised by the Committee at its 77th and 78th meetings, is set forth in chapter VII, section B, decision 5 (IV).

V. CO-OPERATION WITH THE INTERNATIONAL LABOUR ORGANISATION
AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND
CULTURAL ORGANIZATION

111. At the 55th meeting, held during the third session, the Chairman drew the attention of the Committee to two communications which he had received from the International Labour Organisation and from the United Nations Educational, Scientific and Cultural Organization. These specialized agencies referred to their interest in the work of the Committee, particularly in the light of the 1958 ILO Convention Concerning Discrimination in respect of Employment and Occupation and the 1960 UNESCO Convention against Discrimination in Education. The agencies expressed also a desire to co-ordinate their work as closely as possible with that of the Committee with regard to the implementation of the Convention relating to their mutual spheres of competence.

112. At the 58th meeting, the Committee decided to request the Secretary-General to consult both the ILO and UNESCO concerning possible arrangements for such co-operation and to report on the matter to the Committee at its fourth session.

113. At the fourth session, the Committee had before it a report from the Secretary-General, containing the results of his consultations and some suggestions for consideration by the Committee.

114. The report of the Secretary-General was discussed at the 60th and 76th meetings.

1. At the 60th meeting when the suggestions made by the Secretary-General were discussed, Messrs. Haastrup, Aboul Nasr, Partsch, Sayegh, Tarassov, Tomko and Valencia Rodriguez questioned some aspects of the arrangements suggested in the report under consideration; some changes were proposed, and some clarifications requested. Following the meeting, Mr. Sayegh circulated the text of a proposal made in the light of the opinions expressed during the discussion.

116. At the 76th meeting, the Chairman informed the Committee that he understood that the Secretary-General would have further consultations with the ILO and UNESCO, in the light of the discussions which took place at the 60th meeting.

117. At the same meeting, the Committee decided to postpone further consideration of the question until the fifth session, and to request the Secretary-General to report to it by then on the result of his consultations.

VI. MEETINGS OF THE COMMITTEE IN 1972

118. At its second session, in September 1970, the Committee had expressed the desire to hold one of its 1972 sessions in Geneva and had requested the Secretary-General to look into that possibility.

119. The Committee had before it a note by the Secretary-General informing it that its sixth session could be accommodated in Geneva in August 1972, immediately after the fifty-third session of the Economic and Social Council, subject to the approval of the General Assembly, and setting out the administrative and financial implications in accordance with rule 25 of the provisional rules of procedure of the Committee.

120. At the 79th meeting of its fourth session, held on 8 September 1971, the Committee decided to hold its two 1972 sessions in New York, as follows: fifth session, 14 to 25 February 1972; sixth session, 7 to 25 August 1972.

VII. DECISIONS ADOPTED BY THE COMMITTEE
AT ITS THIRD AND FOURTH SESSIONS

A. THIRD SESSION

1 (III). Request for specific information from a
State Party (Syrian Arab Republic) 11/

With regard to the conditions described in the final paragraph of the first report submitted by the Syrian Arab Republic, the Committee would welcome receiving from the Government of the Syrian Arab Republic by 30 June 1971 any such additional information as may be available to it.

2 (III). Communication to be forwarded to 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 12/

The Committee on the Elimination of Racial Discrimination, established under the International Convention on the Elimination of All Forms of Racial Discrimination, having regard to the functions entrusted to it under article 15 of the Convention, wishes to draw the attention 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 to paragraphs 2 and 3 of article 15, and the statement of the responsibilities of the Committee under article 15 (A/8027, annex IV).

Desiring to have as full information as possible on the progress towards the achievement of the principles and objectives of the Convention, 13/ in all the Territories to which General Assembly resolution 1514 (XV) applies, requests 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 to obtain from administering Powers the following information:

1. Information on the implementation of General Assembly resolution 1514 (XV).
2. Information on the legislative, judicial, administrative or other measures in the light of the following provisions of the Convention:

11/ Adopted at the 57th meeting on 23 April 1971. See chap. III, para. 44.

12/ Adopted at the 58th meeting on 23 April 1971. See chap. IV, para. 101.

13/ The Committee wishes to recall that, according to article 1, paragraph 1, of the above-mentioned Convention, the term "racial discrimination" means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

(a) Condemnation of racial segregation and apartheid (article 3);

(b) Prohibition and elimination of racial discrimination in all its forms, especially in the field of political, civil, economic, social and cultural rights and the right of access to any place or service intended for use by the general public (article 5);

(c) Assuring "everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination" (article 6).

3. Information on the legislative, judicial, administrative or other measures in the light of the following provisions of the Convention:

(a) "to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation" (article 2, paragraph 1 (a));

(b) "not to sponsor, defend or support racial discrimination by any persons or organizations" (article 2, paragraph 1 (b));

(c) "not permit public authorities or public institutions, national or local, to promote or incite racial discrimination" (article 4 (c)).

4. Information on the legislative, judicial, administrative or other measures in the light of the following provisions of the Convention:

(a) "to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists" (article 2, paragraph 1 (c));

(b) to "prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization" (article 2, paragraph 1 (d));

(c) to "prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of racial segregation and apartheid (article 3);

(d) to "declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof" (article 4 (a));

(e) to "declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law" (article 4 (b)).

5. Information on the legislative, judicial, administrative or other measures in the light of the following provisions of the Convention:

(a) "to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division" (article 2, paragraph 1 (e));

(b) to take, "when the circumstances so warrant", "in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms" (article 2, paragraph 2);

(c) "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" (article 7).

6. Information on the practice of the courts relating to cases of racial discrimination.

The Committee would appreciate receiving the information on all the above matters from 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.

B. FOURTH SESSION

1 (IV). Rule 35 of the provisional rules of procedure of the Committee 14/

A majority of the members of the Committee shall constitute a quorum. The presence of two thirds of the members of the Committee is, however, required for a decision to be taken.

2 (IV). Request for specific information from a State Party (Greece) 15/

With regard to the initial report submitted by Greece, the Committee would welcome receiving from the Government of Greece additional information on the content and application of the articles of the Constitution and the legislative decrees cited in paragraph 3 of its initial report.

14/ Adopted at the 60th meeting on 23 August 1971. See chap. II, para. 12.

15/ Adopted at the 68th meeting on 27 August 1971. See chap. III, para. 49.

3 (IV). Information supplied by Panama relating to the situation in the Panama Canal Zone 16/

1. The Committee on the Elimination of Racial Discrimination takes note of the information formally furnished by the Government of Panama to the effect that in part of its national territory known as the Panama Canal Zone, which is under the control of the Government of the United States of America, certain forms of racial discrimination have been and are being systematically practised.
2. The Committee did not have the competence to request the relevant information on this question from the Government of the United States of America, since the United States of America is not a Party to the Convention.
3. However, the Committee wishes to draw the attention of the General Assembly to this situation.

4 (IV). Information supplied by the Syrian Arab Republic relating to the situation in the Golan Heights 17/

1. The Committee on the Elimination of Racial Discrimination takes note of the information, contained in the supplementary report submitted by the Government of the Syrian Arab Republic at the Committee's request, to the effect that racial discrimination is being practised in that part of Syrian national territory which is known as the Golan Heights and which is under Israeli occupation.
2. The Committee takes note also of the resolutions adopted by competent organs of the United Nations, and of the reports of the Committees set up by the General Assembly and by the Commission on Human Rights to investigate the situation, to which the report submitted by the Syrian Government makes reference.
3. The Committee wishes to draw the attention of the General Assembly to this situation.

5 (IV). Opinions and recommendations of the Committee based on its consideration of copies of petitions and reports submitted to it under article 15 of the Convention 18/

The Committee on the Elimination of Racial Discrimination,

Having examined the material submitted to the Committee, in accordance with the provisions of paragraph 2 of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination relating to Trust and Non-Self-Governing Territories and all other Territories to which General Assembly resolution 1514 (XV) applies,

Agrees on the following opinions and recommendations:

16/ Adopted at the 66th meeting on 26 August 1971. See chap. III, paras. 71 and 72.

17/ Adopted at the 70th meeting on 30 August 1971. See chap. III, para. 83.

18/ Adopted at the 78th meeting on 7 September 1971. See chap. IV, para. 110.

I. Southern Rhodesia and Namibia^{19/}

The Committee on the Elimination of Racial Discrimination,

Having noted resolution 2678 (XXV) of the General Assembly, in which the Assembly, inter alia, condemned the support given to South Africa in the pursuit of its repressive policies in Namibia by the allies of South Africa and, in particular, by its major trading partners and financial, economic and other interests operating in the Territory, and associates itself with the condemnation of the allies of South Africa, as expressed in that resolution,

Having noted resolution 276 (1970) of the Security Council in which the Council, inter alia, declared that the continued presence of the South African authorities in Namibia was illegal and that the continued occupation of Namibia by the Government of South Africa had grave consequences for the rights and interests of the people of Namibia,

Having noted resolution 283 (1970) of the Security Council in which the Council, inter alia, called upon all States to discourage their nationals or companies of their nationality not under direct governmental control from investing or obtaining concessions in Namibia, and to this end withhold protection of such investment against claims of a future lawful government of Namibia,

Having noted resolutions CM/RES.231 (XV) and 234 (XV) adopted by the Council of Ministers of the Organization of African Unity in which the Council, inter alia, invited the Security Council to assume its responsibilities for implementing the United Nations decision concerning Namibia without delay and to this end to have recourse to Article 6 and Chapter VII of the Charter of the United Nations, and requested the United Nations organs and specialized agencies to give the utmost attention to all effective measures to secure compliance by the South African régime with the decisions on Namibia.

19/ As regards these territories the following documents have been examined by the Committee on the Elimination of Racial Discrimination:

- A/7623/Add.1 (Southern Rhodesia).
- A/7623/Add.2 and Corr.1 (Namibia).
- A/8023/Add.1, chap. V (Southern Rhodesia).
- A/8023/Add.2, chap. VI (Namibia).
- Report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (Official Records of the General Assembly Twenty-fourth Session, Supplement No. 25 (A/7625/Rev.1)).
- A/AC.109/L.685 (Southern Rhodesia).
- A/AC.109/L.686 (Namibia).
- A/AC.109/PET.1056, 1057, 1058, 1094 and 1111 (Namibia).
- A/AC.109/PET.1073, 1075, 1076, 1076/Add.1, 1092, 1098 (Southern Rhodesia).
- A/AC.109/PET.1107 (Territories in southern Africa).
- A/AC.109/PET.1134, 1135, 1147 (Namibia).
- A/AC.109/PET.1129, 1138, 1139, 1140 and 1141 (Southern Rhodesia).
- A/AC.109/PET.1131 (Territories in southern Africa).

Having noted the advisory opinion of the International Court of Justice of 21 June 1971 in which the Court held that the continued presence of South Africans in Namibia was illegal and that South Africa was under obligation to withdraw its administration from Namibia immediately,

Having noted the statement made 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 on 11 August 1970 in which the Committee drew attention to the increasing use of armed forces by South Africa to perpetuate its illegal occupation of Namibia, the persistent application of the Territory of measures under the so-called "Development of Self-Government for Native Nations in South West Africa Act, 1968" and the "South West Africa Affairs Act, 1969"; the further intensification of racial segregation by forcibly relocating Africans; and the continuing series of trials of freedom-fighters,

Having noted resolution 2652 (XXV) of the General Assembly, in which the Assembly, inter alia, condemned the failure and refusal of the Government of the United Kingdom of Great Britain and Northern Ireland to take effective measures to bring down the illegal racist minority régime in Southern Rhodesia and to transfer power to the people of Zimbabwe on the basis of majority rule as well as the policies of those Governments that continue to maintain political, economic, military and other relations with the illegal racist minority régime in Southern Rhodesia, and associates itself with those condemnations, as expressed in the resolution,

Having noted resolution 277 (1970) of the Security Council in which the Council, inter alia, reaffirmed the primary responsibility of the Government of the United Kingdom for enabling the people of Zimbabwe to exercise the right of self-determination and independence,

Having noted that the Government of South Africa and the illegal authorities in Southern Rhodesia continue nevertheless to practise these policies in defiance of the United Nations,

Agreed on the following opinions and recommendations:

(a) As regards Namibia the reports 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 clearly indicate that the Government of South Africa is actively extending to Namibia the policies of apartheid:

(b) As regards Southern Rhodesia the reports also clearly indicate that the authorities of the illegal régime in Southern Rhodesia are deliberately pursuing an oppressive policy based on a form of apartheid and on racial discrimination against the non-white majority of the population:

(c) These policies constitute a serious violation of the principles and objectives of the Convention, and in particular of the rights enunciated in article 5, such as, among others, the right to equal treatment before the tribunals, the right to security of person, the right to take part in the Government, the freedom of movement and residence within the border of the State, the right to work, to free choice of employment, the right to education and training, the right to equal participation in cultural activities and the right of access to any place or service intended for use by the general public;

(d) Having noted that various United Nations organs, including the General Assembly, the Security Council, the Economic and Social Council and the Commission on Human Rights, have agreed on measures with a view to eradicating the policies of apartheid and racial discrimination in Namibia and Southern Rhodesia; expresses the opinion that:

- (i) The implementation of the measures recommended by the various United Nations organs would be an essential step to ensure the respect of the principles and objectives of the Convention,
- (ii) While certain Powers appear to approve the resolutions condemning the policies practised in Namibia and Southern Rhodesia they give clandestine support to South Africa,
- (iii) The realization by the illegal régime in Southern Rhodesia that the United Kingdom would not use force was a source of encouragement to the pursuance of the present obnoxious policies,
- (iv) Because of the inhuman policy of Ian Smith's rebel government, one of the United Nations mandatory sanctions is cessation of trade by all United Nations Member States with Southern Rhodesia. This and other sanctions are being surreptitiously circumvented by certain United Nations Members. It is known that these Members maintain clandestinely trade relations with Southern Rhodesia by correspondingly increasing their volume of trade with South Africa and Portugal for diversion to Southern Rhodesia,
- (v) Although in certain Western countries which maintain ties with South Africa and Southern Rhodesia, racial discrimination is not the professed official policy, some practices in these countries lead to racial discrimination which encourages the racist régimes in South Africa and Southern Rhodesia to further intensify their inhumane policies,
- (vi) South Africa's continued defiance of the United Nations had given encouragement to the illegal régime in Southern Rhodesia,
- (vii) South Africa and Southern Rhodesia would not be able to continue to practise racial discrimination, if all Member States implemented resolutions of the United Nations, which are intended to deprive those countries of military, economic and political assistance;

(e) Recommends to the General Assembly to appeal to the major trading partners of South Africa (i) to abstain from any action that might constitute an encouragement to the continued violation of the principles and objectives of the Convention by South Africa and the illegal régime in Southern Rhodesia, and (ii) to use their influence with a view to ensuring the eradication of the policies of apartheid and racial discrimination in Namibia and Southern Rhodesia;

(f) As regards Southern Rhodesia, in particular, recommends to the General Assembly to address an appeal to the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to adopt all measures within its power with a view to eliminating the policies of racial discrimination in Southern Rhodesia.

II. African Territories under Portuguese administration ^{20/}

The Committee on the Elimination of Racial Discrimination,

A. With regard to the question of colonial war in the Territories concerned

I

Having noted General Assembly resolution 2707 (XXV) of 14 December 1970 and the resolution adopted 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 on 23 September 1968 (A/AC.109/299), in which, inter alia, the Government of Portugal was condemned for its use of napalm and white phosphorous against the peoples of Angola, Mozambique and Guinea (Bissau) (see A/7623/Add.3, annex I, para. 5; and General Assembly resolution 2707 (XXV) of 14 December 1970),

Endorses the condemnation of the Government of Portugal, as expressed in that resolution,

^{20/} The report for the year 1969 is set out in document A/7623/Add.3 and for the year 1970 in A/8023/Add.3. In addition, the Committee had before it the following working papers transmitted in 1971:

A/AC.109/L.690 and Corr.1 and Add.1 (Territories under Portuguese administration).

A/AC.109/L.694 and Add.2 (Mozambique).

A/AC.109/L.699 and Add.2 (Angola).

A/AC.109/L.701 (Guinea (Bissau)).

A/AC.109/L.726 (Cape Verde Archipelago).

as well as a copy of a petition dated 17 March 1969 from the Council for Christian Social Action contained in document A/AC.109/PET.1083.

II

Having noted General Assembly resolutions 2395 (XXIII) of 29 November 1968 and 2707 (XXV) of 14 December 1970, in which the Assembly reiterated its appeal to all States, and in particular to members of the North Atlantic Treaty Organization, to withhold from Portugal any assistance which enables it to prosecute the colonial war in the Territories under its domination,

Having also noted General Assembly resolution 2507 (XXIV) of 21 November 1969, in which the Assembly urged all States, and particularly the States members of the North Atlantic Treaty Organization, to withhold or desist from giving further military and other assistance to Portugal which enables it to pursue the colonial war in the Territories under its domination,

Emphasizes the importance which the Committee attaches to the implementation of these recommendations of the General Assembly;

III

Having noted the reports that Africans in Angola were arrested and held without trial for having given support to the liberation movement (A/8023/Add.3, annex I B, para. 83),

Having noted also the Portuguese policy of concentrating African population in Mozambique into "protected villages" surrounded by barbed wire, and guarded and administered by para-military and military forces (A/7623/Add.3, annex III, para. 14),

Requests the Special Committee to make further investigations regarding this situation and to make its findings available to the Committee on the Elimination of Racial Discrimination;

B. With regard to the question of political rights

I

Having noted that the General Assembly in resolution 2707 (XXV) of 14 December 1970 has reaffirmed the inalienable right of the peoples of Angola, Mozambique, Guinea (Bissau) and other Territories under Portuguese domination to self-determination and independence,

Concludes that continuation of war by the Portuguese Government against the peoples of these Territories constitutes a flagrant example of racial discrimination;

Having noted the legislation and practices which give rise to a systematic under-representation of Africans in elected policy-making organs and to the serious denial of the franchise to Africans (A/7623/Add.3, annex II, paras. 10 and 11; A/8023/Add.3, annex I B, paras. 42 and 44; A/8023/Add.3, annex I C, para. 33),

Having also noted the system whereby Portuguese public law fails to take account of African customary law, thereby, denying African participation in the political and administrative organs of the Territory (A/8023, annex I A, paras. 41, 66-69, 71-77; and A/AC.109/L.690, para. 45),

Having further noted that whereas residents of Angola who wanted to travel to Portugal were harassed by clearance requirements, no similar requirements were imposed on residents of Portugal who visited the Territory (A/AC.109/L.699, para. 18),

Recommends to the General Assembly to invite the Portuguese Government to review these laws and practices and modify them so as to conform to the principles and objectives of the United Nations Declaration and the International Convention on the Elimination of All Forms of Racial Discrimination;

C. With regard to the question of economic problems

Having noted the reports that (i) large European plantations employ African labour at low wages; (ii) in the wage sector of the economy Africans have substantially lower wages and that this is partially attributable to the absence of trade unions; and (iii) in most instances the export sector of the economy is controlled by Europeans (A/8023/Add.3, annex I B, paras. 92, 115-117, 101 and 112; A/8023/Add.3, annex I C, paras. 78, 81, 88),

Recommends to the General Assembly to invite the Portuguese Government to review the situation and adopt a policy aimed at improving the welfare of the African majority in accordance with the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination;

D. With regard to the question of education and culture

Having noted the report that over 90 per cent of the Africans are still illiterate (A/AC.109/PET.1083),

Recommends to the General Assembly to invite the Portuguese Government to increase the facilities at both the primary and secondary school levels in order to ensure complete and immediate eradication of illiteracy among Africans.

III. Pacific and Indian Ocean Territories^{21/}

The Committee on the Elimination of Racial Discrimination recommends:

1. That the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial

21/ With regard to these Territories, the following documents were before the Committee:

A/7623/Add.4 and Corr.1 and 2 (Seychelles).

A/7623/Add.5 (part II) (Oman)

A/7623/Add.6 (part I) (Gilbert and Ellice Islands, Pitcairn and the Solomon Islands, Niue and the Tokelau Islands, New Hebrides, Guam and American Samoa).

A/7623/Add.6 (part II) (Trust Territory of the Pacific Islands, Papua and the Trust Territory of New Guinea and the Cocos (Keeling) Islands, Brunei and Hong Kong).

A/8023/Add.4 (part I, annex I) (Seychelles).

A/8023/Add.5 (part II) (Oman).

A/8023/Add.6 (Niue and the Tokelau Islands, Gilbert and Ellice Islands, Pitcairn, Solomon Islands, New Hebrides, Guam and American Samoa, Trust Territory of the Pacific Islands, Hong Kong, Papua and the Trust Territory of New Guinea and the Cocos (Keeling) Islands).

Reports of the Administering Authority for the Trust Territory of the Pacific Islands for 1969 and 1970.

Reports of the Administering Authority for the Trust Territory of New Guinea for 1969 and 1970.

Reports of the administering Powers for the following Territories: Gilbert and Ellice Islands (1969), Brunei (1969), New Hebrides (1969), Cocos (Keeling) Islands (1968-1969), American Samoa (1969), Guam (1969), British Solomon Islands (1968), Papua (1968-1969), Pitcairn Island (1969), Seychelles (1969), Niue and Tokelau Islands (1969, 1970).

Report of the Trusteeship Council to the General Assembly (relating to the Trust Territory of New Guinea) (Official Records of the General Assembly Twenty-fifth Session, Supplement No. 4 (A/8004)).

Report of the Trusteeship Council to the Security Council on the Trust Territory of the Pacific Islands (20 June 1969-19 June 1970) (Official Records of the Security Council, Twenty-fifth Year, Special Supplement No. 1 (S/9893)).

A/AC.109/L.695 (Seychelles).

A/AC.109/L.696 (New Hebrides).

A/AC.109/L.708 (Niue and the Tokelau Islands).

A/AC.109/L.714 and Add.1 (Gilbert and Ellice Islands, Pitcairn and the Solomon Islands).

A/AC.109/L.717 (American Samoa and Guam).

Report of the United Nations Visiting Mission to the Trust Territory of New Guinea, 1971 (T/1717).

T/PV.1379, 1381 and 1382.

T/PET.8/33, T/OBS.8/21 (Petition and observations concerning the Trust Territory of New Guinea).

T/PET.8/34, T/OBS.8/22 (Petition and observations concerning the Trust Territory of New Guinea).

Countries and Peoples and the Trusteeship Council in their respective spheres of competence should invite the administering Power concerned to supply further and more complete particulars, which the Special Committee and the Trusteeship Council would forward to the Committee, regarding:

A. In all Pacific and Indian Ocean territories considered by the Committee on the Elimination of Racial Discrimination:

(a) Land tenure by foreigners and by various racial groupings and land distribution;

(b) Salaries by racial groups, particularly where expatriate labour is employed;

(c) Economic dependence on the administering Power and foreign businesses and the share of the indigenous population in the economic life of the territories;

(d) Participation of the indigenous population in the public administration of the territories;

(e) Measures taken to implement the various recommendations of United Nations organs in the field of prevention of racial discrimination;

(f) Status of nationality and freedom of movement within each territory, including, in all cases, texts of relevant laws and enactments.

B. In relation to specific territories:

(a) Seychelles

Action taken to implement the Governing Council's resolution concerning the enactment of legislation on the lines of the Race Relations Act passed by the British Parliament (see A/7623/Add.4, p. 15, para. 34 (3)).

(b) Niue and Tokelau Islands

Legislation concerning the nationality and citizenship of the indigenous population (A/8023/Add.6, p. 56, para. 5).

(c) American Samoa

(i) Text of the laws relating to entry of Samoans into the United States of America (see 1969 Annual Report for Samoa, p. 3).

(ii) Action taken on the recommendation of the Special Committee relating to the participation by the indigenous population in the economic life of the territory (see A/7623/Add.6, part I, p. 45, para. 11 (4)).

(iii) Measures taken to abolish the dual-wage system as promised by the Governor (A/AC.109/L.717, para. 15, American Samoa and Guam).

(d) Pitcairn

Source of conclusion that inhabitants were of common stock and that racial problems did not exist (see A/8023/Add.6, p. 36, para. 69).

(e) Papua and Trust Territory of New Guinea

(i) Measures taken to overcome the difficulties referred to by the administering Power regarding the existence, in practice, of racial discrimination (T/PV.1379, p. 62).

(ii) Action taken in relation to the suggested abolition of the Gazelle Peninsula Multiracial Local Government Council (see A/8023/Add.6, p. 132, para. 40 et seq.).

(iii) The slow increase of indigenous participation in the civil service (see A/8023/Add.6, p. 137, para. 60).

(iv) Action taken in relation to the abolition of all laws of racial discrimination in education as recommended by the Special Committee at its 721st meeting on 29 October 1969 (see A/7623/Add.6, part II, p. 31, para. 4).

2. That the Secretary-General, when supplying the Committee with all information relevant to the objectives of the Convention in conformity with article 15, paragraph 4, should bear in mind the above-mentioned requests;

3. That the Trusteeship Council request the next visiting mission to the Trust Territories of American Samoa and Papua and the Trust Territory of New Guinea to gather information on the legislative, judicial, administrative and other measures taken by the Administering Authority relating to the implementation of the principles and objectives of the Convention and forward this information to the Committee;

4. That the Special Committee make every effort to secure that visiting missions of the United Nations will be permitted to enter and inquire into conditions in territories referred to in article 15 of the Convention in order that the Committee may benefit from this additional source of information in considering the implementation of the principles and objectives of the Convention as regards the territories concerned.

IV. Caribbean and Atlantic territories including Gibraltar^{22/}

1. The Committee on the Elimination of Racial Discrimination would welcome receiving further information on each of the six territories listed below for the following reasons:

(a) Bahamas

The cases of racial discrimination with regard to housing mentioned in paragraph 115 of document A/8023/Add.7 (part III), page 29, show that the constitutional provisions referred to in paragraphs 38 and 115 of the same document do not seem to be sufficient to prevent discriminatory practices by private individuals against other citizens. According to article 2, paragraph 1 (d) of the Convention, each State Party is obliged to put an end to

22/ As regards these territories the following documents have been transmitted to the Committee on the Elimination of Racial Discrimination:

A/7623/Add.4 and Corr.1 and 2 (Gibraltar, St. Helena).

A/7623/Add.7 (Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, United States Virgin Islands, Bermuda, Bahamas, Turks and Caicos Islands, Cayman Islands, Montserrat, British Virgin Islands, Falkland Islands (Malvinas), British Honduras).

A/8023/Add.7 (part III) (Cayman Islands, Montserrat, Bermuda, Bahamas, British Virgin Islands, United States Virgin Islands, Turks and Caicos Islands).

A/8023/Add.4 (part I, annex I) (St. Helena) (part II) (Gibraltar).

A/8023/Add.7 (part I) (Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent).

A/8023/Add.7 (part II) (Dominica, St. Lucia).

A/8023/Add.7 (part IV) (Falkland Islands (Malvinas), British Honduras).

Reports of the administering Powers for Bermuda (1969), British Honduras (1969), British Virgin Islands (1969), Cayman Islands (1969), Falkland Islands (Malvinas) (1969), Gibraltar (1969), Montserrat (1970), St. Helena (1969), St. Vincent (1968), Turks and Caicos Islands (1969), United States Virgin Islands (1969).

A/AC.109/L.695 (St. Helena).

A/AC.109/L.700 (Bahamas).

A/AC.109/L.702 (Turks and Caicos Islands).

A/AC.109/L.711 (Cayman Islands).

A/AC.109/L.712 (Bermuda).

A/AC.109/L.713 (Montserrat).

A/AC.109/L.715 (United States Virgin Islands).

A/AC.109/L.716 (British Virgin Islands).

racial discrimination by any person and not only by public authorities. It would, therefore, seem necessary to implement local legislation in the Bahamas in order to outlaw such practices. Although document A/AC.109/L.700 of 23 April 1971 does not refer to similar cases of racial discrimination on the Islands, further information would be welcome.

(b) Bermuda

The report submitted by the Special Committee in 1970 (A/8023/Add.7 (part III), paras. 83-86, p. 51), show that some progress has been made in the Islands in improving the conditions prevailing in former years (A/7623/Add.7, p. 100). The Race Relations Act, prohibiting discrimination on racial grounds and penalizing incitement to racial hatred, was passed by the Legislature in 1969 and may be called an initial success. The Special Committee's expressed concern about the racial inequalities and discrimination prevailing in the territory and its request for effective measures to ensure that the people of the territory are given equal opportunities without any distinction, would seem to indicate that such measures should be taken first and foremost in the economic and educational fields in order to reach the goals envisaged. The last report (A/AC.109/L.712 of 20 May 1971, para. 12) indicates, however, that the Opposition Party PLP is accusing the present Government of racialism, particularly in regard to employment practices in the school system and the police force where a large number of whites, particularly from the United Kingdom, hold upper-level posts. Unfortunately, the report does not indicate whether these accusations have been proved to be true and, therefore, further information is needed.

(c) British Virgin Islands

The Special Committee expresses its concern over the large flow of immigrants into the territory and requests that the administering Power take effective measures to control such immigration in accordance with the expressed wishes of the people of the territory (A/7623/Add.7, para. 10, p. 10, p. 188 and para. 12, p. 193).

The latest working paper (A/AC.109/L.716 of 18 June 1971, para. 7) indicates that the estimated population of the territory mainly of African descent, has increased to about 13,000 as against only 7,340 according to the 1960 census. An amendment to the Constitution issued in 1970 raised residential qualifications for membership in the Council from one year to a period of "five out of seven years" and for voters from one to three years "immediately preceding the qualifying date" (l.c. para. 11). Although it may appear questionable whether this amendment, imposing a certain political discrimination on immigrants, is compatible with democratic principles, it is not indicated in the reports presented that questions of racial discrimination are involved.

It therefore appears advisable to ask for further information on whether the measures taken in connexion with the control of the large flow of immigrants into the territory contain any element of racial discrimination.

(d) Gibraltar

It appears from the exchange of notes during the recent years between the Governments of Spain and the United Kingdom, as reported in A/7623/Add.4 of 30 October 1969, pages 48 et seq. and in A/8023/Add.4 (part II) of 5 November 1970, pages 19 et seq., that, besides other questions, issues of human rights are involved.

The Spanish Government, in a letter dated 16 June 1969 (A/7623/Add.4, p. 53, para. 25 (f)) claimed that the new Constitution "allowed de facto discrimination against anyone not having the status of a person who belongs to Gibraltar".

It appears from the reports presented that the question of racial differences in the sense of article 1 of the Convention has not been raised, but only the question of differences in legal status regarding citizenship. Accordingly, additional information is requested.

(e) Montserrat

The report on the disturbances which occurred in April 1969 (A/8023/Add.7 (part III), p. 88, paras. 19-21) and led to the declaration of a state of emergency does not disclose that the disturbances were due to racial tensions or the insufficiency of legal provisions regarding racial discrimination.

The new report (A/AC.109/L.713 of 20 May 1971) does not indicate any racial discrimination. However, additional information is requested.

(f) St. Helena

The economic conditions in St. Helena reflect the impact of foreign economic interests on the general conditions of social life. A majority of shareholding in Solomon and Co. was assumed by the St. Helena Government under the pressure of local public opinion as there was fear that the domination of the principal trading concern in St. Helena by a firm registered in the United Kingdom but with South African directors could also have considerable consequences in the social field.

From the material presented by the Special Committee (A/7623/Add.4, para. 38 et seq., paras. 94-103; A/8023/Add.4 (part I), annex I, p. 99, para. 103; A/AC.109/L.695, para. 59), the Committee has no means of knowing whether similar fears have been expressed with respect to Frank Robband Company, which is one of the two foreign companies holding fishing licences and which is South African-based. Further information is therefore necessary.

2. Turks and Caicos Islands

The economic situation in the Islands with only 6,000 inhabitants is shown by the fact that estimated public expenditure in 1970 amounted to Jamaican \$1,152,846 and that not less than Jamaican \$596,000 came from grants-in-aid from the United Kingdom. In order to improve economic conditions, ambitious development plans have been studied and elaborated during the last five years which provide for

a mixture of tourism and residential development (A/AC.109/L.702 of 28 April 1971, paras. 17-31). A report prepared by the team headed by Sir Derrick Jakeway, states:

"... while it is true that there are no signs of racial tensions in the Territory at the moment, we doubt very much whether this happy situation would continue if there were a rapid, uncontrolled influx of foreigners, particularly if they took all better paid jobs."

The solutions proposed, in order to avoid this risk, provide for considerable economic and political privileges for the Turks and Caicos islanders in order to assure that they become the principal beneficiaries from development (para. 31).

The Committee expresses the hope that, in introducing these measures, the Government of the Turks and Caicos Islands will ensure that no racial discrimination in the sense of article 1 of the Convention is practised against those who are called to the Islands in order to participate and to collaborate in their economic development.

3. United States Virgin Islands

The facts that about 49 per cent of the total labour force in the Islands is composed of non-citizens, and that the majority of non-resident employees are in the low income and unskilled classification (A/8023/Add.7 (part III) paras. 75-76, pp. 127-128 and A/AC.109/L.715, of 17 June 1971) appear to create certain problems with regard to human rights by jeopardizing rights to health, social security and just and favourable conditions of work (A/7623/Add.7, p. 86).

The provision that an alien, in order to continue to work must make a trip every six months to an island under the flag of his own citizenship, register, return and accept reprocessing under a United States re-entry rule, may be burdensome for the individual but is not inconsistent with the Convention (article 1, para. 2). There were, however, complaints examined with divergent conclusions by officials of neighbouring islands, about "inhumane, rude and brutal handling" in the deportation of alien workers residing illegally in the territory. Racial discrimination in this connexion was, however, not reported.

It may be argued that the former exclusion of the children of non-residents from public schools (A/7623/Add.7, p. 88) was incompatible with the spirit of the Convention, as any State which admits an alien to its territory should also be obliged to grant him certain minimum rights, including the right to obtain an education for his children. It appears from the report submitted by the administering Power for 1969, that all alien children were to be for the first time enrolled in the public school system in 1970. This is confirmed by the report of the Special Committee of 17 June 1971 (A/AC.109/L.715, para. 74). For the first time in history, equal educational opportunities for all children in the Islands are expected.

The Committee recommends to the Special Committee that it draw the attention of UNESCO to the situation of alien children in the schools of the United States Virgin Islands.

ANNEX I

STATES PARTIES TO THE INTERNATIONAL CONVENTION ON THE
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AS
OF 10 SEPTEMBER 1971

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession (a)</u>
Argentina	2 October 1968
Bolivia	22 September 1970
Brazil	27 March 1968
Bulgaria	8 August 1966
Byelorussian Soviet Socialist Republic	8 April 1969
Cameroon	24 June 1971
Canada	14 October 1970
Central African Republic	16 March 1971
China	10 December 1970
Costa Rica	16 January 1967
Cyprus	21 April 1967
Czechoslovakia	29 December 1966
Ecuador	22 September 1966 (a)
Egypt	1 May 1967
Federal Republic of Germany	16 May 1969
Finland	14 July 1970
France	28 July 1971 (a)
Ghana	8 September 1966
Greece	18 June 1970
Holy See	1 May 1969
Hungary	4 May 1967
Iceland	13 March 1967
India	3 December 1968
Iran	29 August 1968
Iraq	14 January 1970
Kuwait	15 October 1968 (a)
Libyan Arab Republic	3 July 1968 (a)
Madagascar	7 February 1969
Malta	27 May 1971
Mongolia	6 August 1969

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession (a)</u>
Morocco	18 December 1970
Nepal	30 January 1971 (a)
Niger	27 April 1967
Nigeria	16 October 1967 (a)
Norway	6 August 1970
Pakistan	21 September 1966
Panama	16 August 1967
Philippines	15 September 1967
Poland	5 December 1968
Romania	15 September 1970 (a)
Sierra Leone	2 August 1967
Spain	13 September 1968 (a)
Swaziland	7 April 1969 (a)
Syrian Arab Republic	21 April 1969 (a)
Tunisia	13 January 1967
Ukrainian Soviet Socialist Republic	7 March 1969
Union of Soviet Socialist Republics	4 February 1969
United Kingdom of Great Britain and Northern Ireland	7 March 1969
Uruguay	30 August 1968
Venezuela	10 October 1967
Yugoslavia	2 October 1967

ANNEX II

MEMBERSHIP OF THE COMMITTEE

Mr. Alvin Robert Cornelius (Pakistan)
Mr. Rajeshwar Dayal (India)
Mr. Mikhail Zakharovich Getmanets (Ukrainian SSR)
Mr. A.A. Haastrup (Nigeria)
Mr. José D. Ingles (Philippines)
Sir Herbert Marchant (United Kingdom of Great Britain and Northern Ireland)
Mr. Aboul Nasr (Egypt)
Mr. Gonzalo Ortiz-Martin (Costa Rica)
Mrs. Doris Owusu-Addo (Ghana)
Mr. Karl Josef Partsch (Federal Republic of Germany)
Mr. Aleksander Peles (Yugoslavia)
Mr. Zbigniew Resich (Poland)
Mr. Zenon Rossides (Cyprus)
Mr. Fayez A. Sayegh (Kuwait)
Mr. S.T.M. Sukati (Swaziland)
Mr. N.K. Tarassov (USSR)
Mr. Ján Tomko (Czechoslovakia)
Mr. Luis Valencia Rodriguez (Ecuador)

ANNEX III

TEXT OF COMMUNICATION SENT TO HUNGARY, SIERRA LEONE, TUNISIA
AND URUGUAY, ADOPTED BY THE COMMITTEE AT ITS THIRD SESSION,
ON 23 APRIL 1971

The Committee on the Elimination of Racial Discrimination invites the attention of the Government of _____ to article 9, paragraph 1 (a), of the International Convention on the Elimination of All Forms of Racial Discrimination. Under that article, States Parties undertake, inter alia, to submit a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of the Convention "within one year after the entry into force of the Convention for the State concerned".

The Committee notes with regret that, despite its communication of 18 September 1970, transmitted to the Government of _____ by the Secretary-General in his note SO 237/2 (2) of 5 October 1970, the report of _____ under article 9, paragraph 1, of the Convention, which was due on 5 January 1970, has not yet been received.

In its earlier communication of 28 January 1970 (CERD/C/R.12, contained in document A/8027, annex III A), and transmitted to all States Parties by the Secretary-General in a note verbale dated 27 February 1970, the Committee stated:

"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."

The Committee therefore decided at its third session to address this communication to the Government of _____, through the Secretary-General, and to request it to submit its report by 30 June 1971. The Committee wishes to refer once again to the provisions of rule 66 of its provisional rules of procedure adopted at its second session, which states:

"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."

The Committee expresses the hope that the report will be prepared on the lines suggested by the Committee in its earlier communication of 28 January 1970 (A/8027, annex III A), a copy of which is enclosed herewith.

ANNEX IV

SUBMISSION OF INITIAL REPORTS BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION
UP TO THE END OF THE FOURTH SESSION OF THE COMMITTEE

<u>States Parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of first reminder, if any</u>	<u>Date of second reminder, if any</u>
ARGENTINA	5 January 1970	30 December 1969		
BOLIVIA	21 October 1971	30 July 1971		
BRAZIL	5 January 1970	16 February 1970		
BULGARIA	5 January 1970	21 January 1970		
BYELORUSSIAN SSR	7 May 1970	5 August 1970		
COSTA RICA	5 January 1970	20 January 1970		
CYPRUS	5 January 1970	29 April 1970		
CZECHOSLOVAKIA	5 January 1970	13 January 1970		
ECUADOR	5 January 1970	17 June 1970		
EGYPT	5 January 1970	1 September 1970		
FEDERAL REPUBLIC OF GERMANY	14 June 1970	10 August 1970		
FINLAND	16 August 1971	23 August 1971		
GHANA	5 January 1970	27 April 1970		
GREECE	19 July 1971	7 July 1971		
HOLY SEE	1 June 1970	30 July 1970		
HUNGARY	5 January 1970	29 June 1971	5 October 1970	28 April 1971
ICELAND	5 January 1970	9 October 1970	5 October 1970	
INDIA	5 January 1970	19 January 1970		
IRAN	5 January 1970	6 January 1970		
IRAQ	15 February 1971	20 April 1971		

<u>States Parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of first reminder, if any</u>	<u>Date of second reminder, if any</u>
KUWAIT	5 January 1970	4 June 1970		
LIBYAN ARAB REPUBLIC	5 January 1970	7 August 1970		
MADAGASCAR	8 March 1970	17 April 1970		
MONGOLIA	4 September 1970	30 July 1971	28 April 1971	
NIGER	5 January 1970	22 January 1970		
NIGERIA	5 January 1970	11 August 1970		
NORWAY	6 September 1971	Not yet received		
PAKISTAN	5 January 1970	24 February 1970		
PANAMA	5 January 1970	28 January 1970		
PHILIPPINES	5 January 1970	24 March 1970		
POLAND	5 January 1970	14 January 1970		
SIERRA LEONE	5 January 1970	9 August 1971	5 October 1970	28 April 1971
SPAIN	5 January 1970	5 January 1970		
SWAZILAND	6 May 1970	18 August 1970		
SYRIAN ARAB REPUBLIC	20 May 1970	26 January 1971	5 October 1970	
TUNISIA	5 January 1970	14 July 1971	5 October 1970	28 April 1971
UKRAINIAN SSR	5 April 1970	30 March 1970		
UNION OF SOVIET SOCIALIST REPUBLICS	5 March 1970	17 March 1970		
UNITED KINGDOM	5 April 1970	14 April 1970		
URUGUAY	5 January 1970	Not yet received	5 October 1970	28 April 1971
VENEZUELA	5 January 1970	21 April 1970		
YUGOSLAVIA	5 January 1970	17 July 1970		

ANNEX V

TEXT OF COMMUNICATION SENT TO 17 STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION ADOPTED AT THE THIRD SESSION OF THE COMMITTEE
ON 23 APRIL 1971

At its third session, the Committee on the Elimination of Racial Discrimination, in discharge of its responsibilities under article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, continued its consideration of the reports submitted by States Parties in accordance with paragraph 1 of that article.

It may be recalled that the Committee on the Elimination of Racial Discrimination is called upon, under article 9, paragraph 2, of the Convention, to submit annual reports to the General Assembly on its activities and to make suggestions and general recommendations based on the examination of reports and information received from the States Parties to the Convention.

In its communication adopted at its first session on 28 January 1970 (CERD/C/R.12 contained in A/8027, annex III A) and transmitted to the States Parties in a note verbale by the Secretary-General on 27 February 1970, a copy of which is forwarded herewith, the Committee has laid down the type of information which it would expect to receive in pursuance of the provisions of article 9 of the Convention.

At its second session, on 16 September 1970, the Committee adopted a communication (A/8027, annex III B) addressed to States Parties whose reports under article 9 had been received, requesting them to compare the reports they had submitted with the communication adopted at the first session (CERD/C/R.12) and to furnish the Committee with information on those points which their reports did not cover. This communication was transmitted to the States Parties concerned by the Secretary-General in a note verbale dated 13 October 1970.

The Committee would appreciate it if the Government of _____ would once again compare the information it has submitted with the communication adopted at the first session of the Committee and to furnish the Committee with all pertinent information by 15 July 1971. In this connexion, attention is drawn to the summary records of the _____ meetings of the third session of the Committee (CERD/C/SR.____), at which it discussed the report already submitted by _____.

The summary records referred to above will be forwarded by the Secretary-General as soon as they are available in final form.

ANNEX VI

SUBMISSION OF ADDITIONAL INFORMATION BY STATES PARTIES

A. Additional information requested at the second session

The Committee decided at its second session, on 16 September 1970, to request all States Parties which had submitted reports to compare them with its communication of 28 January 1970 (A/8027, annex III A) and, if necessary, to supply additional information by 1 February 1971.

<u>States Parties to which the request was sent</u>	<u>Date on which additional information was submitted</u>
Argentina	-
Brazil	-
Bulgaria	-
Byelorussian SSR	-
Costa Rica	-
Cyprus	8 June 1971
Czechoslovakia	-
Ecuador	-
Egypt	-
Federal Republic of Germany	12 March 1971
Ghana	-
Holy See	-
India	2 February 1971
Iran	-
Kuwait	21 December 1970
Libyan Arab Republic	-
Madagascar	21 April 1971
Niger	-
Nigeria	16 March 1971
Pakistan	8 April 1971
Panama	-
Philippines	-
Poland	-
Spain	-

States Parties to which
the request was sent

Date on which additional
information was submitted

Swaziland	-
Ukrainian SSR	15 January 1971
USSR	-
United Kingdom	-
Venezuela	-
Yugoslavia	-

B. Additional information requested at the third session

At its third session, the Committee decided, on 23 April 1971, to request the following 17 States Parties to submit additional information by 15 July 1971.

States Parties to which
the request was addressed

Date on which requested
additional information was
submitted

Argentina	Not received
Brazil	8 July 1971
Bulgaria	Not received
Costa Rica	Not received
Cyprus	19 August 1971
Czechoslovakia	23 July 1971
Ecuador	Not received
Iceland	4 September 1971
Iran	Not received
Kuwait	Not received
Madagascar	Not received
Niger	Not received
Pakistan	Not received
Panama	8 July 1971
Spain	Not received
Syrian Arab Republic	9 July 1971
Venezuela	Not received

ANNEX VII

DOCUMENTS RECEIVED BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION UP TO ITS FOURTH SESSION 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

A. Trusteeship Council documents submitted pursuant to decisions of its thirty-seventh session (1970) and thirty-eighth session (1971)

1. Reports of the Administering Authority relating to the Pacific Islands and New Guinea as shown hereunder:

New Guinea (Australia)	For the years ending 30 June 1969 and 30 June 1970
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Trust Territory of the Pacific Islands (United States of America)	For the years ending 30 June 1969 and 30 June 1970
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2. Report of the United Nations Visiting Mission to the Trust Territory of New Guinea, 1971 (T/1717)

3. Petitions concerning New Guinea and documents relating thereto

T/PET.8/33, T/PET.8/34

T/OBS.8/21, T/OBS.8/22

T/PV.1379, 1381 and 1382

4. Reports of the Trusteeship Council to the General Assembly and to the Security Council incorporating the working papers prepared by the Secretariat, namely:

(a) Official Records of the General Assembly, Twenty-fifth session, Supplement No. 4, and *ibid.*, Twenty-sixth Session, Supplement No. 4.

(b) Official Records of the Security Council, Twenty-fifth Year, Special Supplement No. 1 and *ibid.*, Twenty-sixth Year, Special Supplement No. 1.

B. Documents submitted pursuant to decisions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1969, 1970 and 1971

1. Petitions submitted by the Special Committee

(a) Pursuant to decision at its 724th meeting (2 December 1969)

<u>Title</u>	<u>Document</u>
Namibia	A/AC.109/PET.1056 A/AC.109/PET.1057 A/AC.109/PET.1058 A/AC.109/PET.1094 A/AC.109/PET.1111
Territories under Portuguese administration	A/AC.109/PET.1083 A/AC.109/PET.1083/Add.1
Southern Rhodesia	A/AC.109/PET.1073 A/AC.109/PET.1075 A/AC.109/PET.1076 A/AC.109/PET.1076/Add.1 A/AC.109/PET.1092 A/AC.109/PET.1098
Territories in southern Africa	A/AC.109/PET.1107

(b) Pursuant to decision at its 776th meeting (2 November 1970)

<u>Title</u>	<u>Document</u>
Namibia	A/AC.109/PET.1134 A/AC.109/PET.1135 A/AC.109/PET.1147
Southern Rhodesia	A/AC.109/PET.1129 A/AC.109/PET.1138 A/AC.109/PET.1139 A/AC.109/PET.1140 A/AC.109/PET.1141
Territories in southern Africa	A/AC.109/PET.1131
A/AC.109/PV.743-747 750-759, 764, 766	
A/8023/Add.1, 2 and 3.	

2. Working papers submitted by the Special Committee

<u>Title</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
Southern Rhodesia	A/7623/Add.1	A/8023/Add.1	A/AC.109/L.685
Namibia	A/7623/Add.2 and Corr.1	A/8023/Add.2	A/AC.109/L.686
Territories under Portuguese administration	A/7623/Add.3 and Corr.1	A/8023/Add.3	A/AC.109/L.690 and Corr.1 and Add.1; A/AC.109/L.694 and Add.2; A/AC.109/L.726; A/AC.109/L.699 and Add.2; A/AC.109/L.701
Seychelles and St. Helena	A/7623/Add.4 and Corr.1 and 2	A/8023/Add.4	A/AC.109/L.695
Ifni and Spanish Sahara	A/7623/Add.4 and Corr.1 and 2	A/8023/Add.4	A/AC.109/L.728
Gibraltar	A/7623/Add.4 and Corr.1 and 2	A/8023/Add.4	
French Somaliland	A/7623/Add.4 and Corr.1 and 2	A/8023/Add.4	A/AC.109/L.731
Fiji	A/7623/Add.5 (Part I)	A/8023/Add.5	
Oman	A/7623/Add.5 (Part II)	A/8023/Add.5	
Gilbert and Ellice Islands, Pitcairn and the Solomon Islands	A/7623/Add.6 (Part I)	A/8023/Add.6	A/AC.109/L.714 and Add.1
Niue and the Tokelau Islands	A/7623/Add.6 (Part I)	A/8023/Add.6	A/AC.109/L.708
New Hebrides	A/7623/Add.6 (Part I)	A/8023/Add.6	A/AC.109/L.696
Guam and American Samoa	A/7623/Add.6 (Part I)	A/8023/Add.6	A/AC.109/L.717
Trust Territories of the Pacific Islands	A/7623/Add.6 (Part II)	A/8023/Add.6	
Papua and the Trust Territories of New Guinea and the Cocos (Keeling) Islands	A/7623/Add.6 (Part II)	A/8023/Add.6	
Brunei	A/7623/Add.6 (Part II)	A/8023/Add.6	

<u>Title</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>
Hong Kong	A/7623/Add.6 (Part II)	A/8023/Add.6	
Antigua, Dominica, Grenada, St. Kitts- Nevis-Anguilla, St. Lucia and St. Vincent	A/7623/Add.7	A/8023/Add.7	
United States Virgin Islands	A/7623/Add.7	A/8023/Add.7	A/AC.109/L.715
Bermuda	A/7623/Add.7	A/8023/Add.7	A/AC.109/L.712
Bahamas	A/7623/Add.7	A/8023/Add.7	A/AC.109/L.700
Turks and Caicos Islands	A/7623/Add.7	A/8023/Add.7	A/AC.109/L.702
Cayman Islands	A/7623/Add.7	A/8023/Add.7	A/AC.109/L.711
Montserrat	A/7623/Add.7	A/8023/Add.7	A/AC.109/L.713
British Virgin Islands	A/7623/Add.7	A/8023/Add.7	A/AC.109/L.716
Falkland Islands (Malvinas)	A/7623/Add.7	A/8023/Add.7	
British Honduras	A/7623/Add.7	A/8023/Add.7	

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