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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fortieth session

SUMMARY RECORD OF THE 936th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 22 August 1991, at 10 a.m.

Chairman: Mr. SHAHI

CONTENTS

Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention (concluded)

Fifth and sixth periodic reports of Israel (concluded)

Provisional agenda of the Committee's forty-first session

Report of the Committee to the General Assembly at its forty-sixth session
under article 9, paragraph 2, of the Convention (continued)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 3) (concluded)

Fifth and sixth periodic reports of Israel (CERD/C/192/Add.2) (concluded)

1. Mr. BANTON (Rapporteur) read out the following compromise text prepared by the Group of Four for the conclusions on the reports of Israel:

"The Committee recorded that the Government of Israel had undertaken to continue a dialogue with the Committee. It took note of the declaration made by the representative of the reporting State that Israel had ratified the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (although at the time of writing no instrument of ratification had been deposited with the Secretary-General of the United Nations). The Committee regretted that the report did not follow the guidelines on the form and content of reports of States Parties and the demographic data provided was insufficient.

"The Committee reiterated that the Government of Israel had implemented in the Occupied Territories neither the Geneva Convention Relative to the Protection of Civilian Persons in Time of War nor the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee expressed great concern about the situation in the Occupied Territories.

"The Committee urges the Government of Israel to answer, in its seventh periodic report, all the questions asked and concerns raised during the consideration of its sixth and earlier reports."

2. The CHAIRMAN said that, in the absence of any objection, he would take it that members of the Committee approved the proposed text.

It was so decided.

3. Mr. BANTON (Rapporteur) read out the list of country rapporteurs who had been appointed for the next session; that list would appear as annex III to the report. He indicated that Ghana had submitted a report and that Greece was to do so shortly.

4. The CHAIRMAN considered the matter settled.

PROVISIONAL AGENDA OF THE COMMITTEE'S FORTY-FIRST SESSION

5. The CHAIRMAN said that, in the absence of any objection, he took it that the Committee approved the inclusion, in the provisional agenda of its next session, of organizational and related matters, the question of the World Conference on Human Rights and that of information concerning the work of other bodies dealing with human rights.

It was so decided.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FORTY-SIXTH SESSION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (agenda item 7) (CERD/C/40/CRP.1 and Add.1 to 19 and CERD/C/40/CRP.2, Add.1 and Add.2) (continued)

Document CERD/C/40/CRP.1

6. Mr. BANTON (Rapporteur) paid tribute to the members of the Secretariat and to those who had drafted the report for their valuable assistance. As certain passages in the draft report were not identical, word for word, with the text that had been approved by the Committee, he invited members to make

any changes they considered necessary.

7. Referring to the document under consideration, he said that paragraph 7 would have to be amended to ensure that it accurately reflected the participation of members in the Committee's fortieth session.

8. The CHAIRMAN, speaking on behalf of the Committee, thanked the Secretariat and those who had drafted the text for their help in the preparation of the report.

9. Mr. ABOUL-NASR pointed out that, contrary to what was stated in paragraph 9, representatives of the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) had not attended the Committee's sessions. He therefore proposed the deletion of the last part of the sentence.

10. Mr. BANTON suggested that it might be better to end the sentence with the words "both organizations were invited at the sessions of the Committee, but did not do so."

CERD/C/40/CRP.1, as a whole, as amended, was adopted.

Document CERD/C/40/CRP.1/Add.1

11. Mr. de GOUTTES proposed the addition of the following sentence to the end of paragraph 5 in order better to reflect what the Committee had decided: "The Committee also made one of its members responsible for liaising with the Parliament of the European Communities".

12. Mr. YUTZIS, referring to the second sentence of paragraph 5 of the Spanish text, proposed that the verb "sería", which was in the conditional tense and therefore extremely ambiguous, should be replaced by the words "consiste en".

13. Mr. BANTON proposed that the same change should be made in the English text by replacing "would be" by "is".

Document CERD/C/40/CRP.1/Add.1, as amended, was adopted.

Documents CERD/C/40/CRP.1/Add.2 and Add.3

14. Mr. YUTZIS considered that paragraph 6 - at least in the Spanish text - was extremely confusing and imprecise.

15. Mr. BANTON said that chapter III of the report was simply a collection of quantitative data which were without much appeal to the reader and which might therefore be embodied in an annex to the report. He expressed the hope that, at their next session, the chairmen of the bodies established under international instruments would consider the possibility of devising a new model for the presentation of reports. As for the point made by the previous speaker, he said delays in submission by individual States could be determined simply by consulting the table of reports received during the period under consideration.

16. Mr. YUTZIS said that paragraph 6 of the Spanish text was illogical and suggested it might be better to start the second sentence with the words "Todos los demás informes ...".

17. Mr. BANTON said that, in his view, the word "all" in the English text was superfluous and could be deleted.

It was so decided.

18. Mr. YUTZIS, referring once again to paragraph 6, said that in the Spanish text it was stated that 22 of the 23 reports had been submitted on

time whereas, according to the following sentence, they had been submitted after a delay ranging from a few weeks to over several years; there was something inconsistent about those two statements.

19. The CHAIRMAN said that there must be an error in the Spanish since the English text referred to reports that had not been submitted. He therefore requested that the necessary correction should be made to the Spanish text.

20. Mr. BANTON, referring to subparagraph 2 of paragraph 15, proposed the deletion of the words "might be" and "so as to avoid duplication".

21. The CHAIRMAN took note of that proposal.

22. Mr. GARVALOV noted that the word "assessment" was employed in subparagraph 4 of paragraph 15, whereas elsewhere the term "concluding observations" was used. He therefore proposed the replacement of "assessment" by "concluding observations".

23. Mr. de GOUTTES had also observed that the terms "observations finales" or "conclusion" were used in the French text. He proposed that uniform terminology should be adopted and that the word "conclusion" should be employed in all documents relating to the draft report.

24. Mr. WOLFRUM supported the proposals made by Mr. Garvalov and Mr. de Gouttes.

25. The CHAIRMAN took note of the proposals that had been made.

26. Mr. ABOUL-NASR noted that paragraph 15 failed to mention the Committee's main function, which was to make suggestions and recommendations of a general nature based on the examination of the reports and information received from States parties in accordance with article 9, paragraph 2 of the Convention. He therefore proposed that the Committee should consider how that shortcoming could be corrected, for example by adding a subparagraph 5 indicating that the report could contain suggestions and recommendations.

27. Mr. BANTON said that the previous speaker's observation was well taken and proposed that it should be considered at an informal meeting.

28. The CHAIRMAN wished to draw a distinction between the recommendations and suggestions made by the Committee to States parties when it examined their reports and the recommendations and suggestions of a general nature that it brought to the attention of the United Nations General Assembly, the latter being set forth in another chapter of the report. He pointed out in that connection that chapter VII of the draft report (CERD/C/40/CRP.1/Add.19) contained a general recommendation concerning technical assistance.

29. Mr. LAMPTEY agreed that a fifth subparagraph should be added to the list of elements to be included in the section of the Committee's report concerning the consideration of a State party's report covering the recommendations and suggestions addressed to that State.

30. Mr. BANTON pointed out that paragraph 15 had been adopted by the Committee at its 891st meeting and that, if it was to be supplemented, a new paragraph would have to be added indicating what had been decided at another meeting.

31. The CHAIRMAN said that that matter could be taken up during informal discussions.

32. Mr. de GOUTTES associated himself with what had been said concerning Mr. Aboul-Nasr's observation. He also drew attention to a number of errors in the document submitted to the Committee. First of all, contrary to what was stated in paragraph 17, Yemen's report had not been considered by the Committee at its fortieth session. Moreover, it was stated in the first

sentence of paragraph 20 of the French text that the Committee had continued to follow its practice of using country rapporteurs in the course of the examination reports submitted by States parties and of "diriger les débats du Comité à ce sujet". However, it was not his impression that the country rapporteurs had led the discussion and he therefore proposed that the last part of the sentence should be deleted.

33. The CHAIRMAN said that all reference to Yemen would be deleted in paragraph 17 and that the words "diriger les débats du Comité à ce sujet" in paragraph 20 would be deleted in the French text alone, since the problem in question did not arise in the English text.

It was so decided.

34. Mr. YUTZIS proposed, in order to attenuate the force of the Committee's value judgement of States parties which did not submit their reports on time, to replace the words "unacceptably high" near the end of the first sentence of paragraph 11 by the word "unduly".

It was so decided.

35. Mr. YUTZIS felt that the reports of States parties were not simply a principal source of information but the principal source, and therefore proposed the replacement in the fifth line of paragraph 14 of the English and Spanish texts of the indefinite article preceding the words "principal source of information" and "fuelle principal de información" by the definite article.

36. The CHAIRMAN pointed out that the passage referred to by the preceding speaker had been taken from one of the Committee's previous reports and could not, therefore, be changed.

37. Mr. BANTON proposed that paragraph 16 should be amended to read as follows:

"At both the thirty-ninth and fortieth sessions the Committee discussed technical assistance to be provided to the States parties with overdue reports. It adopted decision 3 (XXXIX) (see chap. VII below) and considered the model report prepared by the Rapporteur of the Committee with a view to assisting States parties with reporting difficulties. It decided to remit the document to the advisory services of the Human Rights Centre with the request that they try it out and report back to the Committee on their experience with it."

Paragraph 16, as amended, was adopted.

38. The CHAIRMAN read out a new paragraph 20 which would read as follows (CERD/C/CRP.1/Add.3):

"At its thirty-ninth and fortieth sessions, the Committee discussed at several different meetings its practices relating to the use of information from sources other than State party reports. At the request of the Committee, the Secretariat prepared a paper on the subject that was discussed at the Committee's 924th meeting. During that discussion, some members expressed the view that comprehensive information was not always forthcoming from States parties and that material from non-governmental organizations in such circumstances was often of great value. The practice of other human rights treaty bodies in this regard reflected that reality. Other members noted, however, that certain organizations, as well as the press, could not always be relied upon to present an accurate view and that information should therefore be used judiciously. The Committee agreed that in regard to the use of information from different sources it could continue to make its suggestions and general recommendations on the basis of the examination of reports and information from States parties. At the same time, in examining the reports of States parties, members of the

Committee, as independent experts, must have access to all other available sources of information, governmental and non-governmental. The Committee's decision on this matter is contained in chapter VII to the present report."

The new paragraph 20 was adopted.

39. Mr. BANTON explained that the former paragraph 20 would now become paragraph 21 and that the former paragraph 21 would become paragraph 23 if the Committee adopted a new paragraph 22 reading as follows:

"As mentioned in paragraph 11 above, at its thirty-ninth session, the Committee identified 13 States which were seriously in arrears in submitting periodic reports. A letter was sent to notify them that the Committee would review the implementation of the Convention in their countries on the basis of the last report submitted. Four of these States requested a postponement. The Committee agreed to a postponement only in the case of a State which undertook to submit its outstanding reports before the end of 1991. Of the remainder, one State sent a representative to take part in the consideration; the other 11 did not. Of these 11, five have diplomatic missions in Geneva."

The new paragraph 22 was adopted.

Document CERD/C/40/CRP.1/Add.2, as a whole, as amended, was adopted.

Document CERD/C/40/CRP.1/Add.4

40. Mr. de GOUTTES requested that the words "observations finales" on page 14 of the French text should be replaced by the word "conclusions".

The document, as amended, was adopted.

Document CERD/C/40/CRP.1/Add.5 (Burundi, Cuba, Portugal)

41. Mr. SONG Shuhua, referring to the second sentence of paragraph 17, said that the expression "a vestige of the past" was confusing and that the first part of the sentence should therefore be deleted.

42. The CHAIRMAN proposed the addition of the word "seulement" between the word "pouvait" and the word "être".

43. Mr. YUTZIS, was of the view that the second sentence of paragraph 27 did not fully reflect the statement made by the Cuban representative as summarized in the summary record of the relevant meeting, and proposed that it should be amended to read as follows:

"As regards the possibility of persons holding religious beliefs to become members of the Communist Party, the representative of Cuba stated that the matter had to be viewed in the context of Cuba's history, in that previous conditions had gradually been modified to the point where the possibility of allowing persons holding religious beliefs to become members of the Communist Party was at present envisaged."

44. Mr. ABOUL-NASR said that he agreed with the wording proposed providing that it corresponded to that of the summary record.

45. Mr. BANTON hoped that the second sentence of paragraph 27 would be retained in its present form because, as far as he could recall, it was a faithful reflection of what the Cuban representative had said.

46. The CHAIRMAN requested Mr. Banton to bring the second sentence of paragraph 27 into line with the summary record.

Document CERD/C/40/CRP.1/Add.5 was adopted subject to any changes that

might be made in the second sentence of paragraph 27.

Document CERD/C/40/CRP.1/Add.6 (Uruguay, Malta, Canada)

CERD/C/40/CRP.1/Add.6 was adopted.

Document CERD/C/40/CRP.1/Add.7 (United Kingdom, Sweden)

47. Mr. ABOUL-NASR, referring to the conclusions reached after consideration of the Swedish report, was surprised that the Committee could say that "It was ... disturbing that the Government should have recently limited the number of immigrants and the resources devoted to their integration" (para. 43). All countries imposed restrictions on immigration, so why should Sweden be singled out?

48. Mr. WOLFRUM pointed out that Sweden, not only in its report but also through its representative, had expressed pride about its very friendly attitude to immigration. Yet that country had apparently introduced restrictions limiting the number of immigrants; that was a contradiction which should be mentioned in the report. The sentence in question, however, should be read in conjunction with the preceding one, in which the Committee appreciated the efforts made by Sweden on behalf of immigrants.

49. The CHAIRMAN agreed with Mr. Aboul-Nasr that all countries could not be expected to accept unlimited numbers of immigrants.

50. Mr. WOLFRUM emphasized that the sentence in question should be retained, particularly as it was a faithful reflection of the Committee's conclusions.

51. Mr. ABOUL-NASR proposed that, in order to meet Mr. Wolfrum's concerns, the sentence in question should be transferred to that part of the document dealing with the analysis of reports.

52. Mr. FERRERO COSTA pointed out that, as the sentence reflected one of the Committee's conclusions concerning the Swedish report, it should therefore not be removed from its context.

Document CERD/C/40/CRP.1/Add.7 was adopted.

Document CERD/C/40/CRP.1/Add.8 (Australia)

53. Mr. BANTON proposed that the third sentence of paragraph 7 should be amended to read as follows: "Members of the Committee wished to know, in particular about Aboriginal representation on the new Commission and similar bodies, why the Convention ...".

It was so decided.

54. Mr. WOLFRUM proposed the replacement of paragraphs 22 and 23 by the complete text of the Committee's conclusions that had been read out and adopted by consensus.

It was so decided.

55. Mr. FERRERO COSTA and Mr. GARVALOV proposed that, in general, the text of the Committee's conclusions concerning the consideration of country reports should correspond fully to that adopted by the Committee.

It was so decided.

56. Mr. ABOUL-NASR noted that the words "the Committee" had been used in the conclusions relating to the consideration of Australia's report, whereas in previous conclusions the term "members of the Committee" had been employed.

57. The CHAIRMAN proposed that "the Committee" should be used in the text of

the conclusions and "members of the Committee" in the rest of the report.

58. Mr. YUTZIS supported that proposal which reflected the fact that the final conclusions had been adopted by consensus.

59. Mr. GARVALOV also considered that the conclusions should be presented on behalf of the Committee as a whole.

It was so decided.

Document CERD/C/40/CRP.1/Add.8, as amended, was adopted.

Documents CERD/C/40/CRP.1/Add.9 (Iraq, Bulgaria) and CERD/C/40/CRP.1/Add.11 (Zaire, Gambia, Côte d'Ivoire)

60. Mr. de GOUTTES, speaking on a point of order, said that document CERD/C/40/CRP.1/Add.9 which covered the consideration of the report of Bulgaria, for which he was Rapporteur, had not been distributed in French. Since he had to examine the text in detail, he proposed that consideration of the document in question should be deferred. He also proposed that consideration of document CERD/C/40/CRP.1/Add.11 should be postponed to the following meeting.

61. Mr. ABOUL-NASR said that the French text of those documents might not be ready for the Committee's following meeting and therefore appealed to Mr. de Gouttes to use his knowledge of English.

62. Mr. YUTZIS said it was understandable that, for practical reasons, the Secretariat was not always in a position to provide documents in the Committee's working languages in time. However, the principle of the equality of working languages must be respected so that no one was penalized.

63. Mr. de GOUTTES, referring to Mr. Aboul-Nasr's observation, said that in principle texts should be distributed simultaneously in all the Committee's working languages. Nevertheless, throughout the Committee's session he had displayed the greatest understanding in that respect by often working on texts in English. Nevertheless, a member of the Committee who had been appointed Rapporteur for one or more countries was entitled to expect that the texts which were of particular concern to him should, before they were adopted, be distributed in his own language.

Consideration of documents CERD/C/40/CRP.1/Add.9 and 11 was deferred to a later meeting.

Document CERD/C/40/CRP.1/Add.10 (Sierra Leone, Swaziland and Guinea)

64. Mr. AHMADU, said he was sorry he had not been present during the consideration of the reports of Sierra Leone, Swaziland and Guinea, and felt that the brevity of the Committee's reports on those three countries might defeat the purpose of the exercise which was to get States parties to conform to the provisions of the Convention.

65. The CHAIRMAN pointed out that the Rapporteurs appointed for Sierra Leone, Swaziland and Guinea had been obliged to examine very old reports and that the States concerned had not even sent representatives to the Committee. It was therefore difficult to say any more.

66. Speaking as a member of the Committee, he requested clarification of the words "the establishment of a new constitutional framework", since Sierra Leone "was expected to adopt a new Constitution soon" (para. 3).

67. Mr. LAMPTEY said that the Committee had simply reconsidered the report of Sierra Leone which had been submitted 17 years previously. It was not for the country Rapporteurs to submit the reports of States parties nor to give a general picture of the economic situation of countries; that was for States

to do. In any event, the situation in Sierra Leone had certainly changed in 17 years.

68. Mr. BANTON noted that the discussions on the report of Sierra Leone had themselves been very brief since very few members had participated.

69. The CHAIRMAN proposed that Mr. Banton should refer to the relevant summary records in order to clarify the words "the establishment of a new constitutional framework" in Sierra Leone.

It was so decided.

70. Mr. YUTZIS said that, in the Spanish text, the wording of the last sentence of paragraph 8 suggested that the Committee was imposing United Nations technical assistance on the State in question.

71. The CHAIRMAN proposed that the wording should be made clearer by amending the beginning of the last sentence to read as follows: "The Committee also drew attention to the possibility of the State party requesting assistance ...".

It was so decided.

72. Mr. FERRERO COSTA noted that the Committee's decision to send a communication to the Governments of States parties was referred to explicitly in the case of Sierra Leone (para. 4) but only implicitly in the cases of Swaziland (para. 8) and Guinea (para. 12). It was his understanding that it had been explicitly decided to send a communication to the two latter countries.

73. The CHAIRMAN proposed that the same method used to record the Committee's decision in the case of Sierra Leone should be used to send a communication to the Governments of Swaziland and Guinea.

It was so decided.

Document CERD/C/40/CRP.1/Add.10, as amended, was adopted.

Document CERD/C/40/CRP.1/Add.12 (Lebanon, Gabon, Togo)

74. Mr. AHMADU thought it was being rather too blunt, in the conclusions concerning Lebanon, to state that the Committee "noted with regret that the Government of Lebanon had not responded to its invitation to participate in its meeting and to furnish relevant information". A little more sympathy was in order in view of the situation prevailing in that country.

75. The CHAIRMAN recalled that it had been decided not to amend the conclusions.

76. Mr. WOLFRUM recalled that those conclusions had given rise to a long discussion during which it had been suggested that they should cover other elements as well; however, it was the present text that had been generally agreed to.

77. The CHAIRMAN noted that there were no conclusions concerning Gabon and Togo.

Document CERD/C/40/CRP.1/Add.12 was adopted.

Document CERD/C/40/CRP.1/Add.13 (Uganda, Fiji, Bahamas)

78. Mr. de GOUTTES felt it was rather weak, in the conclusions concerning Fiji in paragraph 11, simply to speak of "the apparent discrimination against Indians".

79. Mr. WOLFRUM pointed out that the relevant summary record referred to "possible" discrimination; that adjective had been used because, not having a report, the Committee had preferred to refrain from reaching a cut and dried conclusion.

80. Mr. FERRERO COSTA was of the view that the wording used in those conclusions was insufficient to express the concern of Committee members with regard to Fiji's reservations to the Convention. The discussion had revealed that those reservations were valid because there had been no objection from other States but that the Committee had not deemed them appropriate and hoped that they would be withdrawn. The Committee should therefore suggest that Fiji should re-examine the possibility of withdrawing its reservations. Moreover, in paragraph 9 which also concerned Fiji it was insufficient to say "thereby institutionalizing the racial divisions in the country" (twelfth line). It was rather racial discrimination that was thus being institutionalized.

81. Mr. ABOUL-NASR, confirming Mr. Ferrero Costa's observation, recalled that members of the Committee had indeed not questioned the validity of Fiji's reservations; it was rather their compatibility with the Convention that raised a problem. The words "the compatibility of Fiji's reservations with the Convention" should therefore be used.

82. Mr. FERRERO COSTA felt that that wording was better. However, he also hoped that something would be added in order to evoke the real problem that was raised.

83. The CHAIRMAN proposed that the point made by Mr. de Gouttes should be met by using the wording of the summary record and that made by Mr. Ferrero Costa by replacing the word "divisions" in paragraph 9 by the word "discrimination". Another of Mr. Ferrero Costa's objections had already been partly overcome by the introduction of the words "compatibility ... with the Convention". Mr. Ferrero Costa should reach agreement with Mr. Banton, the Rapporteur of the Committee, on a final text for paragraph 11.

Document CERD/C/40.CRP.1/Add.13, as amended, and subject to the final wording to be agreed upon with the Rapporteur for paragraph 11, was adopted.

Documents CERD/C/40/CRP.1/Add.14 and 15

84. The CHAIRMAN announced that those two documents were not yet available in any language.

Document CERD/C/40/CRP.1/Add.16 (Consideration of communications under article 14 of the Convention)

Document CERD/C/40/CRP.1/Add.16 was adopted.

Documents CERD/C/40/CRP.1/Add.17 and 18

85. The CHAIRMAN announced that those two documents were not yet available in any language.

Document CERD/C/40/CRP.1/Add.19 (Decisions adopted by the Committee at its thirty-ninth session).

86. Mr. ABOUL-NASR suggested that the decisions referred to should include the one on the place of the next session.

87. The CHAIRMAN said that it would be mentioned in document CERD/C/40/CRP.1/Add.20 which was not yet ready. He recalled that, at its previous session, the Committee had decided that its 1992 spring session would be held at United Nations Headquarters, New York. The Rapporteur would ensure that that was correctly indicated.

Document CERD/C/40/CRP.2 (Annex I. A. States parties to the Convention as at 23 August 1991; B. States parties which have made the declaration under article 14, paragraph 1 of the Convention)

CERD/C/40/CRP.2 was adopted.

Document CERD/C/40/CRP.2/Add.1 (Annexes: II. Agenda of the thirty-ninth and fortieth sessions; III. Consideration by the Committee of reports submitted by States parties under article 9 of the Convention)

88. Mr. BANTON pointed out that some of the entries in annex III concerning country Rapporteurs should be corrected. For example, Mr. Ferrero Costa had not been country rapporteur for Belgium, nor Mr. Foighel for Iraq. Moreover, it would be better in future if the reports examined by the Committee were to appear in the left-hand column and the names of rapporteurs in the right-hand column.

89. The CHAIRMAN proposed that the error mentioned by Mr. Banton should be corrected by the use of asterisks and appropriate footnotes. His other observation would be duly taken into account.

Document CERD/C/40/CRP.2/Add.1 was adopted subject to those reservations.

Document CERD/C/40/CRP.2/Add.2 (Annexes: IV. Documents received by the Committee on the Elimination of Racial Discrimination at its thirty-ninth and fortieth sessions, pursuant to decisions of the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in conformity with article 15 of the Convention; V. List of documents issued for the thirty-ninth and fortieth sessions of the Committee; VI. Letter addressed by the Chairman of the Committee to the Ministers for Foreign Affairs of 13 States parties)

90. Mr. WOLFRUM pointed out that the letter reproduced in annex VI which was shortly to be sent to the ministers for foreign affairs of States parties which had not submitted their reports on time was slightly different from that sent in March for the same purpose. The two letters could thus be sent together.

91. Mr. BANTON supported that idea.

92. Mr. YUTZIS noted that, in the third and fourth sentences of the second paragraph of the letter in annex VI, the English text referred to the "review" of implementation of the Convention in countries whose reports were overdue whereas the word "revisión" was used in the Spanish text. The Spanish word expressed not so much the idea of review but rather of re-examination.

93. Mr. FERRERO COSTA, endorsing what Mr. Yutzis had said, proposed that the words "examinar nuevamente" and "nuevo examen" should be used in the sentences in question.

94. Mr. GARVALOV noted that the second paragraph of annex VI referred to article 9, paragraphs 1 and 2 of the Convention, in which the word "examination" was used.

Document CERD/C/40/CRP.2/Add.2 was adopted with the changes requested.

95. The CHAIRMAN said that the missing parts of the Committee's draft report to the General Assembly would be considered at the following meeting in the morning of 23 August 1991. He drew the Committee's attention to a draft letter that he would address to the United Nations Secretary-General in transmitting the Committee's report on its thirty-ninth and fortieth sessions, as well as to another draft letter that he would send to the Governments of

11 States parties whose reports were overdue concerning the application of the Convention in those States which the Committee had examined on the basis of the last reports available and summary records of its deliberations (documents without symbol numbers).

96. Mr. BANTON suggested that the order of paragraphs 4 and 5 of the draft letter to the Secretary-General should be inverted, making the second sentence of the former paragraph 4 into a new separate paragraph. The word "view" in the second sentence of the former paragraph 6 should be in the plural.

97. The CHAIRMAN proposed that the draft letter to the Secretary-General should be amended in the way suggested by Mr. Banton. The draft letter to the Governments of 11 States parties was a revised text which incorporated all the suggestions made by members of the Committee; he read out the final text in order to avoid any misunderstanding.

The draft letters were approved.

The meeting rose at 1.05 p.m.