

603rd meetingThursday, 10 March 1983,
at 10.45 a.m.Chairman: Mr. INGLES

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Sixth periodic report of Morocco (CERD/C/90/Add.6) (concluded)

At the invitation of the Chairman, Mr. Lahlou (Morocco) took a place at the
Committee table.

1. Mr. DECHEZELLES said that the sixth periodic report of Morocco provided very satisfactory information on refugees and their status, the requirements to be satisfied for acquiring Moroccan nationality and the rights and freedoms accorded to aliens. The régime applicable to aliens from the standpoint of private law fully conformed with international requirements.
2. The information provided on Moroccan Jews was also highly satisfactory. It demonstrated that, contrary to what might be believed, there were several Jewish races of different origins; the report described how Jews had arrived in Morocco in successive waves. Under Arab rule in Spain, Jews had enjoyed a degree of freedom which contrasted sharply with the persecutions under Christian monarchs in the rest of Europe. The fact that the President of the Administrative Chamber of the Supreme Court was a Jew was eloquent testimony of the current status of Jews in Morocco, especially since the Administrative Chamber was closely concerned with the political and administrative organization of Morocco. It was significant that during the Second World War, the protectorate in Morocco had refused to extend to Morocco the anti-Jewish laws adopted by the Vichy Government. Tolerance still prevailed in Morocco and it was noteworthy that Jews who had left Morocco in more recent years were able to return to their homeland and regain all their rights.
3. Full information was provided on the demographic composition of the population; the report made it clear that the Berber culture was the common heritage of all Moroccans, just as the Arab culture was. Indeed, the Arabs were not the first occupants of Morocco, since there had been an indigenous Berber population, but the two populations had merged over the years. It was very apt to note that to ask how many "Berbers" lived in Morocco was the same as asking how many Celts lived in France.

(Mr. Dechezelles)

4. There were two shortcomings in the report. The first concerned article 4 of the Convention. It had been indicated at an earlier session that the authorities were considering the specific obligations under article 4; it was to be hoped that the next report would provide information on how those obligations were to be put into effect. It was true, of course, that the Government, legislation and Constitution of Morocco enshrined the principle of equality.

5. Second, further information needed to be provided on the implementation of article 6 of the Convention; Moroccan legislation in that sphere was one of the most advanced in the world; he believed that the possibility existed for individuals to have full recourse against acts of discrimination at the civil, criminal and administrative levels; the Supreme Court had an administrative chamber which could punish acts of discrimination and not simply accord financial compensation but also annul administrative actions which were irregular in nature, not only in relation to individuals but also at the general level.

6. Mr. EVRIGENIS said that the sixth periodic report of Morocco provided full information in response to the questions raised in connection with the fifth periodic report and even responded to questions which did not fall specifically within the framework of the Convention, notably by providing information on refugees and their status, and on the régime applicable to aliens from the standpoint of private law, even though under article 1, paragraph 2, of the Convention, the Convention did not apply to distinctions made by a State party between citizens and non-citizens. The Convention, unlike other human rights instruments and traditional international law, provided for international monitoring of a State's attitude to its own nationals; the Committee must insist on exercising that control.

7. He noted that, in respect of the régime applicable to aliens in Morocco, aliens were subject exclusively to Moroccan national law, but their personal status was subject to the principle of the personality of the law. The section on the régime applicable to aliens from the standpoint of private law showed that there were broad exceptions to the application of that principle and he would appreciate further clarification on that point.

8. The provisions of Moroccan law governing the acquisition and loss of Moroccan nationality were exemplary, notably in respect of naturalization, an area in which some national legislations were discriminatory.

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9. Mr. SHAHI said it was commendable that the Government of Morocco had provided full information, even on questions which did not, strictly speaking, fall within the purview of the Convention.
10. The information provided on the Berbers to refute the "tendentious political connotations" given to that question was of particular interest. The process of the intermingling of the Berber and Arab peoples over the centuries had been facilitated by a common spiritual faith and the injunctions of that faith regarding the treatment of peoples by rulers.
11. The Moroccan Government was pursuing an ambitious programme for the development of the Saharan region. Regional problems were strong centrifugal forces in many developing countries because of discrepancies in economic development, and constituted a major challenge to the Governments of such countries. There were many cases of countries which had emerged from the colonial period united but which after a time had become divided because of uneven economic development. The importance of pursuing balanced economic development and especially of improving the standard of living of peoples in backward areas was fundamental in consolidating national unity and preserving the independence of newly independent States.
12. He noted with interest the information provided on the efforts of Morocco to secure the participation of the people in public life through assemblies, thus ensuring democratic management of local affairs.
13. The report made it clear that the Moroccan legal order was based on Islam and Islamic traditions and quoted the hadith of the Prophet that religion was, first and foremost, human relations. There was perfect compatibility between the internal legal order in Morocco, based on Islamic tradition, and the modern and even forward-looking concepts of human rights reflected in the Convention. Morocco had merged the internal legal order with the international legal order of the United Nations by enacting the Convention as a law of the land; he wondered whether in such cases the Committee felt that a State was still required to enact specific legislation to give effect to individual articles.
14. Mrs. SADIQ ALI said that the information provided in the sixth periodic report of Morocco was very commendable, especially the information on the status of the Jewish community, since Jews were the victims of the most insidious discrimination of the era. The information on the status of the European communities which had

(Mrs. Sadiq Ali)

migrated to Morocco was of interest; Morocco's example had special relevance for developing countries, which had a responsibility not to be guilty of reverse racial discrimination. It was of great interest to see how Morocco had been handling the problem of refugees, which was also a major problem in developing countries; it was commendable that Morocco had subscribed to the OAU Convention of 1969 governing the Specific Aspects of Refugee Problems in Africa.

15. She asked what problems, if any, arose in relation to migrant workers in Morocco, whether there was a sizeable population of immigrants from neighbouring countries working in Morocco, and whether there were any rules or regulations to protect their working conditions and human rights. She also requested information on political asylum; whether Morocco had a consistent policy on the subject or whether cases were dealt with on an ad hoc basis.

16. The need for more information about the implementation of article 4 of the Convention had already been noted. She would also appreciate information on the implementation of article 7. What was being done in Morocco to familiarize citizens with the provisions of the Convention and other human rights instruments; was there any teaching about the United Nations and specialized agencies, and about the human rights instruments, in schools and at higher levels; and did the police, immigration officials and teachers, for example, receive specialized instruction concerning human rights? She asked whether Morocco had introduced into the educational system any information about other countries, civilizations and cultures, and whether it had signed any cultural agreements with other countries to promote the understanding of different cultures and civilizations. Had Morocco paid special attention to the negro cultures south of the Sahara and to what extent was it expanding its co-operation bilaterally with African countries south of the Sahara, apart from co-operation in the context of OAU? Had any people of Negro stock migrated to Morocco and, if so, what was their status?

17. She asked what Morocco's attitude was to article 14 of the Convention and whether it intended to make a declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals.

18. Mr. BRIN MARTINEZ noted that, according to the report, after independence Morocco had recovered land which had been in the hands of foreigners. He wished to

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(Mr. Brin Martinez)

know the criteria followed by the Government in distributing that land to the people and whether steps had been taken to prevent a recurrence of the situation which had existed during the colonial period.

19. He commended the Government on the good relations between Arabs and Jews in Morocco, which, in his view, was a positive step towards solving problems of international peace and security in that part of the world, on its efforts to establish a development plan for the Sahara, which were in line with the provisions of article 5 of the Convention, and on the establishment of Communal Councils, in accordance with the Charter of the Communes, enabling inhabitants in disadvantaged areas to participate in their own socio-economic development. He would like the next report to contain more detailed information on the activities and operation of the communal system and any changes or adjustments which had been deemed necessary since its establishment in 1976. He also asked how candidates for election to the Communal Councils were selected and whether candidates could stand as individuals or private citizens or must belong to a party or other political or civic group. The seventh periodic report might also contain additional information on programmes designed to meet the requirements of article 7 of the Convention.

20. Mr. PARTSCH commented that, according to the report, aliens could belong to trade unions of their choice although only persons of Moroccan nationality could be elected as staff representatives in trade union elections. It was true that to be active in labour unions and to serve as staff representatives did not have the same political significance as voting and being elected. He recalled a decision by a French court declaring null and void a labour union election in which the French voters had deleted the names of non-French workers. He added that in his own country, the Federal Republic of Germany, not only could alien workers be labour union staff representatives but they could also serve on the staff of the central labour unions; in fact, for some time, an alien on the staff of the central labour union had been entrusted with the handling of matters involving alien workers.

21. According to the report, about 200,000 Jews had been living in Morocco in 1947, and only about 55,000 in 1967. The report further indicated that His Majesty, the King of Morocco, had made an appeal to the Moroccan Jews who had left the country of their own accord to return and that the most important point was not the exact number of persons who had responded to the appeal but the fact that Morocco had always been ready to welcome them. He was curious to know

(Mr. Partsch)

approximately how many of those Moroccan Jews had decided to respond to the King's appeal.

22. In addition to the additional information requested under article 4, he would like the Committee to receive more specific information with regard to articles 6 and 7 of the Convention.

23. Speaking not only as Rapporteur but also as a long-standing member of the Committee, he wished to reply to the question raised by Mr. Shahi about the extent to which the requirements of the Convention were met when a country decided to incorporate the Convention as a whole into its national legislation. From the many views expressed in the Committee over the years, it had emerged that, in a country where the Convention was the law of the land, its provisions could be applied directly when those provisions were self-executing in nature, i.e., when the provisions of the Convention did not specifically request the Government to enact legislation or take measures with a view to their implementation. For example, according to article 2, paragraph 1, of the Convention, States parties condemned racial discrimination; the principle of non-discrimination was thus automatically incorporated into the public order of a State party and could be directly enforced by the entity responsible for ensuring respect for public order. Article 2, paragraph 1 (d), and article 4, however, called for special measures and required more specific mention in national legislation.

24. He considered that article 5 was the most difficult part of the Convention to implement. It had been concluded from earlier discussions that the Committee was at least entitled to ask questions about the manner in which States parties guaranteed the rights under that article. The problem was that the list of rights in article 5 was not complete and no indication was given with regard to limitations on the rights enumerated. It was therefore extremely difficult to invoke directly the provisions of that article in national courts.

25. Mr. APIOU congratulated the Government of Morocco on its clear and detailed report, its exemplary treatment of refugees and an attitude towards Moroccan nationality and naturalization which reflected a true understanding of the concept of a nation as a melting pot.

26. The most important part of the report focused on decentralization and the measures taken by the Government to allow local populations to be responsible for their own development through the establishment of communal and provincial

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(Mr. Apiou)

assemblies for the efficient and democratic organization and management of local life. The Communal Councils, entrusted with real decision-making power, stood in sharp contrast to the excessive centralization characteristic of the colonial era. He asked the representative of Morocco for clarification concerning the type of relationship and supervision that existed between the local authorities and the organs of the Ministry of the Interior.

27. Mr. DEVETAK said that the report had provided the Committee with valuable information on the demographic composition of Morocco and the history and status of its Jewish population. According to the report, the adoption of laws in favour of, or to the detriment of, the Jews would constitute discrimination between Moroccans and hence a violation of the Convention. That statement, however, was not in keeping with article 1, paragraph 4, and article 2, paragraph 2, of the Convention. He requested further information on the implementation of the provisions of article 5 (e) (v) and (vi) with regard to efforts made to preserve Jewish culture and Jewish organizations and associations and to promote cultural activities among the speakers of the non-Arabic languages referred to in the last paragraph of page 18 of the report. In view of Morocco's vast experience with regard to nomadic populations, it would be of interest to learn how Morocco guaranteed its nomads the rights enumerated in article 5 of the Convention.

28. Mr. GHONEIM expressed personal satisfaction, as an Arab, that Morocco had dealt with the question of racial discrimination in such a forthright manner. The reports of Arab countries all too often asserted that racial discrimination was prohibited by Islam and did not exist in their countries, and that there was therefore no need to enact laws or take measures to combat it. The report contained very useful information and, if it did not follow the guidelines laid down by the Committee, the fault lay more with the Committee than with the Government. The Committee tended to raise many questions which were outside the jurisdiction and the scope of the Convention and States parties did their utmost to respond. If the Committee limited itself to the Convention, it would more easily receive the information it required.

29. In response to the question asked by Mr. Partsch with regard to the number of Jews who had responded to the appeal of the King of Morocco and returned to their country, he clarified that, with the creation of the State of Israel in 1948, many Jews living in Arab countries had been encouraged and even forced to leave those

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(Mr. Ghoneim)

countries not by their Governments but by Jewish organizations. He was also puzzled that the question of Jews was being discussed at length in the Committee since he was not aware that the Committee had concluded that Jews were an ethnic and racial minority as opposed to a religious minority. As a religious minority, they did not fall within the scope of the Convention.

30. Mr. SHAHI said that he wished to thank Mr. Partsch for the response to his question. He would pursue the subject with him in informal private discussions.

31. Mr. LAHLOU (Morocco), referring to the points made by Mr. Dechezelles, said that Moroccans were very proud of the fact that the late King Mohammed V had refused to extend to Morocco the anti-Jewish laws adopted by the Vichy Government. The questions raised regarding articles 4 and 6 of the Convention would be forwarded to his Government.

32. With respect to the remarks made by Mr. Evrigenis, he said that the Moroccan Government had attempted to ensure that the report was clear and was not open to any erroneous interpretation and, accordingly, he was pleased that the frank and open approach of his Government had been appreciated. The question had been raised regarding control and monitoring of the implementation of the provisions of the Convention. Morocco welcomed such control and agreed that some form of international monitoring was necessary. Morocco granted freedom of association and worship to all aliens but, as would be understood, certain measures regarding them could not be incorporated fully into national law.

33. Mrs. Sadiq Ali had asked whether there were special programmes to promote teaching about the United Nations system. There was no lack of information about United Nations activities in Morocco. Young children were taught that the United Nations system had been established to promote the well-being of mankind, while more in-depth courses were given at the secondary and third levels.

34. As to information on the culture and civilization of other countries, it should be stated that Morocco regarded itself as a bridge between Europe and Africa. It was an open society whose citizens travelled abroad and were fully aware of what was happening in other countries, including those south of the Sahara. Importance was attached to black cultural and spiritual values. The black population in Morocco was fully integrated into Moroccan society; there were no records of how or when it had arrived in Morocco. His Government would provide further information on the subject in the next periodic report.

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(Mr. Lahlou, Morocco)

35. With respect to the points raised by Mr. Brin Martinez regarding the enactment of legislation for the recovery of land owned by aliens and on the ownership of farm land or land suitable for farming, he could only state that when a country achieved independence, it could be brutal or flexible in solving its problems. Morocco had chosen the latter approach. At the time of independence, the best agricultural land had been in the hands of foreigners. The indigenous people had owned arid land with very low rainfall. Between 1956 and 1965, there had been nine years of difficult negotiations, which had resulted in the Government taking control of the foreign-owned land and distributing it to the people who worked it. The indigenous people to whom that land had been given had received financial and other assistance in order to enable them to cultivate it, and the people from whom it had been taken had been and still were being compensated. In addition, financial assistance was provided to those working arid farm land in the south.

36. Candidates for election to the Communal Councils could be put up by a political party or a professional association or stand as individuals. The sole requirements were that he or she should be a Moroccan citizen, be above a certain age and have no criminal record.

37. Mr. Partsch had asked whether Moroccan Jews abroad had responded to the offer of His Majesty the King to return to Morocco. It had not been an offer but, rather, an appeal to Jews abroad to exercise their right to return home. As the report stated, the important point was not the exact number of persons who responded to that appeal but the fact that the appeal had been made. He would forward Mr. Partsch's comments concerning aliens and trade union elections to his Government.

38. Concerning the question by Mr. Devetak about special measures for minorities, he believed that under current laws in Morocco there was no need for such special measures, which could lead to discrimination. Mr. Devetak had also asked about cultural activities among Jewish and other minority groups. Religious assemblies attended by Jews from all over the world had been held in Morocco. For the speakers of non-Arabic languages, other than Jews, there were radio broadcasts in the three major dialects. The problem of the nomads was a social question and was not unique to Morocco; the Government was attempting to settle them in urban areas so that health and education facilities could be provided for them.

(Mr. Lahlou, Morocco)

39. Concerning the question of decentralization, as raised by Mr. Apiou, he could report that measures in that area had so far been successful. Casablanca had formerly had one prefecture and now had four; a similar system had now been extended to Rabat.

40. Mr. Ghoneim had made a distinction between Morocco and other Arab countries reporting to the Committee and had praised Morocco's frank approach to reporting; he would inform his Government of those remarks.

Mr. Lahlou (Morocco) withdrew.

41. The CHAIRMAN thanked the representative of Morocco and said he hoped that future reports would take into account the observations made by members of the Committee and would follow the guidelines established by the Committee.

42. The Committee had thus concluded its consideration of the sixth periodic report of Morocco.

The meeting rose at 1.15 p.m.