



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

**GENERAL ASSEMBLY**

OFFICIAL RECORDS: THIRTIETH SESSION

SUPPLEMENT No. 18 (A/10018)

**UNITED NATIONS**



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New York, 1975

#### NOTE

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LETTER OF TRANSMITTAL

22 August 1975

Sir,

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

The Committee on the Elimination of Racial Discrimination held two sessions in 1975 and, at its 267th meeting, held today, unanimously adopted the attached report in fulfilment of its obligations under the Convention; it is submitted to you for transmission to the General Assembly.

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

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

Accept, Sir, the assurances of my highest consideration.

(Signed) Adedokun A. HAASTRUP  
Chairman of the  
Committee on the Elimination of  
Racial Discrimination

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

## I. INTRODUCTION

### A. States parties to the Convention

1. On 22 August 1975, there were 84 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966, and which entered into force on 4 January 1969 in accordance with article 19 of the Convention. For the list of States parties, see annex I. \_/)

### B. Sessions

2. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1975 at United Nations Headquarters. The eleventh session was held from 31 March to 18 April 1975 and the twelfth session from 4 to 22 August 1975.

### C. Membership and attendance

3. The membership of the Committee was the same as during 1974 (see annex II).

4. All members of the Committee attended the eleventh session; all members, except Mr. Dehlavi, attended the twelfth session.

### D. Officers of the Committee

5. The following officers, elected by the Committee at its ninth session for a term of two years in accordance with article 10, paragraph 2, of the Convention, continued to serve at the eleventh and twelfth sessions of the Committee:

<u>Chairman:</u>	Mr. Adedokun A. Haastrup
<u>Vice-Chairmen:</u>	Mr. Naste Dimo Calovski
	Mr. Ronald St. John Macdonald
	Mr. Sebastian Soler
<u>Rapporteur:</u>	Mr. Fayez A. Sayegh

### E. Agenda

#### Eleventh session

6. After some discussion at its 225th meeting, on 31 March 1975, the Committee adopted the following items on the provisional agenda, submitted by the

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1/ The Convention will enter into force with respect to Belgium on 5 September 1975. This will bring the number of States parties to the Convention to 85.

Secretary-General in accordance with rule 6 of the provisional rules of procedure, as the agenda of its eleventh session:

1. Adoption of the agenda.
2. Action by the General Assembly on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention (General Assembly resolution 3266 (XXIX) of 10 December 1974).
3. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention:
  - (a) Initial reports of States parties due in 1972;
  - (b) Initial reports of States parties due in 1973;
  - (c) Initial reports of States parties due in 1974;
  - (d) Second periodic reports of States parties due in 1973;
  - (e) Second periodic reports of States parties due in 1974;
  - (f) Third periodic reports of States parties due in 1974;
  - (g) Initial reports of States parties due in 1975;
  - (h) Second periodic reports of States parties due in 1975;
  - (i) Third periodic reports of States parties due in 1975;
  - (j) Information from States parties concerning their obligations under article 4 of the Convention.
4. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
5. Decade for Action to Combat Racism and Racial Discrimination.
6. Meetings of the Committee in 1976 and 1977.

#### Twelfth session

7. The Committee considered and adopted the provisional agenda submitted by the Secretary-General at its 247th meeting, on 4 August 1975. The agenda of the twelfth session read as follows:

1. Adoption of the agenda.
2. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention:
  - (a) Initial reports of States parties due in 1972;
  - (b) Initial reports of States parties due in 1973;
  - (c) Initial reports of States parties due in 1974;
  - (d) Second periodic reports of States parties due in 1974;
  - (e) Third periodic reports of States parties due in 1974;
  - (f) Initial reports of States parties due in 1975;
  - (g) Second periodic reports of States parties due in 1975;
  - (h) Third periodic reports of States parties due in 1975;
  - (i) Information from States parties concerning their obligations under article 4 of the Convention.
3. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
4. Decade for Action to Combat Racism and Racial Discrimination.
5. Meetings of the Committee in 1977.
6. Attendance of the Chairman, or another member appointed by the Committee, at sessions of the General Assembly during its consideration of the annual report of the Committee. 2/
7. Report of the Committee to the General Assembly at its thirtieth session under article 9, paragraph 2, of the Convention.

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2/ For an account of the consideration of this item by the Committee, see chap. II, sect. C, paras. 22-33, below.

II. ACTION BY THE GENERAL ASSEMBLY AT ITS TWENTY-NINTH SESSION  
ON THE FIFTH ANNUAL REPORT OF THE COMMITTEE 3/

8. The Committee considered this item during its eleventh session, at the 226th to 228th meetings, held on 1 and 2 April 1975, and during its twelfth session, at the 260th and 261st meetings, on 15 August 1975.

A. General Assembly resolution 3266 (XXIX)

9. Members of the Committee expressed their gratification at the overwhelming support given by the General Assembly to the activities of the Committee under the Convention in resolution 3266 (XXIX) of 10 December 1974 relating to the Committee's fifth annual report. 3/ Mr. Valencia Rodríguez described that resolution as "a milestone in the history of the Committee" since it "gave the Committee decisive support and at the same time offered it encouragement in its future work". He referred in particular to the third preambular paragraph and to operative paragraphs 7 and 8, which "dispelled any doubts" about some of the Committee's actions and "reaffirmed the propriety and timeliness" of other actions taken by the Committee.

10. According to Mr. Dayal, the resolution in question was wider in scope than the two earlier resolutions, which, he observed, "had been more procedural than substantive". Furthermore, it "not only fully supported the Committee's decisions but strengthened them". The text of the resolution "showed how amply the Committee's action reflected the views of the vast majority of States Members of the United Nations".

11. On the other hand, Mr. Partscht felt that the resolution "did not legitimize any attempt by the Committee to expand its terms of reference". He referred in particular to paragraphs 3 and 7, stating that, in paragraph 3, "the Assembly expressed appreciation only for the work done by the Committee in pursuance of the provisions of the International Convention" while, in paragraph 7, the Assembly "commended only the practice of 'welcoming' information although the original draft had had it commending the practice of 'seeking' information".

12. Mr. Ingles was of the opinion that General Assembly resolution 3266 (XXIX) did not endorse all the recommendations made by the Committee and in particular paragraphs 1 (d), 3 and 4 of Committee decision 2 (X). "Although the Committee had volunteered to act beyond its mandate under the Convention in order to participate more fully in the Programme for the Decade, the General Assembly had not accepted its offer", he stated, with reference to paragraphs 3 and 4 of the Committee's decision; paragraph 6 of resolution 3266 (XXIX) "contained

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3/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618). For the four previous annual reports, see *ibid.*, Twenty-fifth Session, Supplement No. 27 (A/8027); *ibid.*, Twenty-sixth Session, Supplement No. 18 (A/8418); *ibid.*, Twenty-seventh Session, Supplement No. 18 (A/8718); and *ibid.*, Twenty-eighth Session, Supplement No. 18 (A/9018).



qualifications that restricted the Committee to action within its competence under the Convention'. This interpretation, however, was contested by several other members of the Committee. <sup>4/</sup>

B. Consideration of the Committee's report  
by the Third Committee

13. Several members felt that the discussion in the Third Committee on the Committee's fifth annual report reflected much interest and appreciation. Mrs. Warzazi, who opened the consideration by the Committee of this item, stated that the discussion in the Third Committee 'showed how much interest the Committee work aroused and how greatly it was appreciated'. 'At the twenty-ninth session the Third Committee had shown more interest than previously in the work of the Committee', she observed, and she concluded that 'that should be cause for general satisfaction, since it showed that a genuine dialogue based on respect and confidence had been established between the General Assembly and the Committee'. Mr. Dayal observed that 'a number of complimentary remarks had been made in the Third Committee concerning the work of the Committee on the Elimination of Racial Discrimination', and he proceeded to cite some of those remarks, as did Mr. Valencia Rodríguez also. Mr. Čalovski thought that 'the positive attitude shown by most delegations in the Third Committee concerning the Committee's work was most encouraging'. And Mr. Macdonald associated himself with those members 'who had expressed the satisfaction of the Committee at the favourable reception given by the Third Committee to its report'.

14. On the other hand, Mr. Ingles cautioned against taking note of the "positive aspects" of the reception given to the report of the Committee by the Third Committee and the General Assembly while ignoring the "negative aspects". In his view, some of the Committee's recommendations had not been endorsed by the Third Committee and the General Assembly. He suggested that 'there was an inevitable dichotomy because, on the one hand, an attempt was being made to apply an instrument that had been signed by States parties and had not been ratified by many States Members represented in the General Assembly, and on the other hand, the latter were among those who exercised judgement concerning the application of the Convention'. He concluded that the Committee 'had perhaps concentrated its efforts on establishing a dialogue with the General Assembly, and neglected the equally important task of establishing a dialogue with the States parties of the Convention'.

15. Mrs. Warzazi and Messrs. Čalovski, Dayal, Macdonald, Sayegh and Valencia Rodríguez took note, in their statements, of the approval expressed by representatives of some Member States in the Third Committee with respect to certain procedural or substantive decisions taken previously by the Committee - including the decision to abandon the practice of classifying reports as satisfactory or unsatisfactory; the decision to classify the summary records of the public meetings of the Committee in their final form as documents for general distribution; the decision to encourage States parties to inform the Committee of the status of their relations, if any, with racist régimes; the decision relating

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<sup>4/</sup> For a summary of the discussion of this question, see chap. III, paras. 34-43 below.

to the situation in the Golan Heights; and the decision to play an active role in connexion with the Decade for Action to Combat Racism and Racial Discrimination. Members were not oblivious, however, to the fact that some of these decisions had also been critically appraised by certain representatives of Member States in the Third Committee; such criticism was not only noted but also discussed by some members of the Committee.

16. Certain suggestions made by representatives of Member States in the Third Committee, in the course of its consideration of the Committee's fifth annual report, were noted and discussed by members of the Committee. For example, Mrs. Warzazi and Messrs. Dayal and Valencia Rodríguez referred to the suggestion by the representative of Norway that the Committee should establish close working relations not only with the States parties but also with United Nations bodies and specialized agencies concerned with racial discrimination. Mrs. Warzazi supported the establishment of such relations with the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Mr. Dayal, recalling that the Committee had already pursued that course in the past, in connexion with two specialized agencies, was certain that it would continue to do so in the future.

17. Another comment made by a representative of a Member State in the Third Committee which engaged the attention of several members of the Committee was the hope expressed by the representative of the United Kingdom that the Committee would not consider the list of rights enumerated in article 5 of the Convention as exhaustive - which was recalled by Mrs. Warzazi and Messrs. Dayal and Valencia Rodríguez. In this connexion, Messrs. Sayegh and Valencia Rodríguez referred to the extensive discussion by the Committee, at its eighth session, of the meaning and scope of article 5 of the Convention. <sup>5/</sup> They recalled that no member of the Committee had at that time disagreed with the view that the list of rights contained in article 5 was not exhaustive. <sup>6/</sup> Mr. Valencia Rodríguez concluded that the Committee "must, therefore, consider the situation obtaining in each State party, not only in the light of the rights enumerated in article 5 but also in the light of all other manifestations of racial discrimination" and that "the Committee was competent to consider the situation existing in States parties not only in the light of the rights listed in article 5 but also in the light of other rights". Mr. Aboul-Nasr, while agreeing that the list of rights mentioned in article 5 of the Convention was not exhaustive, maintained that "the broad categories of rights specified therein - namely, political, civil, economic, social and cultural rights - did constitute an exhaustive list, since they referred to the five main human rights proclaimed in the International Covenants on Human Rights". Mr. Partsch, however, thought that "it would be misleading to make a distinction between the headings and substance of article 5; in essence, the article consisted only of headings. The word 'notably' did not exclude the possibility that the Committee could consider violations of other rights".

18. The defeat in the Third Committee of an oral amendment introduced by the representative of the Netherlands, which would have had the General Assembly

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<sup>5/</sup> See Official Records of the General Assembly, Twenty-eighth Session (A/9018), chap. V.

<sup>6/</sup> Ibid., paras. 57 and 58.

endorse the recommendation contained in paragraph 1 (d) of Committee decision 2 (X), gave rise to extensive discussion in the Committee.

19. Referring to the fact that the amendment of the Netherlands was rejected by 33 votes to 32, with 28 abstentions, Mr. Valencia Rodríguez observed that "that narrow margin meant that there was strong feeling in the Third Committee in favour of that recommendation". Mrs. Warzazi expressed the view that "the fact that there had been a difference of only one vote between those supporting the amendment and those opposing it indicated that sooner or later there would be an affirmative vote on the question". Mr. Dayal also thought "it was possible that, as time went by, a climate more receptive to the Netherlands position might develop"; for the time being, however, it was clear that the position of those members of the Committee who had opposed Mr. Kapteyn's original proposal (which had become paragraph 1 (d) of Committee decision 2 (X)) at the tenth session was proven right by the outcome of the debate in the Third Committee, for they had not opposed Mr. Kapteyn's original proposal in principle but had merely had doubts about its timing. Mr. Kapteyn said "he was pleased that the proposed amendment ... had been defeated by only a small majority in the Third Committee".

20. Mr. Ingles "wondered why the Committee had to ask the General Assembly to bring article 14 to the attention of States parties instead of doing so directly, since such a measure was in keeping with the purpose of the Convention and conflicted with none of its provisions ... and the Committee was competent to take that measure". Mr. Kapteyn said that, "aside from the political aspect, he saw no legal objection ... as far as article 9 of the Convention was concerned" to the Committee's addressing its recommendation to the States parties rather than to the General Assembly; in fact, he thought that "such a practice might be more in keeping with that article". He had not suggested - he explained later - that the Committee should not address its recommendations to the General Assembly: "The Committee must make use of the possibilities open to it and make its recommendations to either the General Assembly or the States parties as appropriate". However, "when the Committee wished to communicate with States parties, it should do so directly and not through the General Assembly". Messrs. Dayal, Partsch and Sayegh were of the opinion that article 9 of the Convention permitted the Committee to address recommendations, based on its examination of reports from States parties, either to the General Assembly or to the States parties directly, provided that it reported these recommendations to the Assembly together with comments, if any, from States parties. However, Messrs. Sayegh and Valencia Rodríguez suggested that, while the Committee was competent to address a recommendation regarding article 14 of the Convention to the States parties directly, such action was neither necessary (since the States parties, in exercising their sovereignty, could at any time approve its entry into force) nor judicious (since the Convention had recognized the uniqueness of the provisions of that article and singled it out as the only optional article in the Convention). Mr. Aboul-Nasr doubted that the Committee was competent to make recommendations to the General Assembly in the same way it made them to States parties.

21. While most members expressed their satisfaction with the annual dialogue between the Committee and the Third Committee, and hoped that it would continue, Messrs. Dayal, Macdonald, Sayegh and Valencia Rodríguez emphasized the usefulness of the Third Committee's continuing to consider the annual report of the Committee separately from other items on its agenda in future sessions of the General Assembly.

C. Attendance by the Chairman, or another member appointed by the Committee, at sessions of the General Assembly during its consideration of the annual report of the Committee

22. At the 227th and 228th meetings (eleventh session), on 1 and 2 April 1975, Mr. Aboul-Nasr, noting that the Chairman and Mrs. Warzazi had attended the meetings of the Third Committee during the latter's discussion of the fifth annual report of the Committee, expressed the hope that, in future, the Chairman or another member of the Committee would be invited to attend meetings of the Third Committee devoted to the discussion of the Committee's annual report. Messrs. Macdonald and Partsch supported the suggestion made by Mr. Aboul-Nasr and suggested that the Secretary-General be requested to inform the Committee of its financial implications.

23. At its 228th meeting, the Committee agreed by consensus to recommend to the General Assembly that the Chairman, or another member appointed by the Committee, be invited to participate in the meetings of the Third Committee and the General Assembly at which the Committee's report was considered; and it agreed also to request the Secretary-General to inform the Committee, at its next session, of the financial implications of that recommendation.

24. During its twelfth session, the Committee considered the question as a separate item on its agenda (see para. 7 above) at the 260th and 261st meetings, on 15 August 1975.

25. In accordance with rule 25 of the Committee's provisional rules of procedure and with the Committee's request mentioned in paragraph 23 above, the Secretary-General submitted to the Committee a document on the financial implications of the attendance of a member of the Committee at the meetings of the Third Committee. The document included information concerning the costs of travel and subsistence of that member, which would have to be borne by the United Nations.

26. At the opening of the discussion, Mr. Sayegh suggested that the recommendation of the Committee should be limited to attendance by its Chairman, or by another member appointed by it, at the meetings of the Third Committee, and should not refer to attendance at the plenary meetings of the General Assembly. Furthermore, he stated his understanding that the recommendation, which would have to be approved by the General Assembly before it became operative, would take effect beginning with the thirty-first session of the Assembly. He also outlined four functions which, in his view, might be performed by the representative of the Committee: to introduce the Committee's annual report; to reply to questions and inquiries; to comment, if necessary, on observations of representatives of Member States on the work of the Committee; and, perhaps, to comment on some provisions of the draft resolution which might be submitted to the Third Committee in the course of its consideration of the Committee's annual report. Messrs. Haastrup and Lamprey and Mrs. Warzazi agreed with Mr. Sayegh's views, and Mr. Macdonald stated that he subscribed in general to those views. Mr. Safronchuk opposed the idea that the established practice, under which a representative of the Secretary-General introduces the annual report of the Committee in the Third Committee, be abandoned in favour of having the Chairman or another member of the Committee do so, as well as the idea that one member of the Committee take upon himself the responsibility of interpreting the report and answering questions

on behalf of the entire Committee. 7/ Mr. Kapteyn expressed doubts concerning the wisdom of delegating to any single member the third function described by Mr. Sayegh; in his view, observations by representatives of Member States should be answered only if they concerned factual matters; otherwise, particularly if policy issues were involved, they should be referred back to the Committee for a discussion.

27. Mr. Dayal recalled that the Committee was an autonomous body in the United Nations system, specifically charged with the task of implementing the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and he observed that no one, other than a member appointed by the Committee as its representative, had the authority to speak on its behalf to the Third Committee. Furthermore, certain remarks made in the Third Committee and demonstrating some lack of understanding of the Committee's work and the extent of its competence should be corrected on behalf of the Committee. Finally, the participation of a representative of the Committee in the discussions of the Third Committee, when the Committee's annual report was under consideration, would give the work and views of the Committee the required exposure and publicity.

28. Mr. Ingles wondered whether it was absolutely necessary for the Committee to send a representative to the Third Committee. The Convention contained no provision to that effect; and the Third Committee might be satisfied with the annual report and perhaps with the summary records of the meetings of the Committee. Consideration of discussions which had taken place in the Third Committee on the Committee's annual report was on the agenda of the Committee at its spring session every year, and thus every member of the Committee had the opportunity to express his views, which were then reflected in the annual report submitted by the Committee to the General Assembly at its next session. Moreover, he feared that a confrontation might develop between the representative of the Committee and a representative of a Member State in the Third Committee. Finally, the assumption on which the note of the Secretary-General on the financial implications of the proposal was based was that the travel and subsistence expenses of the representative of the Committee would be borne by the United Nations; but the General Assembly might not agree with that assumption, in which case the provisions of article 8, paragraph 6, of the Convention would apply. Therefore, the question arose as to whether the Committee should consult not only the General Assembly but also States parties to the Convention - whose views perhaps had not been duly taken into account in the matter. Commenting on this question, Mr. Lamprey stated that, if the General Assembly disagreed with the assumption on which the note of the Secretary-General was predicated, then the Committee would consider addressing itself to the States parties on that question.

29. Mr. Safronchuk had doubts whether anything was to be gained by having a member of the Committee participate in the meetings of the Third Committee. Some members had suggested that the case of the Committee was analogous to that of other bodies, such as the International Law Commission. But Mr. Safronchuk drew attention to the fact that, unlike the report of that Commission, which constituted a separate item on the agenda of the General Assembly and the

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7/ For further discussion of Mr. Safronchuk's views, see paras. 29 and 30 below.

Sixth Committee, the annual report of the Committee on the Elimination of Racial Discrimination was merely a subitem on the agenda of the General Assembly and the Third Committee. He also pointed out that the International Law Commission prepared drafts of conventions and treaties for adoption by the General Assembly, and its participation in the discussions on its report was therefore fully justified. The Committee, on the other hand, was not preparing drafts for the General Assembly to adopt as its own but was simply reporting on its activities. In addition to being needless and unjustified, the proposed procedure constituted a blatant violation of article 9, paragraph 2, of the Convention, which stipulated that "the Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities". The legality of the procedure contemplated by the Committee was therefore questionable, and it rested with the States parties to the Convention to express their views on the matter.

30. Mr. Tomko shared Mr. Safronchuk's doubts concerning the wisdom of appointing a member to participate in the meetings of the Third Committee. Messrs. Haastrup, Kapteyn and Lamprey disagreed with Mr. Safronchuk's analysis of the legal aspects of the question. They recalled that in article 9, paragraph 1, of the Convention (which provided that the reports of States parties should be submitted to the Secretary-General for consideration by the Committee) the Secretary-General was assigned the task of transmitting those reports to the Committee in much the same way in which, in paragraph 2 of that article, he was entrusted with the task of transmitting the Committee's report to the General Assembly. Accordingly, if the Assembly invited a representative of the Committee to introduce and discuss its report, its position would be very analogous to that of the Committee when, in accordance with rule 64 A of its provisional rules of procedure, it invited representatives of States parties to introduce and discuss their Governments' reports at the meetings of the Committee. (It will be recalled that that practice initiated by rule 64 A of the provisional rules of procedure had been suggested by some members of the Committee in the first instance and subsequently by the General Assembly <sup>8/</sup> in paragraph 5 of its resolution 2783 (XXVI) and had later been welcomed by the Assembly in paragraph 3 of its resolution 2921 (XXVII) and endorsed in paragraph 2 of resolution 3134 (XXVIII).) In response to a question put to him by Mr. Safronchuk regarding interpretation of the expression "through the Secretary-General" in article 9, paragraph 2, of the Convention, the representative of the Secretary-General referred to the manner in which the Committee itself had until the present interpreted and applied that expression - namely, by means of a "letter of transmittal", from the Chairman of the Committee to the Secretary-General, which accompanied each of the five annual reports of the Committee submitted thus far. In that letter, after referring to the relevant phrase in article 9, paragraph 2, of the Convention, the Chairman stated that he was submitting the report of the Committee to the Secretary-General for transmission to the General Assembly.

31. Messrs. Aboul-Nasr, Čalovski, Haastrup, Macdonald and Partsch, reaffirming their support of the decision adopted in principle at the eleventh session, observed that it was premature at the present stage to engage in detailed discussion of the functions to be performed by the representative of the Committee

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<sup>8/</sup> See Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718), para. 23.

at the meetings of the Third Committee; they suggested that such discussion be postponed to a future session, when it would be resumed if the General Assembly endorsed the recommendation of the Committee. Messrs. Ancel and Lamprey urged the Committee to proceed forthwith to adopt its recommendation at the present session.

32. At the 261st meeting, Mr. Haastrup proposed the text of a draft recommendation. Messrs. Safronchuk and Tomko reaffirmed their reservations. No amendments to the draft recommendation were proposed. It was adopted without a vote. (For the text of decision 3 (XII), see chap. VII, sect. B below.)

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

33. It will be recalled that at its ninth session 9/ the Committee decided to keep this item on its agenda throughout the Decade. During the year under review, the Committee considered this item at its eleventh session (at the 228th to 231st, 233rd, 242nd and 243rd meetings, held between 2 and 15 April 1975) and at its twelfth session (at the 259th and 260th meetings held on 12 and 15 August 1975).

#### Eleventh Session

34. At its eleventh session, the Committee took note of General Assembly resolutions 3223 (XXIX) of 6 November 1974 and 3266 (XXIX) of 10 December 1974, as well as of the reports of the Secretary-General to the Economic and Social Council at its fifty-eighth session, 10/ which were transmitted to the Committee in accordance with its request to the Secretary-General at its ninth session. 9/

35. Much of the initial discussion in the Committee revolved around the response of the General Assembly, as expressed in those two resolutions, in particular in paragraph 10 of resolution 3223 (XXIX) and paragraph 6 of resolution 3266 (XXIX), to the suggestions made by the Committee in paragraphs 3 and 4 of its decision 2 (X).

36. Messrs. Aboul-Nasr, Čalovski, Dayal, Lamptey, Macdonald, Ortiz Martin, Safronchuk, Sayegh and Valencia Rodríguez and Mrs. Warzazi expressed their satisfaction at the endorsement given by the General Assembly to Committee decision 2 (X) concerning its participation and involvement in the programme for the Decade. They proposed that the Committee should now elaborate on the suggestions and recommendations contained in its decision 2 (X) by formulating concrete ways and means by which it could contribute to the fulfilment of the objectives of the Decade.

37. Messrs. Ancel, Ingles and Soler, however, did not share the view that paragraph 10 of General Assembly resolution 3223 (XXIX) and paragraph 6 of resolution 3266 (XXIX) constituted an endorsement of the suggestions made by the Committee in its decision 2 (X). Mr. Ingles thought that the Assembly had neither accepted nor rejected the Committee's offer contained in paragraphs 3 and 4 of that decision. He stated that the Committee's offer of co-operation had perhaps been worded vaguely and that it would be advisable to say specifically how the Committee proposed to participate in the programme for the Decade. In the opinion of Mr. Ancel, the question of whether or not the General Assembly had approved Committee decision 2 (X) was a secondary question. The Committee had offered its services to participate in the Decade, although its competence was limited by the terms of the Convention, and the General Assembly had commended the active involvement of the Committee in the implementation of the programme for the Decade "within its competence under the International Convention". There was therefore

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9/ Ibid., Twenty-ninth Session, Supplement No. 18 (A/9618), para. 38.

10/ E/5636 and Add.1-3 and E/5637 and Add.1 and 2.



a "double ambiguity"; and the Committee should attempt to break away from a discussion which could continue indefinitely. Mr. Ancel agreed, however, that the Committee should submit concrete proposals for its participation in the Decade. Mr. Soler, on the other hand, expressed serious doubts as to the competence of the Committee to participate in the programme for the Decade. Moreover, the General Assembly had not -- in his view -- fully endorsed the suggestions of the Committee. Although there could be no objection to members of the Committee acting in their individual capacity to contribute to the aims of the programme, the Committee must be very cautious about continuing a collective line beyond its terms of reference.

38. During the initial discussion of the item on the Decade, Messrs. Aboul-Nasr, Lamprey and Sayegh and Mrs. Warzazi expressed disappointment with the range and pace of the activities undertaken so far by the United Nations in implementation of the programme for the Decade; they pointed to the "lack of dynamism" and "slowness" of those activities. They thought that, since the implementation of the programme had been placed under the supervision of the Economic and Social Council, with an important role assigned to the Secretary-General, it was essential for the Council to be informed of the Committee's opinion. On the other hand, Mr. Valencia Rodríguez was of the opinion that the Decade was developing fully, particularly in such areas as education, public information, the denial of support to racist régimes, the introduction of legislative reforms, and accession to the Convention.

39. Most members of the Committee supported the opinion that the Committee should reiterate its desire to participate in the international conference to be convened under the programme for the Decade, that it should state in clear and concrete terms the ways in which it could make its contribution to the successful achievement of the objectives of the Decade, and that it should address its suggestions and recommendations to the Economic and Social Council, which was the preparatory committee for the conference as well as the body of the United Nations responsible for supervision and co-ordination of the activities to be undertaken under the programme.

40. At the 229th meeting, on 2 April 1975, Mr. Lamprey proposed that, in order for the Committee to formulate its ideas more specifically, a small working group should be established, under the chairmanship of the Rapporteur, to prepare a document containing suggestions for consideration by the Committee, which the Secretary-General might then bring to the attention of the Economic and Social Council. Messrs. Aboul-Nasr, Dehlavi, Macdonald and Tomko supported the proposal, but Messrs. Ingles and Sayegh thought that the establishment of a working group at that stage was premature, inasmuch as such a group should be given more adequate guidelines before it could produce a document representing the consensus of the Committee. At the same meeting, the Chairman suggested, and the Committee agreed, that the working group should consist of Messrs. Čalovski, Dayal, Kapteyn, Lamprey and Valencia Rodríguez, under the chairmanship of the Rapporteur.

41. At the 230th meeting, on 4 April 1975, the Rapporteur presented the report of the Working Group, which consisted of three draft decisions. At the request of the Working Group, the first two draft decisions had been prepared by Mr. Sayegh and the third by Mr. Valencia Rodríguez, but they reflected the consensus reached in the Working Group. The three draft decisions dealt, respectively, with: (a) participation by the Committee in the programme for

the Decade; (b) relations with racist régimes; and (c) the thirtieth anniversary of the defeat of nazism and fascism. The drafts were considered by the Committee at its 230th, 231st, 233rd, 242nd and 243rd meetings, held between 4 and 15 April 1975.

42. During the discussion of the three draft decisions, amendments were suggested by various members of the Committee. At the 242nd meeting, Mr. Valencia Rodríguez submitted a revised text of the third draft decision, on the thirtieth anniversary of the defeat of nazism and fascism, taking into account some of the comments made by members of the Committee on the original text.

43. At the 231st meeting, on 4 April 1975, the first draft decision, with some amendments, was adopted unanimously (decision 1 (XI)). At the 233rd meeting, on 7 April 1975, the second draft decision, with some amendments, was adopted by 11 votes to none, with 3 abstentions (decision 2 (XI)). And, at the 242nd meeting, on 14 April 1975, the revised text of the third draft decision, with some amendments, was adopted by consensus with one member expressing reservations (decision 4 (XI)). (For the texts of these decisions, see chap. VII, sec. A below.)

#### Twelfth session

44. In accordance with paragraph 5 of Committee decision 1 (XI), the Secretary-General informed the Committee, at its twelfth session, of the action taken by the Economic and Social Council at its fifty-eighth session concerning the Programme for the Decade. In this connexion, the report of the Social Committee contained in document E/5669, the text of Economic and Social Council resolution 1938 (LVIII), and the note by the Secretary-General to the General Assembly contained in document A/10145, were transmitted to the Committee. The Secretary-General also made available to the Committee the text of the questionnaire which he had circulated to States Members of the United Nations in accordance with paragraph 18 (e) of the Programme for the Decade.

45. At the 259th meeting, on 12 August 1975, the representative of the Secretary-General orally gave the Committee additional information on the activities of the Administrative Committee on Co-ordination in connexion with the Programme for the Decade, and on activities of the Division of Human Rights and the Office of Public Information related to that Programme.

46. At that meeting, several members of the Committee commented on the questionnaire circulated by the Secretary-General in accordance with paragraph 18 (e) of the Programme for the Decade, annexed to General Assembly resolution 3057 (XXVIII) of 2 November 1973, and on Economic and Social Council resolution 1938 (LVIII) of 6 May 1975.

47. Regarding question No. 3 of the questionnaire, Mr. Aboul-Nasr thought that a more strongly worded reference to forms of racial discrimination other than the dissemination of ideas based on racial superiority and hatred (mentioned in subparagraph (c) of that question) should have been made. Mr. Ancel thought that subparagraph (c) of question No. 3 went too far, and might be construed as an infringement on freedom of expression, since it appeared to assume that Member States were required to penalize all dissemination of ideas based on racial superiority and not merely propaganda activities aimed at encouraging racial

discrimination. Similarly, Mr. Kapteyn thought that the language of question No. 3 (c) went beyond the requirements of paragraph 12, subparagraph (a) (iii), of the Programme for the Decade.

48. Mr. Aboul-Nasr inquired why question No. 4 was confined to economic, social and cultural rights and did not refer to civil and political rights as well.

49. Mr. Ancel believed that question No. 5 might be interpreted as suggesting the establishment of special machinery and exceptional recourse procedures, separate from the normal machinery and procedures.

50. Regarding questions Nos. 11 and 12, Mr. Aboul-Nasr inquired why the reference was made to the International Convention on the Elimination of All Forms of Racial Discrimination only, and not to the International Convention on the Suppression and Punishment of the Crime of Apartheid as well. Mr. Sayegh welcomed question No. 12 (a) as being fully in conformity with paragraph 3 (d) of Committee decision 1 (XI).

51. Mrs. Warzazi thought that question No. 13 was superfluous, in view of the fact that the General Assembly, in paragraph 5 (b) of resolution 3223 (XXIX), had urged all Member States to sign and ratify, among other documents, the International Convention on the Suppression and Punishment of the Crime of Apartheid.

52. The non-inclusion of certain questions in the questionnaire circulated by the Secretary-General was regretted by some members of the Committee. Mr. Aboul-Nasr thought that, in accordance with paragraph 13 (e) of the Programme for the Decade, the questionnaire should have included a paragraph asking whether Governments were denying racist régimes any support or assistance that could enable them to perpetuate racist policies or practices. And Mr. Calovski thought that the questionnaire was not sufficiently explicit in its requests for information about the status of ethnic and national minorities.

53. Mr. Safronchuk thought that the first 10 questions in the questionnaire corresponded to substantive provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, regarding which States parties to that Convention were required under article 9 to submit periodic reports. Accordingly, States Members of the United Nations which were also parties to the Convention would be required to submit two sets of reports containing more or less the same information. Mr. Sayegh, however, called attention to the communication of the Secretary-General enclosing the questionnaire, in which it was stated that, should a Government find it convenient, a reply to any of the questions may refer specifically to information previously submitted in accordance with the Convention or other resolutions of competent United Nations organs. Adverting to the argument that a difficulty would arise in regard to the circulation of reports under article 9 referred to by a State party in its reply to the questionnaire, Mr. Dayal stated that there was, in his view, a basic illogicality in the Committee's rules of procedure which regarded discussion of reports under article 9 as open, but not the reports themselves, which it treated as restricted. 11/ Until the rules were amended, he felt, the illogicality of

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11/ See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618), paras. 21-30, and chap. VII, sect. A, decision 1 (IX).

the Committee's procedures would continue to give rise to such anomalies. Therefore, to obviate the need for resort to procedural subterfuges to overcome similar contradictions, he proposed to introduce a relevant amendment to the Committee's provisional rules of procedure.

54. Messrs. Safronchuk and Ancel were of the opinion that the questionnaire was made up of two parts, in one of which the questions corresponding to the substantive provisions of the International Convention on the Elimination of All Forms of Racial Discrimination were grouped together. According to Mr. Safronchuk, that part should have been circulated only to those Member States which were not yet parties to the Convention, in order to avoid the duplication arising out of circulating it to State parties to the Convention as well. According to Mr. Ancel, Member States which were not parties to the Convention could not be asked the questions relating to the implementation of the provisions of the Convention; they should be asked only why they had not acceded to the Convention. Mr. Safronchuk argued that the General Assembly could very well put those other questions to States which were not parties to the Convention, since it did so in conformity with the Charter and other obligations assumed by all Member States. Mr. Dayal affirmed that the General Assembly was fully in order in addressing questions relating to the implementation of the provisions of the Convention to States which were not parties to it, as this was in conformity with its own resolution 3266 (XXIX), in which, while appealing to non-States parties to accede to the Convention, it called on them meanwhile to be guided by its basic provisions in their internal and foreign policies. Mrs. Warzazi recalled that, in paragraph 18 (e) of the Programme for the Decade, no distinction was made between Member States on the basis of whether or not they were parties to the Convention. And the representative of the Secretary-General stated that any such distinction would have to be made by the competent organs and bodies concerned and not by the Secretary-General.

55. During the discussion of the questionnaire, Mr. Aboul-Nasr said that it was regrettable that the document had not been made available to the Committee earlier; Mr. Ingles stated that he did not think there was any point in drawing attention to the short-comings of a questionnaire which had already been circulated to States parties, and that he understood that the questionnaire was distributed to members of the Committee in order to inform them that the Secretary-General had complied with the request in paragraph 3 (b) of decision 1 (XI) by including question No. 12 in the questionnaire; and Mrs. Warzazi expressed the hope that the comments made by members of the Committee would be taken into account in preparing future questionnaires. The representative of the Secretary-General, while stating that the questionnaire was based essentially on the Programme for the Decade and primarily on paragraph 12, assured the Committee that all comments made by its members would be taken into account when future questionnaires were prepared.

56. Regarding Economic and Social Council resolution 1938 A (LVIII), Mr. Valencia Rodríguez observed that paragraph 3 demonstrated the timeliness of the Committee's action in adopting decision 1 (XI). Most of the discussion, however, revolved around the draft resolution contained in paragraph 5 of the resolution under consideration.

57. Mr. Valencia Rodríguez attached special importance to subparagraphs (a), (b), (f) and (h) of paragraph 3 of the draft resolution proposed by the Economic and

Social Council. Mr. Sayegh observed that subparagraph (b) of paragraph 3 of the draft resolution reinforced Committee decision 2 (XI); and both he and Mr. Safronchuk welcomed subparagraph (f) of paragraph 3.

58. Paragraph 4 of the proposed draft resolution drew comments from most members of the Committee who participated in the discussion. Messrs. Aboul-Nasr, Čalovski, Dayal, Macdonald, Partsch, Safronchuk and Valencia Rodríguez and Mrs. Warzazi noted that the language of that paragraph implied that States parties had been fully complying with their obligations under the Convention, including their obligations under article 9, which was not in conformity with the situation prevailing so far. They all agreed that the matter should be brought to the attention of the General Assembly, although they differed as to the most appropriate means through which the Committee could do so. Mr. Ingles, on the other hand, had no objection to the paragraph with whose general principle he could not but agree; moreover he questioned the propriety of the Committee's proposing an amendment to a draft resolution submitted by the Economic and Social Council to the General Assembly.

59. Regarding paragraph 6 of the proposed draft resolution addressed to national sports federations of Member States, Mr. Partsch said that "it was one thing to isolate racist Governments, but it was an entirely different matter to isolate the populations subject to those Governments, since they would be denied the chance to change the circumstances prevailing in their countries". Mr. Ancel endorsed the position taken by Mr. Partsch; while Messrs. Aboul-Nasr, Čalovski, Ingles and Kapteyn stated that they could not support it and affirmed their support of paragraph 6 of the draft resolution.

60. Paragraph 7 of the proposed draft resolution was interpreted by Mr. Valencia Rodríguez as designed to encourage the Committee to participate actively in the Programme for the Decade; by Mrs. Warzazi, as supporting the recommendations made by the Committee in its decision 1 (XI); and by Messrs. Čalovski, Haastrup and Sayegh, as inviting the Committee and other bodies to continue to make suggestions and welcoming their contributions. But Mr. Ancel asked in which specific relevant activities of the Decade the Committee could co-operate; and Mr. Soler had some reservations about that paragraph which, in his view, posed a problem in connexion with the question of the Committee's competence. Mr. Safronchuk, viewing that paragraph as an invitation to the Committee to submit contributions and suggestions related to the Programme for the Decade, suggested that the Committee was in a position to help, particularly in regard to the petitions and other documents referred to in article 15 of the Convention.

61. With regard to paragraph 8 of the proposed draft resolution, Mr. Aboul-Nasr asked what steps the Secretary-General intended to take to give effect to that paragraph, should the draft resolution be adopted by the General Assembly. The representative of the Secretary-General referred to some steps already taken, including the convening of a seminar on "human rights of the migrant workers" by the Division of Human Rights, for which a member of the Committee, Mr. Valencia Rodríguez, had been invited to prepare one of the background papers. He also stated that Mrs. Warzazi, another member of the Committee who had prepared a study on the subject of the seminar as Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, was expected to attend that seminar, and that a radio programme (in which six members

of the Committee had participated) had been organized by the Office of Public Information.

62. At the 260th meeting, on 15 August 1975, Mr. Sayegh presented a draft statement regarding the draft resolution proposed by the Economic and Social Council. According to that draft statement, the Committee would welcome operative paragraphs 3 (f), 4, 7 and 8 of the draft resolution, but would also express the hope that the text of paragraph 4 would be adjusted in such a way as to take account of the detailed information contained in chapter IV, section A, and annex III of the present report. The Committee would also express the opinion that the words "to continue", in operative paragraph 4 of the draft resolution, imply a state of full compliance by the States parties with their obligations under the relevant articles of the Convention which regrettably had not prevailed with respect to article 9. And the Committee would request the Secretary-General to bring that statement to the attention of the Third Committee of the General Assembly when it considered the draft resolution.

63. At the same meeting, the text of the draft statement as amended during the discussion was approved without objection. (For the text of the statement as adopted by the Committee, see chap. VII, sect. B, decision 2 (XII) below.)

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

A. Receipt of reports 12/

Reports received by the Committee

64. From the establishment of the Committee until the closing date of its twelfth session, 186 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 81 initial reports, 65 second periodic reports and 40 third periodic reports. By the end of the twelfth session, 162 of those reports had been received: 73 initial reports, 53 second periodic reports and 36 third periodic reports. During the year under review (i.e., between the end of the tenth session and the end of the twelfth), 23 reports were received consisting of six initial reports, seven second periodic reports and 10 third periodic reports.

65. In addition, six supplementary reports, requested by the Committee in accordance with article 9, paragraph 1, of the Convention, were due by the end of the twelfth session; three were received during the period under review.

66. The relevant information concerning all reports received during the year under review is contained in table 1:

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12/ The dates on which all reports (initial reports, second and third periodic reports, and supplementary reports) were due, or received during the year under review and reminders (if any) sent in accordance with rule 66 of the provisional rules of procedure and decisions of the Committee may be found in annex III.

Table 1. Reports received during the year under review

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent to the State party
Lebanon	Initial	12 December 1972	30 July 1975	-
Zambia		5 March 1973	11 March 1975	4
Senegal		18 May 1973	23 April 1975	3
Trinidad and Tobago		4 November 1974	28 July 1975	1
Botswana		22 March 1975	1 August 1975	1
Mali		15 August 1975	30 December 1974	-
United Republic of Cameroon	Second periodic	24 July 1974	11 July 1975	2
Chile		20 November 1974	16 July 1975	1
Sweden		5 January 1975	2 January 1975	-
Denmark		8 January 1975	8 January 1975	-
Netherlands		9 January 1975	18 March 1975	-
Cuba		16 March 1975	21 May 1975	-
Austria		8 June 1975	12 August 1975	-
Czechoslovakia	Third periodic	5 January 1974	21 October 1974	2
India		5 January 1974	22 August 1974	-
Libyan Arab Republic		5 January 1974	8 October 1974	2
Niger		5 January 1974	23 August 1975	1
Uruguay		5 January 1974	4 August 1975	3
Venezuela		5 January 1974	15 July 1974	3
Yugoslavia		5 January 1974	14 August 1974	1
United Kingdom		5 April 1974	2 March 1975	1
Holy See		1 June 1974	3 January 1975	1
Mongolia		5 September 1974	9 April 1975	-
Bolivia	Supplementary	31 March 1975	12 December 1974	-
Haiti		31 March 1975	24 April 1975	-
Cyprus		4 August 1975	30 June 1975	-



67. As the information contained in table 1 shows, only five of the reports received during the year under review were submitted on time; the rest were submitted after some delay, ranging from a few days to 23 months. In the case of 14 of the reports received during the year, one to four reminders were sent to the State concerned before the report was submitted.

#### Reports not received by the Committee

68. By the end of the twelfth session of the Committee, 27 reports due before then had not been received: 8 initial reports, 12 second periodic reports, 4 third periodic reports and 3 supplementary reports. Table 2 provides the relevant information on these reports.

Table 2. Reports which were due during, but had not been received by the end of, the year under review

State party	Type of report	Date on which the report was due	Number of reminders sent before the twelfth session
(Central African Republic	(Initial	(14 April 1972	(6
(Central African Republic	(Second	(14 April 1974	(-
(Lesotho	(Initial	( 4 December 1972	(5
(Lesotho	(Second	( 4 December 1974	(-
Togo	Initial	1 October 1973	3
United Republic of Tanzania	Initial	26 November 1973	3
Tunisia	Third	5 January 1974	3
Malta	Second	26 June 1974	2
Jamaica	Second	5 July 1974	2
France	Second	28 August 1974	1
(Peru	(Second	(30 October 1974	(1
(Peru	(Supplementary	(31 March 1975	(-
Lebanon	Second	12 December 1974	-
Iraq	Third	15 February 1975	1
Zambia	Second	5 March 1975	1
Algeria	Second	15 March 1975	1
(Tonga	(Supplementary	(25 March 1974	(-
(Tonga	(Second	(17 March 1975	(1
Laos	Initial	24 March 1975	1
Sierra Leone	Supplementary	31 March 1975	-
Senegal	Second	18 May 1975	-
Mauritius	Second	29 June 1975	-
Jordan	Initial	30 June 1975	-
Greece	Third	19 July 1975	-
United Arab Emirates	Initial	21 July 1975	-
Finland	Third	16 August 1975	-
Upper Volta	Initial	18 August 1975	-

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

69. In accordance with rule 66, paragraph 1, of its provisional rules of procedure, the Committee at its eleventh session requested the Secretary-General to send reminders to all States parties whose reports were due before the closing date of that session but had not been received by then. Accordingly, the Secretary-General sent a sixth reminder to the Central African Republic, a fifth reminder to Lesotho, third reminders to Togo, Tunisia and the United Republic of Tanzania, second reminders to Jamaica and Malta, and first reminders to Algeria, Botswana, Chile, France, Iraq, Laos, Peru, Tonga, Trinidad and Tobago, Uruguay, Venezuela and Zambia.

70. At its twelfth session, the Committee considered other methods of encouraging States parties to comply with their obligations under article 9 of the Convention. At its 247th meeting, on 4 August 1975, the Committee agreed to a proposal made by Mr. Dayal, to the effect that the Chairman should invite the Permanent Representatives of certain States parties to meet with him during the session so that he could ascertain the reasons for the failure of their Governments to submit their initial reports. Mr. Dayal suggested that the invitation be addressed in the first instance to the Permanent Representatives of the Central African Republic, Lesotho, Togo and the United Republic of Tanzania, to whose Governments three or more reminders had been sent with respect to their initial reports. The Committee also agreed to a suggestion to add Peru to the list, in view of the consideration by the Committee at its tenth session of a communication from Peru. <sup>13/</sup> At the 252nd meeting, on 7 August 1975, the Chairman informed the Committee that arrangements had been made for representatives of the five States parties concerned to meet with him on 6 August 1975 but that only the representatives of Togo and the United Republic of Tanzania had attended the meeting. He appealed to members of the Committee who were in a position to do so to discuss individually with the three representatives who did not respond to the Chairman's invitation the importance which the Committee attaches to the compliance by States parties with their obligations under article 9 of the Convention.

71. At the 261st meeting (twelfth session), on 15 August 1975, the Committee approved a number of proposals made by the Bureau regarding the reminders to be sent to States parties in accordance with rule 66, paragraph 1, of the provisional rules of procedure. Taking into account the number of previous reminders sent to each of the States parties concerned, the reports which were still due and the date on which the next report would be due, the Committee decided that reminders should be sent to 19 States parties, as follows:

(1) A seventh reminder to the Government of the Central African Republic, requesting it to submit its initial and second periodic reports, together with its third periodic report (which will be due on 14 April 1976), in one document, by the opening date of the thirteenth session (29 March 1976);

(2) A sixth reminder to the Government of Lesotho, requesting it to submit its initial and second periodic reports in one document, by 1 January 1976;

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<sup>13/</sup> See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618), paras. 243 and 244 and annex IV, sect. D.

(3) A fourth reminder to the Government of Togo, requesting it to submit its initial and second periodic reports in one document, by 1 October 1975, the date on which its second periodic report will be due;

(4) A fourth reminder to the Government of the United Republic of Tanzania, requesting it to submit its initial and second periodic reports in one document by 26 November 1975, the date on which its second periodic report will be due;

(5) A fourth reminder to the Government of Tunisia, requesting it to submit its third and fourth periodic reports in one document by 5 January 1976, the date on which its fourth periodic report will be due;

(6) Third reminders to the Governments of Jamaica and Malta, second reminders to the Governments of Algeria, France and Zambia, and a first reminder to the Government of Mauritius, requesting each of them to send its second periodic report by 1 January 1976.

(7) Second reminders to the Governments of Peru and Tonga, requesting each of them to submit its second periodic report as well as the supplementary report previously requested by the Committee, in one document, by 3 January 1976;

(8) First reminders to the Governments of Lebanon and Senegal, requesting each of them to submit its second periodic report by 1 January 1976 and to include in that report the additional information which the Committee requested during its consideration of that Government's initial report at the twelfth session;

(9) A second reminder to the Government of Laos, requesting it to submit its initial report by 1 January 1976;

(10) A first reminder to the Government of Sierra Leone, requesting it to submit the supplementary report previously requested by the Committee as well as the fourth periodic report which will be due on 5 January 1976 in one document by that date;

(11) First reminders to the Governments of Jordan and the United Arab Emirates, requesting them to submit their initial reports by 1 January 1976.

The Committee approved also the Bureau's suggestion that no reminders be sent to the Governments of Greece and Iraq, which had already informed the Committee that their respective reports were under preparation, and Finland and the Upper Volta, whose reports were due on 16 and 18 August 1975, respectively.

72. It will be recalled that rule 66 of the provisional rules of procedure of the Committee 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." 14/

In accordance with paragraph 2 of rule 66, the Committee draws the attention of the General Assembly to the relevant information contained in table II (para. 68 above).

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

"The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention." 15/

The Committee still holds that view.

#### B. Consideration of reports

74. At its eleventh and twelfth sessions, the Committee completed the consideration of all the reports submitted during the year under review by States parties in accordance with article 9, paragraph 1, of the Convention - except for the second periodic report of Cuba, the annexes to which had not been received by the end of the twelfth session. In addition, the Committee considered the third periodic reports of Argentina and Cyprus, the consideration of which was deferred to the eleventh session at the request of the Governments of those two States. 16/

75. At the eleventh and twelfth sessions, 27 reports submitted by 25 States parties were considered by the Committee (see annex IV).

76. The Committee devoted 26 of the 43 meetings it held in 1975 to the discharge of its obligations under article 9 of the Convention, as described in the preceding two paragraphs.

77. In accordance with rule 64 A of its provisional rules of procedure, the Committee followed the practice - inaugurated at its fourth session 17/ - of requesting the Secretary-General to notify the States parties concerned of the dates on which their respective reports would be considered. The Committee is happy to report that a representative of the reporting State participated in the consideration of every report submitted under article 9 of the Convention and considered by the Committee at its eleventh and twelfth sessions.

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14/ Ibid., Twenty-fifth Session, Supplement No. 27 (A/8027), annex II.

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

16/ Ibid., Twenty-ninth Session, Supplement No. 18 (A/9618), para. 75.

17/ Ibid., Twenty-sixth Session, Supplement No. 18 (A/8418), para. 36.

78. The following paragraphs are arranged on a country-by-country basis according to the sequence followed by the Committee at its eleventh and twelfth sessions in its consideration of the reports submitted by States parties - except in the case of the supplementary report of Cyprus, which was requested by the Committee at the eleventh session and considered at the twelfth, and which is discussed below together with the third periodic report of Cyprus, which was considered at the eleventh session.

#### Argentina

79. Members of the Committee noted that the information contained in the third periodic report of Argentina, together with the information supplied in earlier reports, described the compliance of the reporting State with its obligations under articles 4, 5 and 6 of the Convention. It was noted also that, in addition to constitutional articles and legislative provisions, the report referred to judicial measures, as required by article 9, paragraph 1, of the Convention. It was observed that the complete texts of all the relevant articles of the Constitution and all the legislative provisions, to which the report under consideration or earlier reports referred, were supplied. On the other hand, there was no information on compliance with the obligations under article 7 of the Convention; nor was the information envisaged in general recommendations III (on relations with racist régimes) or IV (on population) furnished by the reporting State.

80. Some members doubted that the information at hand was sufficient to show full compliance by the reporting State with the requirements of article 4 of the Convention, and others were left uncertain as to the present status of legislation corresponding to the subject-matter of paragraphs (a) and (b) of that article. Members were of the opinion that the requirements of articles 5 and 6 of the Convention were only partially met by existing legislation, as reported.

81. Questions were asked about the scope of "derechos civiles" in Argentinian law; the connotation of the expression "prerogatives of blood and birth" used in article 16 of the Constitution; the rights enjoyed by migrant workers; whether the rights enjoyed by aliens under articles 14 to 20 of the Constitution - which appeared to assure aliens of equal rights with citizens - included political rights; the applicability of amparo proceedings to acts of racial discrimination perpetrated by private individuals or groups; and the territorial scope of application of the act concerning amparo proceedings, and in particular whether it applied to Antarctica.

82. The representative of Argentina commented on the questions relating to rights of migrant workers and the applicability of amparo proceedings to Antarctica. She stated that she would convey the comments made by members of the Committee to her Government so that they might be taken into consideration in future reports.

#### Bolivia

83. Most members of the Committee noted that the second periodic report of Bolivia was more informative than the initial report and the subsequent

communication from Bolivia which were considered at the fourth and tenth sessions, respectively. However, they were of the opinion that much of the information contained in the second periodic report was at best of indirect relevance to the provisions of the Convention, while most of the information required under article 9 of the Convention was lacking. Apart from the text of article 6 of the Constitution, there was no information on the legislative, judicial, administrative or other measures giving effect to the provisions of the Convention. The report contained no information that indicated compliance by the reporting State with its obligations under articles 2, paragraphs 1 (c) and 2, 4, paragraphs (a) and (b), 5, 6 or 7 of the Convention. The information envisaged by the Committee in general recommendations III (concerning relations with racist régimes) and IV (concerning the composition of the population) was not supplied. Nor did the report take into account the comments made by members of the Committee at its tenth session, when a communication from Bolivia was considered. 18/ Finally, the report was not organized on the basis of the guidelines laid down by the Committee at its first session.

84. Several members commented on the opening statement in the report, to the effect that, "in Bolivia, there is no statutory provision sanctioning discrimination, since there is no racial discrimination in any form". It was their unanimous view that even a satisfactory de facto situation did not remove the need for the sanction of certain laws, particularly in connexion with such articles of the Convention as article 4 which are mandatory in nature and which require positive legislative measures.

85. The representative of Bolivia stated that she would convey the comments of the members of the Committee to her Government, "which would have no objection to submitting fuller information in subsequent reports".

#### Cyprus

86. The third periodic report of Cyprus, dated 14 June 1974, was received before the tenth session of the Committee, but its consideration was deferred until the eleventh session at the request of the reporting State. It was limited to the statement that there had been no change in the situation since the submission of the second periodic report in December 1972.

87. At the beginning of the Committee's consideration of the report at the eleventh session, however, the representative of Cyprus supplied the Committee with additional oral information to the effect that racial discrimination was being practised on a large scale on part of the territory of Cyprus over which the Government of Cyprus had no effective control. He drew the attention of the Committee to the fact that it had been confronted in the past with analogous conditions when it considered reports from the Syrian Arab Republic and Panama: in these three cases, the reporting State informed the Committee that it was unable to comply with its obligations under the Convention on a portion of its national territory which was under the effective control of another State that was not a party to the Convention. He suggested that the Committee should act with respect to the report of Cyprus as it had acted with respect to the analogous situations cited above.

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18/ Ibid., Twenty-ninth Session, Supplement No. 18 (A/9618', paras. 178 and 179.

88. All members agreed that the Committee could not fail to express its concern at the reported practice of racial discrimination on the territory of a State party over which the State concerned could not exercise effective control; equally all members agreed that the international political aspects and the military aspects of the situation in Cyprus were outside the competence of the Committee. There was extensive discussion of two other questions: first, whether the Committee should express its concern over the information before it at the eleventh session or whether it should - simultaneously or alternatively - request the reporting State to furnish it with additional information which would be considered at the twelfth session; and, secondly, whether the Committee should express the hope that conditions in Cyprus would be settled in accordance with the provisions of resolutions adopted by the competent bodies of the United Nations. General agreement was reached on the need to express at the eleventh session the Committee's concern at the information laid before it and its hope for "a speedy normalization of conditions in Cyprus", and to request the Government of Cyprus to supply additional information for consideration at the twelfth session. At the request of the Chairman, the Rapporteur presented a draft decision reflecting the consensus reached during the discussion. The draft was adopted by the Committee without objection at the 235th meeting, on 8 April 1975. (For the text of decision 3 (XI), see chap. VII, sect. A below.)

89. The supplementary report of Cyprus, containing the information requested by the Committee in its decision 3 (XI), was considered at the twelfth session. It was supplemented by additional information presented in an oral statement made by the representative of Cyprus. The Committee took into account also the information contained in press releases issued by the United Nations Office of Public Information, regarding the achievements of three rounds of talks between the communities directly concerned, including their agreement to hold a fourth round of talks in September 1975.

90. A draft decision was presented, expressing once more the concern expressed in Committee decision 3 (XI) and the hope that the progress achieved so far would continue, that the resolutions adopted by the competent organs of the United Nations would be implemented, that a speedy normalization of conditions in Cyprus would be effected, and that refugees and other human beings in Cyprus suffering hardships because of their racial or ethnic origin would be enabled to enjoy fully their fundamental human rights without discrimination. Amendments submitted by three members of the Committee were accepted by the author of the draft decision, and at the Committee's 251st meeting, on 6 August 1975, the draft decision as amended was adopted without a vote, with one member of the Committee expressing his reservations. (For the text of decision 1 (XII), see chap. VII, sect. B below.)

## India

91. The third periodic report of India, in the view of the members of the Committee, supplemented the comprehensive information contained in previous reports and brought some of that information up to date. Satisfaction was expressed, in particular, with the fact that, although the report supplied information on changes in legislation which had been made during the period under review, including amendments to the penal code, it also dealt extensively with administrative and other measures and furnished additional information on court cases as well, as required under article 9, paragraph 1, of the Convention.

Diverse special measures aimed at promoting the development and safeguarding the rights of the Scheduled Castes and Scheduled Tribes were viewed as actions taken in compliance with the reporting State's obligations under article 2, paragraph 2, of the Convention. Some members were not sure, however, whether the requirements of article 4, paragraph (b), of the Convention were fully met by the legislation in force, as reported. Information was lacking, in the view of some members, on measures under articles 6 and 7 of the Convention.

92. Some members expressed interest in receiving, in future reports, information on the racial composition of the Scheduled Tribes, on any other groups that may be covered by the concept of "untouchability", on other castes or tribes (if any) that have not been scheduled, and on the legal differences between scheduled and non-scheduled tribes, as well as further information on the extent to which the practical measures to assist the Scheduled Castes and Scheduled Tribes have been successful, and on the content of the reports presented by the Commissioner for Scheduled Castes and Scheduled Tribes. Furthermore, in view of the fact that article 46 of the Constitution was described in the report as "relevant" to the "socio-economic development of the Scheduled Castes and Scheduled Tribes", a request was made for the text of that article. Some members inquired about a case mentioned in the previous reports and in the report under consideration and described as having led to a decision by the Supreme Court, which in turn was followed by an amendment to the Constitution, and to further decisions by the Supreme Court, all relating to the question of whether rights guaranteed by the Constitution could validly be abridged or curtailed by amendments to the Constitution.

93. The representative of India commented on the last question mentioned in the preceding paragraph from the standpoint of its relevance to India's obligations under the Convention. He said that he would inform his Government of the comments and requests made by the members of the Committee.

#### Denmark

94. Members of the Committee noted that, although no new legislation relating to racial discrimination had been enacted in Denmark since the submission of its initial report, the second periodic report contained extensive information, which was organized in accordance with the guidelines laid down by the Committee. The report took into account the requests for additional information as well as the observations made by the members of the Committee during its consideration of the initial report. The second periodic report contained a section on Greenland and the texts of the legislative provisions to which reference was made, in accordance with the wishes expressed by the Committee. Some information on the demographic composition of Denmark, and separate demographic information on Greenland, was also included in response to the Committee's general recommendation IV. Members of the Committee observed, however, that the information envisaged in general recommendation III was not supplied, and that the information on court decisions and on the implementation of article 7 of the Convention was meagre.

95. Several members of the Committee expressed the views that the legislation giving effect to the provisions of article 4, paragraphs (a) and (b), of the Convention satisfied the requirements of that article; that the measures taken to apply article 6 of the Convention were satisfactory; that the situation relating to the application of the provisions of the Convention in Greenland



was also satisfactory; and that the special measures and the policies described in the report, relating to the German minorities and the gypsies, were in accord with the provisions of article 2, paragraph 2, of the Convention.

96. Concern was expressed with regard to the compatibility of the distinctions made among migrant workers on the basis of their countries of origin with the provisions of article 1 of the Convention. It was noted that distinctions were made between the nationals of the Nordic countries, those of States members of the European communities, and those of other countries, with respect to the requirement of work permits. Although they recognized that the preferential treatment in that regard granted to workers from the Nordic or other European countries was the result of the terms of international instruments to which Denmark was a party, some members of the Committee nevertheless were of the opinion that the situation under consideration represented a conflict between the commitments of Denmark under those instruments and the commitments it assumed under the Convention.

97. The following questions were raised during the consideration of the report: Which courts were competent to hear cases relating to section 78, subsection 2, of the Constitution, which provides for certain associations to be dissolved by judgement? How was article 7 of the Convention implemented? How were the fines which were imposed out of court, in the cases mentioned in the report and dealing with admission to restaurants, imposed? Had the freeze imposed on the immigration of foreign labour at the end of 1973 applied to nationals of all countries, with no exception made for workers from the Nordic or other European countries? Did the competence of the Danish ombudsman also extend to Greenland? Were there cases of racial discrimination directly related to Greenland? Was the ombudsman able to provide effective protection in cases of racial discrimination?

98. The representative of Denmark assured the Committee that all the questions raised during the discussion of his Government's report would be dealt with in future reports. In the meantime, he gave the following preliminary answers to some of those questions: Cases relating to section 78, subsection 2, of the Constitution would be heard in ordinary courts of first instance, with the possibility of appeal reaching as high as the Supreme Court. In Denmark there was a commission responsible for school textbooks which endeavoured to include in them information on human rights and racial discrimination; schools were free to choose the texts which they preferred from among those offered to them by the commission. With regard to the fines imposed out of court, it was the police who imposed them; if the person fined agreed to pay, the case was closed; if the person did not agree to pay, recourse could be had to the courts.

99. Regarding migrant workers, the representative of Denmark stated that the requirement that nationals of countries other than the Nordic countries or member States of the European communities should obtain work permits before taking up employment could not be considered discriminatory: it was a preference granted by Denmark to certain nationalities in accordance with international treaties which it had concluded.

#### Niger

100. While taking note of the statements made in the third periodic report of Niger that no new legislative, judicial, administrative or other measures, which had

any relevance to the application of the Convention, had been taken since the submission of the second periodic report, and that the suspension of the Constitution in April 1974 had caused no change in the applicability of other legal provisions (including article 102 of the penal code, which deals with discrimination), members of the Committee observed that no information had yet been provided by the reporting State, in any of its reports, on the implementation of article 4, paragraph (b), or articles 6 and 7 of the Convention, or on legislative measures of a secondary nature giving effect to the principle of equality enshrined in the Constitution and to the other rights enumerated in article 5 of the Convention. Nor had the successive reports of the Niger provided the information envisaged in general recommendation III of the Committee, concerning relations with racist régimes. It was also observed that the reports of the Niger were not organized in accordance with the guidelines laid down by the Committee at its first session.

101. Although they recognized that the suspension of the Constitution was a sovereign right of any State, members of the Committee were of the opinion that it was within the purview of the legitimate concern of the Committee to ascertain that the suspension was of a general nature, applying to all citizens, without restriction, limitation or preference for or against any given racial or ethnic group. Some members observed that article 6 of the Constitution, which had been suspended, was the basic legislative provision relative to the implementation by the reporting State of article 4, paragraph (a), and article 6 of the Convention; and they asked if other measures had been taken to ensure the continued implementation of those articles of the Convention. It was also asked whether Ordinance No. 59-135, which gave effect to the provisions of article 4, paragraph (a), of the Convention, had been affected by the suspension of the Constitution. A request was made for the reporting State to specify in its next report exactly which provisions of the Constitution had been suspended and what other laws had been enacted to replace those provisions, particularly where human rights were concerned.

102. The representative of the Niger informed the Committee that his country had no relations with the South African régime; that his Government had long ago prohibited all trade with South Africa and denied South African aircraft overflight and landing rights; and that the guarantees of the rights of the individual and the penal code remained in force in spite of the suspension of the Constitution. He assured the Committee that his Government would take into account any questions that had not been answered, as well as the comments made by members of the Committee, when preparing its next report.

#### Libyan Arab Republic

103. Discussion of the third periodic report of the Libyan Arab Republic revolved principally around the extent to which the legislation in force, as reported, satisfied the requirements of paragraphs (a) and (b) of article 4 of the Convention. It was felt by members that the information at hand showed that parts of the requirements of both paragraphs were met by the provisions of the articles of the criminal code cited in the report; but, in view of the fact that those articles were paraphrased instead of being textually reproduced in full, and also in view of apparent ambiguities in the translation from the original text, which was in the Arabic language, members were unable to determine precisely the extent to which the relevant provisions of the criminal code corresponded to

the provisions of article 4 of the Convention. It was noted that information on the ethnic composition of the population, as well as information on the implementation of articles 6 and 7 of the Convention, was lacking. It was recalled, however, that the two preceding reports had contained extensive information in accordance with article 9, paragraph 1, of the Convention, and that the information envisaged in general recommendation III (concerning relations with racist régimes) had been previously given to the Committee.

104. The representative of the Libyan Arab Republic replied to a specific question concerning the term used in the original Arabic text for "citizen". He assured the Committee that the full text of the articles cited in the third periodic report would be provided in the next report or earlier, and that he would convey to his Government the other observations made by members of the Committee during the discussion.

#### Yugoslavia

105. Much of the discussion of the third periodic report of Yugoslavia dealt with the new constitutional order described in the report, and the new division of power between the federal authorities and those of the constituent republics and autonomous provinces. It was noted that a new Constitution had been promulgated in Yugoslavia in 1974 and new constitutions had also been promulgated in the socialist republics and the socialist autonomous provinces, and that, under the new arrangements, the protection of the rights and freedoms of citizens had devolved upon the republics, which were responsible for adopting their own criminal codes. This information gave rise to several questions: Was it now necessary for the republics and provinces to adhere to the Convention anew, or was it sufficient for Yugoslavia to be a party to it? If it was necessary for the various republics and provinces to adopt their own penal codes in order to regulate the protection of citizens against discrimination, would the federal courts in the meantime retain their jurisdiction in cases relating to discrimination until such time as the republics and autonomous provinces promulgated their respective criminal codes? What guarantees were there that the various criminal codes would actually embody provisions corresponding to the requirements of the Convention? And as a State party to the Convention with the obligation to implement its provisions, did the Federation have the power to ensure that the criminal codes of its constituent republics and autonomous provinces would comply with the provisions of the Convention? It was observed that the reporting State should transmit to the Committee the relevant constitutional provisions, and the statutes which applied those provisions, in the various republics and autonomous provinces.

106. With regard to the new federal Constitution, provisions corresponding to the requirements of articles 5 and 6 of the Convention were noted. The relevant articles of the Yugoslav Criminal Code implementing article 4 of the Convention were also noted, although there was some uncertainty as to whether or not all the requirements of paragraph (b) of that article were met by the legislative provisions mentioned in the report. It was asked whether administrative or judicial procedures existed for declaring illegal an organization which promoted and incited racial discrimination.

107. It was observed that the report did not furnish any information regarding

the implementation of article 7 of the Convention. And it was asked whether any court had rendered decisions on questions falling within the scope of the Convention.

108. Several members of the Committee noted with satisfaction the extensiveness of the information furnished in the report and the usefulness of additional material circulated to members, including a book entitled Nations and Nationalities of Yugoslavia, published on the occasion of a United Nations seminar on the promotion and protection of human rights of national, ethnic and other minorities, which had been held in Ohrid in 1974.

109. The representative of Yugoslavia commented on the questions pertaining to the link between the republics and the Federation, informing the Committee that the Federation was responsible for guaranteeing the fulfilment of international obligations contracted throughout the territory of Yugoslavia. There was a procedure for holding consultations before an international legal instrument was approved, she stated. With regard to the questions raised concerning the criminal codes, she said that the criminal codes of the different republics were still in the process of being drawn up, and that, in the meantime, the existing Criminal Code would remain in force. She added that the constitutions of the republics were promulgated in the languages of the various nations and nationalities of each republic and that, as soon as the texts had been translated into the official languages of the United Nations, they would be transmitted to the Committee. Referring to the articles of the Criminal Code cited in an earlier report, she indicated that the provisions of those articles referred to both the organizers and the members of groups; the requirements of both paragraphs (a) and (b) of article 4 of the Convention were taken into account in the Yugoslav legislation. With reference to the question whether the courts had passed any sentences in connexion with the struggle against racial discrimination, she stated that no such sentences had been passed and assured the Committee that, if any judgements falling within the scope of the Convention were made, the Committee would be duly informed. Lastly, she stated that all the questions that remained unanswered would be answered in the next reports.

#### Holy See

110. In considering the third periodic report of the Holy See, members of the Committee recalled - as they had done when they considered the second periodic report - that the reporting State's obligations under the Convention should be viewed in the light of that State's unique character. They shared the view, expressed in the report, that "the contribution of the Holy See is situated mainly in the domain of education and formation of public opinion"; and they took note of the excerpts from the principal documents, decrees and declarations contained in the report.

111. Note was taken of a statement by the Pope, to the effect that "mere denunciation, often too late or ineffective, is not sufficient"; and the question was raised whether the Holy See itself had gone beyond "mere denunciation" of racial discrimination in terms which were too general and which failed to identify the régimes and policies which promoted racial discrimination. Comments were made regarding a Declaration on Human Rights by the Synod of Bishops, which stated: "No nation today is faultless where human rights are concerned. It is not the role of the Synod to identify specific violations; this can better be done at the

local level". Some members thought that, while it was perhaps true that no nation was entirely faultless, it was wrong to conclude that therefore all nations were equally at fault, as far as racial discrimination was concerned; and régimes which made racial discrimination the corner-stone of their national policy should be identified and condemned not only at the local level but also by the central authority. It was noted that no information was given on what was being done concretely at the local level to combat racial discrimination, particularly where its practice was a matter of national policy. Finally, interest was expressed once again (as it had been at the seventh session) in receiving the report of the International Colloquium on Racial Discrimination, which was organized by the Pontifical Commission on pax et justitia in 1972.

112. The representative of the Holy See confirmed the view of members of the Committee that the unique character of the Holy See had affected the nature of its report and led it to concentrate on statements of principle rather than specific examples of action. Although it would be more difficult to find examples of concrete action - since such action took place in various countries rather than the Holy See - every attempt would be made to ensure that the next report was more specific, he said. He interpreted the statement of the Synod of Bishops, to which reference was made in the discussion, as meaning that it was not for the Synod to identify specific violations but to elaborate general guidelines which could then be implemented at the local level. Denunciations of particular situations were left to the local bishops; indeed, the bishops in Rhodesia had been very outspoken. It was probably true, however, that not enough had been done locally and that more dynamism was required. Furthermore, while it was perfectly true that mere denunciation was not sufficient, the effect of a denunciation by a body with the moral weight of the Catholic Church should not be underestimated; and, in any case, moral denunciation was one of the few weapons available to the Holy See. Finally, he informed the Committee that the report of the international Colloquium was an internal working document of the Pontifical Commission concerned and that publication had not been envisaged; however, he was quite prepared to inquire into the possibility of it being published.

### Mali

113. Members of the Committee noted that the initial report of Mali contained much useful information, which was organized on the basis of the guidelines laid down by the Committee at its first session, as well as the texts of the most important provisions of the Constitution and the penal code to which it referred. The information and texts at hand had some bearing on the provisions of most of the substantive articles of part I of the Convention, including articles 1 (2), 3, 4 (a), 5, 6 and 7. However, it was also noted that some provisions of the Constitution were cited but not quoted in the report; that the information contained in the report related to parts of the provisions of articles 4, 5, 6 and 7 of the Convention only; and that the information envisaged in the Committee's general recommendations III (on relations with racist régimes) and IV (on the composition of the population) was not supplied.

114. It was observed that the rights enjoyed by foreign residents in the reporting State were not precisely set out in the report. Members inquired whether foreign residents enjoyed all civil rights in Mali and were subject only to a limitation of their political rights; they expressed an interest in receiving the relevant

legal texts. Other members noted, however, that the report affirmed that foreign nationals found employment in the public administration of the country.

115. Much of the discussion revolved around article 55 of the penal code, which occupied a prominent place in the report. Several members commented on the wide scope of that article; but they felt that, although it was very broad, it did not satisfy all the requirements of article 4 of the Convention. It was felt that it should be supplemented by more precise legislative provisions, and that information was required about the way in which it was interpreted and applied by the public authorities and the courts. More specifically, it was asked whether it would be correct to assume that the Malian courts could invoke article 55 of the penal code to deal with the organizations referred to in article 4, paragraph (b), of the Convention, and what the connotation of the concept of "regionalist propaganda" was.

116. The representative of Mali confirmed that article 55 of the penal code could be invoked to deal with organizations such as those described in article 4, paragraph (b), of the Convention, and explained the concept of "regionalist propaganda" in Malian penal legislation. He confirmed that, "with the obvious exception of certain political posts, public administration posts were open to nationals of foreign minorities living in Mali", and assured the Committee that his Government's next report would contain "a full explanation of the situation of minorities in public administration". He informed the Committee that his Government banned relations with colonial or racist régimes and that South African aircraft were not allowed to overfly Malian territory; his Government's next report would contain the texts of the relevant laws. Finally, he assured the Committee that he would transmit to his Government all the questions that had been raised.

#### Netherlands

117. Members of the Committee observed that the second periodic report of the Netherlands contained detailed information on judicial and administrative measures giving effect to the provisions of the Convention, as required under article 9, paragraph 1, of the Convention, as well as detailed information on the numbers and situation of migrant workers, nationals of the Kingdom from Surinam and the Netherlands Antilles, and Moluccans in the reporting State. It was noted that the report took note of, and commented on, observations made and questions raised by members of the Committee during the consideration of the initial report of the Netherlands. Members found useful the inclusion, in an annex to the report, of questions raised by members of Parliament (Second Chamber) and the Government's written replies, with regard to matters within the scope of the Convention. It was observed also that the report was both frank and informative, stating the problems and setting forth solutions.

118. Special note was taken of the measures - envisaged in article 2, paragraph 2, of the Convention - which had been adopted with respect to nationals of the reporting State from Surinam and the Antilles; of the principle of promoting the integration of minority groups, rather than their complete assimilation; and of the measures adopted with respect to foreign workers.

119. It was noted that, while no additional legislation had been enacted in the period with which the report dealt, the Government had adopted decrees nullifying

a discriminatory by-law of the municipality of Rotterdam, and had instituted proceedings against one individual in accordance with the requirements of article 4, paragraph (a), of the Convention and against six other individuals in the implementation of article 5, paragraph (f), of the Convention. In this connexion, some members of the Committee requested further information on the outcome of these proceedings. It was observed that, according to the information provided, the Ministry of Justice had shown, at least in two cases, a certain reluctance to prosecute acts of racial discrimination.

120. The representative of the Netherlands commented in detail on most of the points that had been raised by members of the Committee during their consideration of his Government's report, and assured the Committee that he would convey all the observations and questions to his Government. He informed the Committee, inter alia, that migrant workers enjoyed both de jure and de facto equal protection as nationals and had exactly the same rights as national workers, subject to certain restrictions in respect of political activities only but not in respect of social or economic rights; that the difference in treatment of foreign workers from countries in the European Economic Community and foreign workers from other countries lay in the fact that the first group came by virtue of a multilateral treaty which granted them freedom of movement within the Community while the second group came to the Netherlands on the basis of bilateral agreements; and that his Government had always maintained that apartheid was a violation of human rights, had refused to provide assistance to perpetuate that policy, and had complied fully with the Security Council resolutions on sanctions, but that it did not entirely agree that the isolation of South Africa could solve the apartheid problem and felt that dialogue with South Africa could yield positive results.

#### Czechoslovakia

121. Members of the Committee noted that, inasmuch as no changes affecting the relevant legislation of the reporting State had occurred during the period under review, the information contained in the third periodic report of Czechoslovakia related mainly to policies and activities in the field of education and in the public media of information, and to activities by Czechoslovak national organizations, in implementation of articles 7, 3 and 2, paragraph 1 (e), of the Convention, as well as to activities on the international level, including programmes of assistance to countries and peoples struggling for liberation from racial and colonial oppression and measures of compliance with the resolutions of the Security Council and the General Assembly of the United Nations dealing with relations with the racist régimes in southern Africa. Members of the Committee took note also of the statement that legislative preparations were under way for the ratification of the two International Covenants on Human Rights, already signed by the reporting State, as well as for signing the International Convention on the Suppression and Punishment of the Crime of Apartheid. It was observed, however, that demographic information (envisaged in the Committee's general recommendation IV) was lacking in the report as was also information on judicial, administrative and other measures (required under article 9, para. 1, of the Convention). Some members inquired whether there were any legislative provisions relating to the obligations of States parties in respect of reparation, under article 6 of the Convention.

122. Questions were raised about the status of foreign workers in Czechoslovakia and about such measures as may have been taken in order to ensure the successful integration of gypsies in Czechoslovak society.

123. With reference to the information contained in a supplementary report submitted in response to Committee decision 3 (VII), it was observed by some members of the Committee that the provisions of the Czechoslovak Penal Code which corresponded to the provisions of article 4 of the Convention appeared to be limited by the requirement that, in order to be an offence, an act must be public and must also provoke indignation - a requirement which was not contained in article 4 of the Convention; however, other members were of the opinion that the requirements of article 4 of the Convention (including those of para. (b)) were fully met.

124. Referring to the question of article 4 of the Convention, the representative of Czechoslovakia explained that a manifestation of racial hatred was considered public if it occurred in a group of three or more persons or was expressed in a radio or television programme or in the press. Concerning reparation for damages, he explained that, if an offence under the Convention was a crime under Czechoslovak law and gave rise to a claim for damages, the question of reparation would be governed by the general principles of Czechoslovak law on reparation. Regarding foreign workers, he stated that their situation and rights were the same as those of Czechoslovak workers; and he informed the Committee that most of the foreign workers in Czechoslovakia came from socialist countries under intergovernmental agreements implemented by the national authorities concerned. He assured the Committee that the comments made by members would be transmitted to his Government and would be taken into consideration when the next periodic report was being prepared.

#### Sweden

125. In considering the second periodic report of Sweden, members of the Committee took note of the additional information transmitted to the Committee to supplement that report, and in particular the summary of the final report of the Commission on Immigration and the terms of reference given by the Government to a Commission on Municipal Franchise and Eligibility. The Committee took note of the statements contained in the report to the effect that, during the period under review, no legislative measures giving effect to the provisions of the Convention had been adopted or found necessary, and that no cases of violations of provisions of the Convention had been the subject of decisions of courts or administrative authorities. It also took note of the statement that, in view of the manner in which Swedish statistics are presented, it was not possible to furnish information on the demographic composition of the reporting State in terms of the categories used in article 1 of the Convention.

126. Some members pointed out, however, that, although the report stated that it had not been found necessary to introduce new legislation against racial discrimination in connexion with the Convention, the Commission on Immigration had felt that certain measures were necessary. Questions were raised about the nature of the residual legal distinctions between Swedes and foreign nationals, referred to in the report of the Commission; and the hope was expressed that the Government would take the Commission's recommendations for their elimination into account. It was hoped also that information on the progress achieved towards that goal would be included in the next report. Surprise was expressed by some members at the statement that information on the demographic composition of the population was not available, particularly since the Commission on Immigration had been able to find such information.



127. Regarding the statement that there were no cases of violations of provisions of the Convention to be reported, the question was raised as to whether some violations might not have been reported to the Ombudsman.

128. Noting that the text of chapter I, article 3, of the Constitution, which was appended to the report under consideration, referred to courts and administrative authorities, members of the Committee inquired whether there were similar provisions of the Constitution which were binding upon the legislature. They also asked what judicial mechanism existed in Sweden, in accordance with article 6 of the Convention, to ensure that the right of individuals to seek redress could be effectively exercised.

129. Referring to the supplementary information concerning the implementation of article 4 submitted in response to Committee decision 3 (VII), members of the Committee observed that chapter 16, section 8, of the penal code, as amended, now seemed to comply with article 4, paragraph (a), of the Convention, but that they were unable to determine, without having received the exact text, whether that section and section 5 of chapter 16 complied with paragraph (b) of article 4 of the Convention. A request was made for the text of chapter 16, section 5, of the penal code, to be transmitted to the Committee.

130. In his statement before the Committee, the representative of Sweden read out the text of chapter 2, article 1, of the Constitution of Sweden, which demonstrated that no distinction was made between citizens and non-citizens, except that non-citizens could not participate in the electoral process. He informed the Committee, however, that the Government was currently investigating the possibility of aliens participating in municipal elections. With regard to the right of legal redress, provided for in article 6 of the Convention, he referred to a new Act on damages, formulated in 1972, which filled the gap in Swedish legislation in the matter of legal redress. With reference to the question of violations reported to the Ombudsman, he expressed the opinion that any actions by the latter would have been referred to the courts. On the subject of article 4, paragraph (b), of the Convention, he referred to the report of the Commission set up to study the Swedish legal system before the ratification of the Convention, (with particular reference to the requirements of article 2, paragraph 1 (d), of the latter), on the basis of which the Swedish authorities had decided that it was not necessary to promulgate a special law to give effect to article 4, paragraph (b), of the Convention. Finally, he referred to Sweden's opposition to racial discrimination and any ideology based on such discrimination, and stated that such opposition had been illustrated by Sweden's "support of the three United Nations trust funds for southern Africa and its support of the liberation movement".

#### Zambia

131. The information contained in the initial report of Zambia, and the supplementary information concerning the implementation of article 4 submitted in response to decision 3 (VII) of the Committee, showed substantial compliance with articles 3, 5 and 6 of the Convention; members of the Committee noted, however, that information was lacking on the implementation of articles 4 and 7 of the Convention as well as on administrative and other measures giving effect to the provisions of the Convention. It was also observed that the report was not organized on the basis of the guidelines laid down by the Committee at its

first session, and that the information envisaged in the Committee's general recommendations III (on relations with racist régimes) and IV (on the composition of the population) was not furnished. Members of the Committee expressed the hope that the full texts of the articles of the Constitution and the legislative provisions mentioned in the report, together with the texts of other relevant articles and provisions, would be supplied in the next report.

132. The representative of Zambia assured the Committee that the comments and questions of its members would be duly conveyed to his Government, and would be taken into account in the next report, which would also include the texts of the relevant provisions of the 1964 and 1973 Constitutions.

### Mongolia

133. Members of the Committee noted the statements contained in the third periodic report of Mongolia that, during the period under review, no new legislative acts relating to the elimination of racial discrimination had been taken, all the legislative acts referred to in the previous reports remained in force and were fully respected, and no cases involving matters relating to racial discrimination had been brought before the courts. It was noted also that Mongolia had ratified the two International Covenants on Human Rights as well as the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1974. The Committee took note of the information on measures giving effect to the provisions of article 7 as well as article 2, paragraph 2, of the Convention. With respect to the implementation of article 6 of the Convention, the information on the office of the Procurator appeared relevant. Members took note of the information concerning the reporting State's firm support of the policy of not establishing diplomatic, trade or other relations with colonial or racist régimes and of applying sanctions against the racist régimes in all spheres of international activity.

134. It was noted, however, that the text of article 53 of the criminal code, which appeared to correspond to the provisions of article 4, paragraph (a), of the Convention, was not supplied to the Committee, and a request that the text of that article be furnished in the next report was made, as well as an inquiry about the connotation of the concept of "nationalistic ideas", the propagation of which appeared to be subject to severe penalties under that article. It was asked whether there were other provisions of the criminal code which gave effect to the mandatory provisions of article 4, paragraph (b), of the Convention. With regard to article 6 of the Convention, an inquiry was made as to whether individuals who wished to lodge complaints concerning an act of racial discrimination committed by the authorities or other individuals could ask the Procurator to institute proceedings against them or whether the decision to do so remained at the discretion of the Procurator. Questions were asked about the ethnic composition of the population, and, specifically, why the information in the report under consideration was confined to the special measures relating to the Kazakhs whereas earlier reports had mentioned other minorities as well.

135. The representative of Mongolia assured the Committee that, in his Government's next report, the text of article 53 of the criminal code would be provided. With regard to the words "nationalistic ideas", used in the translations, it might have been more accurate to speak of "chauvinistic ideas", he suggested. His Government would try to amplify the information relating to

the implementation of article 4 of the Convention in the future. Express reference was made in the report under consideration only to the Kazakhs because, with the exception of the Chinese and the Russians, the other groups mentioned in previous reports formed part of the Mongolian group and spoke dialects of the Mongolian language; the Kazakhs were the only real national minority. As for the Russians and Chinese, those who had permanent residence in Mongolia had the same rights as Mongolians but those who maintained their Chinese or Soviet citizenship could not participate in political life.

#### United Kingdom

136. Members of the Committee observed that the information contained in the third periodic report of the United Kingdom and its voluminous annexes was detailed in nature and comprehensive in scope, complying with all the requirements of article 9, paragraph 1, of the Convention; furthermore, like the preceding reports submitted by the reporting State, the report under consideration was organized in accordance with the guidelines laid down by the Committee at its first session. The information envisaged by the Committee in its general recommendation IV was supplied in detail. It was noted also that the report maintained a dialogue with the Committee, responding to questions and commenting on observations made by members during the discussion of earlier reports. Members of the Committee took note of the fact that, in the report under consideration, there was a balance between compliance with the obligation to fight against racial discrimination and fulfilment of the obligation to promote racial tolerance and coexistence; there was also a balance between the public and private agencies entrusted with those tasks. In that connexion, stress was laid on the information given on the implementation of article 7 of the Convention. Finally, the report was described by some members as "serious and frank" in admitting that racial discrimination continued to exist in the United Kingdom and in forwarding a large number of legal texts adopted to eliminate it.

137. Some members of the Committee, however, noted with regret that the reporting State had maintained its policy of not responding to the Committee's general recommendation III, concerning information on relations with racist régimes.

138. It was observed that the information contained in the annexes to the report under consideration showed that racial discrimination still occurred in the United Kingdom, that the number of complaints on that subject - which were concerned largely with violations of the right to work, to housing, to health services, to social benefits and to access to public places - was increasing yearly, and that many of those complaints turned out to have a basis in fact; and it was suggested that the reason why, despite its efforts to implement the Convention, the Government of the United Kingdom had not yet achieved the desired results was that there were gaps in the administrative and judicial measures needed to give effect to a body of legislation which was otherwise satisfactory.

139. It was observed also that the Race Relations Act of 1968 provided for some exceptions from its basic provisions, some of which were temporary and had been abolished, while others remained in effect. Some members recalled that the Convention prohibited the maintenance of such exceptions and expressed the hope that, in the review of the policies then under way, the United Kingdom Government would abolish all those exceptions and would so inform the Committee in its next report.

140. It was further observed that the Race Relations Board itself had concluded that its competence and role were limited and were inadequate to eradicate racial discrimination, and had made some recommendations for reform, and the hope was expressed that the views of the Board would be taken into account and that the Government would provide it with the means to increase its effectiveness.

141. Concern was expressed at the fact that, although the Race Relations Board had placed complaints in connexion with the procedure for selection of members of workmen's clubs and the admission of such members as associates to other affiliated clubs in the category of acts of discrimination in the provision of services, and although the Court of Appeal had ruled that it was illegal to deny associates admission to such clubs on the basis of colour, the House of Lords had more recently ruled that the procedure for selection of members to those clubs was not covered by the Race Relations Act, so that, unless changes were made, it would not be considered an offence to deny certain persons admission to certain clubs on the basis of race or colour, contrary to the requirements of article 5, paragraph (f), of the Convention.

142. Comments were made by members of the Committee on observations occurring in the reports of the Race Relations Board and the Community Relations Commission to the effect that there was a lack of confidence among the minority groups in the intentions of society and government, as a result of which members of minority groups did not avail themselves more fully of the legal and administrative remedies provided for against discriminatory practices. With reference to the Immigration Act of 1971, some members expressed the view that more information was required on United Kingdom immigration policies in order to see if there was any discrimination that fell within the purview of the Convention. The question was also asked whether there was any machinery for ascertaining the views of representatives of minority groups regarding the effectiveness of the United Kingdom Government's policies to combat racial discrimination and whether any steps had been taken to consult them on matters affecting their interests.

143. It was emphasized that additional information on the actual social and economic situation of the minority groups, and how they viewed their particular situation in the context of society as a whole, would be welcomed.

144. A statement contained in the report of the United Kingdom, to the effect that "each State Party to the Convention retains the right to determine what further measures it will take to implement article 4", was the subject of comments by all members of the Committee who participated in the discussion - most of whom expressed disagreement with that statement. The assertion made in the report, that "no objections or challenges /had/ been made against the interpretative statement" made by the United Kingdom when it signed the Convention, and reaffirmed when it ratified it, was considered by some members to be irrelevant, inasmuch as both the United Kingdom Government and the Secretary-General had not considered that interpretative statement to be a reservation under article 20 of the Convention. Some members suggested that the Committee should request the United Kingdom Government to furnish it with an official statement on the matter.

145. The representative of the United Kingdom, in several statements before the Committee, made the following observations: (a) With regard to the violations of the Race Relations Act and the complaints mentioned in the reports of the

Race Relations Board, he said that the situation in housing and employment in the United Kingdom had improved since the figures referred to during the discussion had been compiled. (b) He informed the Committee that his Government was currently engaged in a review of race relations legislation, including the powers and duties of the agencies concerned with its enforcement; that the views and suggestions of the Race Relations Board had a prominent place in that review; that a White Paper containing proposals for strengthening legislation would be issued in September 1975; and that legislation would be introduced into Parliament as soon as possible thereafter. (c) With regard to membership of workingmen's clubs, he stated that following the ruling of the House of Lords, the Home Secretary had announced that provisions on that subject would be included in the proposed amendments to the legislation. (d) He assured the Committee that the interest it had shown in the immigration policy of his Government would be reflected in its next report. (e) With regard to the implementation of article 4 of the Convention, he stated that his Government was willing to submit a fuller explanation when it submitted further reports.

### Senegal

146. Members of the Committee took note of the information contained in the initial report of Senegal, and in particular on the articles of the Constitution which declared acts of racial or ethnic discrimination offences punishable by law and proclaimed the equality of all people before the law, and on the activities of the Senegalese United Nations Association. However, they noted that the articles of the penal code which appeared to give effect, in part, to the provisions of article 4, paragraph (a), of the Convention were paraphrased in the report; and that information on the implementation of article 4, paragraph (b), and on articles 6 and 7 of the Convention was totally lacking, as was also information on relevant judicial, administrative and other measures. Nor was the information envisaged by the Committee in general recommendations III (on relations with racist régimes) or IV (on the composition of the population) supplied by the reporting State. Finally, members of the Committee noted that the information contained in the report was not organized in accordance with the guidelines laid down by the Committee at its first session.

147. It was asked whether article 7 of the Constitution, which made any administrative decision based on racial or ethnic discrimination unlawful, also applied to legislative acts of such a nature; and whether article 56 of the Constitution, which provided that the law should prescribe the regulations concerning the fundamental guarantees granted to citizens, was supplemented by legislative provisions which allowed its effective implementation.

148. The representative of Senegal assured the Committee that his Government would take into account the observations which had been made and would endeavour to remedy the inadequacies pointed out during the discussion. With regard to relations with the racist régimes of southern Africa, he informed the Committee that, as early as 1963, his Government had severed consular relations with South Africa and had prohibited South African aircraft from flying over Senegalese territory and landing on airfields on Senegalese territory, prohibited the entry to Senegal of all South African citizens and prohibited the import of products originating in South Africa.

## Haiti

149. It will be recalled that, at its tenth session, the Committee considered the initial report of Haiti without the participation of a representative of the reporting State; that it was unanimously of the opinion that the report did not fulfil the requirements of article 9, paragraph 1, of the Convention; and that it unanimously decided to request the Government of Haiti to submit a report satisfying those requirements as soon as possible, but no later than the opening of the eleventh session (on 31 March 1975). 19/

150. At its twelfth session, the Committee had before it a report from Haiti, dated 24 April 1975 which, apart from the opening and closing sentences, was identical with the first report. It heard a statement by the representative of Haiti in which he, *inter alia*, commented on some of the observations made by some members of the Committee during its consideration of his Government's initial report at the tenth session. After a preliminary discussion of the new report, on which the representative of Haiti, in a second statement, made some comments, the Committee decided to inform the Government of Haiti, through its representative, that in its view the report before it, being identical to the report considered at the tenth session, could not be regarded as a reply by the Government of Haiti to the communication addressed to it at that session, and that it hoped that a satisfactory reply would be received by the Secretary-General in time for consideration at the Committee's thirteenth session.

## Venezuela

151. It was observed that the third periodic report of Venezuela contained extensive information, supplementing the information previously furnished by the reporting State; that the actual texts of the relevant provisions of the Constitution and the penal code to which the report referred were supplied; and that the information envisaged by the Committee in its general recommendation III, on relations with racist régimes, was provided. Members of the Committee took note also of the statement that, since Venezuela became independent, no judicial decisions on acts within the scope of the Convention had been handed down. However, it was observed that the information contained in the report was not organized in accordance with the guidelines laid down by the Committee at its first session.

152. Members of the Committee took note of the statement that accurate statistics on the demographic composition of the country could not be supplied, in response to the Committee's general recommendation IV, inasmuch as the relevant documents in Venezuela were not required to contain an indication of a person's colour. However, some members observed that, since article 1, paragraph 1, of the Convention as well as general recommendation IV were concerned not only with race or colour but also with descent and national or ethnic origin, the reporting State should not have much difficulty in providing some relevant information - not necessarily of a statistical nature - on the composition of the population, including information on immigrants.

153. Members of the Committee expressed the hope that future reports would

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19/ Ibid., paras. 208-209, and annex IV, sect. C.

include information on the implementation of article 7 of the Convention as well as on the status of migrant workers in Venezuela. Some clarification of the procedures relating to the implementation of article 5, paragraph (f), of the Convention would also be desirable, particularly with respect to two questions: the means available to the victim to make his complaint to the authorities; and the article of the penal code (other than articles 286 or 295, which were not applicable) which could be invoked in the criminal proceedings that should follow the administrative action which could be taken by the authorities and which, it was presumed, was temporary in nature.

154. Several members of the Committee maintained that existing legislation did not sufficiently meet all the requirements of article 4, paragraphs (a) and (b), of the Convention; they expressed the hope that, in the consideration which was currently being given to the reform of the penal code, the comments made during the discussion concerning article 286 of that code, and the unanimous view of the Committee about the mandatory nature of the obligations under article 4 of the Convention, would be taken into account.

155. The representative of Venezuela informed the Committee that he would transmit all the comments made during the discussion to his Government and that, in his opinion, the comments regarding article 286 of the penal code would be of particular interest in view of the reform of the penal code currently under consideration.

#### United Republic of Cameroon

156. Members of the Committee noted that the second periodic report of Cameroon provided much of the information which had been lacking in the initial report and showed that due account had been taken, in its preparation, of the views and wishes expressed during the discussion of the earlier report. The actual texts of some of the legislative provisions to which the two reports made reference were supplied. Furthermore, the report was not confined to legislative measures, but furnished information on court decisions as well. Information on the implementation of articles 3, 4 (para. (a)) and 5 of the Convention was given, as well as information on the implementation of resolutions of the competent organs of the United Nations on relations with racist régimes, to which the Committee's general recommendation III referred. However, it was noted that information relating to the implementation of articles 4 (para. (b)) and 7 of the Convention was lacking, as was also the information envisaged in the Committee's general recommendation IV (on the composition of the population).

157. The hope was expressed that future reports of Cameroon would supply the text of article 152 of the penal code (to which article 241 of that code referred) in order that the degree of compliance by the reporting State with its obligations under article 4, paragraph (a), of the Convention might be determined by the Committee. Inquiries were made about the provisions of Cameroonian legislation, if any, which ensured the application of the principle of the equality of Cameroonians and aliens before the law, affirmed in article 1 of the penal code, and about the cases cited in the report in connexion with that article, and whether any of them concerned acts of racial discrimination within the meaning of article 1 of the Convention. Some members asked whether it was possible for an individual to institute an action based directly on the

provisions of the preamble of the Constitution, which laid down the basic rights of all human beings. Questions were asked about the precise definition of the words "racism" and "tribalism" used in some of the articles of Cameroonian laws cited in the report, as well as the meaning of the words "with assimilated status" used in the report.

158. The representative of the United Republic of Cameroon assured the Committee that he would communicate to his Government the comments made during the discussion.

## Chile

159. As soon as the Committee opened its consideration of the second periodic report of Chile, and before the representative of that State was invited to participate in the discussion in accordance with rule 64 A of the provisional rules of procedure, the Committee considered a proposal submitted by one of its members on a point of order, to the effect that the report should not be considered. The member who submitted that proposal and other members who supported it argued that the document could not be regarded as having been submitted by the lawful Government of Chile; that, in usurping power, the military junta currently governing Chile had violated the Constitution of that country; that it was blatant hypocrisy that the report referred to the Constitution of Chile when that Constitution had not been in force since the coup d'état; and that the Committee could not seriously consider examining a document based on a Constitution which had been rendered inoperative by a whole series of unconstitutional decrees. The members of the Committee who opposed the proposal - some of whom emphasized that they shared the concerns expressed by their colleagues with regard to the situation of respect for human rights in Chile - argued that the Committee was not competent to determine the lawfulness of the authorities submitting reports of States parties, which were forwarded to the Committee by the Secretary-General in accordance with article 9, paragraph 1, of the Convention; that the general situation in Chile was not within the scope of the Convention and therefore could not be considered by the Committee; and that the Committee was duty-bound to consider the report before it, which had been submitted and forwarded in due form and in accordance with the established procedure. Some of those members, however, suggested that the Committee could immediately proceed to ask the representative of Chile whether, and to what extent, the Constitution was in force, and in particular whether the provisions of the Constitution which related to the provisions of the Convention were operative, in their entirety or in a limited form. Other members of the Committee opposed addressing such a question to the representative of Chile, arguing that the suspension of a country's constitution or the restriction of the application of some of its provisions were essentially within the domestic jurisdiction of a sovereign State and outside the competence of the Committee. The Committee agreed to invite the representative of Chile to participate in its discussion of his Government's report and to address to him, in the first instance, the question relating to the operativeness of the Constitution, and in particular those provisions of the Constitution which were cited in the report.

160. The representative of Chile assured the Committee that the Chilean Constitution was in force and that all its 110 general articles were being implemented. He added that a state of emergency - itself constitutional,



inasmuch as it was expressly provided for by the Constitution - prevailed at the moment in Chile; and that a state of siege had been proclaimed, but that the civil, cultural and educational provisions were nevertheless being implemented throughout Chile in complete equality. He was asked specifically whether the provisions of the Constitution which were cited in the report, and upon which the entire report (except for one section dealing with the implementation of article 2, paragraph 2, of the Convention) was based, namely, article 10, paragraphs 1, 2, 7, 8, 9, 10, 14, 15 and 17, were being fully or partially implemented or whether they had been suspended by virtue of the state of siege. The representative of Chile stated in reply that the Constitution in force was a general one and included the provisions mentioned in the report, which were being implemented to the extent that the state of siege - which had been proclaimed constitutionally - allowed. Those provisions might not be in force in their entirety - he explained - because of the application of other constitutional provisions arising from the state of siege. The representative of Chile was asked whether that statement applied also to section 15 of article 10 of the Constitution, which guaranteed all inhabitants of the Republic the freedom to live in any part of the Republic and to move from one place to another, and he stated that that right was guaranteed to all persons provided they did not engage in any activities which were considered to be infringements of the state of siege. He emphasized that the state of siege had been proclaimed by what he called a "Supreme Decree" of the Executive, in exercise of powers expressly conferred upon it by the Constitution in article 72, the provisions of which authorized the Executive to restrict the rights guaranteed under article 10, section 15, of the Constitution. He added that that did not mean that the Constitution was not in force, and that it had nothing to do with the problems of racial discrimination, which did not arise in Chile.

161. Some members of the Committee noted with regret that, although the provisions of article 10 of the Constitution constituted its very corner-stone, the second periodic report of Chile made no mention whatsoever of the fact that the exercise of some of the rights guaranteed under that article was in fact subject to some restrictions - an omission which some members considered to be so grave as to cast doubt on the veracity of the report as a whole as well as on the worthwhileness of its consideration by the Committee.

162. The Committee requested the representative of Chile to furnish it with the text of the "Supreme Decree" declaring a state of siege as well as the text of the relevant sections of article 72 of the Constitution on which that decree was based.

163. Some members of the Committee commented on the two texts made available to it by the representative of Chile, observing that the statement he had made before the Committee, to the effect that the state of siege had been proclaimed constitutionally, was not corroborated by the texts at hand. They noted that "Legislative Decree No. 3" of 18 September 1973 had been proclaimed by the Ministry of National Defense, Subsecretariat of War, and had been signed by four military officers, whereas section 17 of article 72 of the Constitution conferred the power to declare a state of siege upon Congress and - if Congress was not in session - upon the President, who was required to set the duration of the state of siege; it was noted also that the declaration in Legislative Decree No. 3 did not specify the duration of the state of siege. Some members of the Committee, however, denied the competence of the Committee to engage in a discussion of the constitutionality of that Legislative Decree; and they maintained that that

situation had no bearing on the implementation of the provisions of the Convention or on the practice of racial discrimination in Chile. Other members of the Committee - while agreeing that the Committee was neither competent nor qualified to discuss the constitutionality of a decree proclaimed in a State party - maintained nevertheless that the Committee could not proceed any further in its consideration of the second periodic report of Chile before receiving further information on the precise effects of the state of siege upon the rights guaranteed under the Constitution to all inhabitants of the Republic, with particular reference to the rights enshrined in the Convention. They wished to know, inter alia, whether any other decrees, suspending or restricting the operation of some articles of the Constitution, and any special judicial or quasi-judicial tribunals, had been declared or established, respectively, under the state of siege.

164. During the exchange of views summarized in the preceding paragraphs, several proposals were made. Under one proposal, the Committee would adopt a decision expressing its deep concern at the contents of the report and at the fact that the Chilean military junta was not complying with the provisions of the Convention, and would also note with deep regret that, following the suspension of the Constitution, there no longer existed in Chile legislative, judicial, administrative or other measures of the kind which every State party to the Convention had undertaken to adopt in order to give effect to the provisions of the Convention. Under another proposal, the Committee, having failed to reach agreement, would so inform the General Assembly in its annual report - in which it would include summaries of the views expressed by various members or, alternatively, extracts from the summary records of the meetings in which the report of Chile was considered, or else simply refer to the documents in question by mentioning their symbols. A third suggestion was made to the effect that the Committee should proceed forthwith with its consideration of the report. Under the fourth suggestion, the Committee would suspend its consideration of the report until additional information on the effect of the state of siege upon constitutional rights in Chile was received.

165. The Committee decided to instruct its Rapporteur to prepare the section of its annual report containing the summary of its consideration of the second periodic report of Chile in the same manner in which other sections relating to reports of other States parties were prepared, reflecting the various views expressed by members of the Committee and the information provided by the representative of the reporting State.

#### Trinidad and Tobago

166. Members of the Committee expressed the view that the information contained in the initial report of Trinidad and Tobago was comprehensive. They noted that that report furnished information on the implementation of articles 2 (para. 1, subparas. (a), (b), (c) and (e), and para. 2), 3, 4, 5, 6 and 7 of the Convention, as well as the information envisaged in the Committee's general recommendations III (on relations with racist régimes) and IV (on composition of the population); that it provided the texts of the relevant legislative provisions; that it described some administrative measures taken in order to ensure the implementation of the provisions of the Convention and the corresponding legislation of the reporting State; and that, in its organization, the report followed the guidelines laid down by the Committee at its first session.

167. Some members of the Committee expressed the hope that, in future reports, the texts of sections 3, 4 and 5 of the Constitution, to which the preamble of section 2 (quoted in the report) referred, would be made available to the Committee; and that information on cases which might have been brought before the courts in connexion with section 4 of the Sedition (Amendment) Act would be furnished.

168. Most members of the Committee were of the opinion that section 4 of the Sedition (Amendment) Act did not give full effect to all the requirements of article 4, paragraph (b), of the Convention, and in particular to the mandatory obligation assumed by States parties to "declare illegal and prohibit organizations ... which promote racial discrimination"; and they expressed the hope that the Government of the reporting State would consider adopting specific legislation to implement those provisions in order to ensure that, if the need to disband an organization which promoted and incited racial discrimination arose, there would be appropriate legislation for that purpose. Some members of the Committee, on the other hand, were of the opinion that there was no need for further legislation, inasmuch as the activities of organizations promoting and inciting racial discrimination could be curtailed under the law of the reporting State and the individual members of such organizations were subject to punishment for perpetrating those activities, even though the organizations themselves could not be declared illegal.

169. The representative of Trinidad and Tobago assured the Committee that the comments made and questions raised by members of the Committee during the consideration of the report, and in particular the views expressed in relation to the implementation of article 4, paragraph (b), of the Convention, would be conveyed to his Government.

#### Lebanon

170. The initial report of Lebanon, submitted on 30 July 1975, which was considered by the Committee at its twelfth session, was designed to supplement the information contained in an earlier report, submitted on 17 August 1972, which the Committee had not considered before at the request of the Government of Lebanon - which had informed the Committee that it considered that report "preliminary" and requested that its consideration be postponed.

171. Members of the Committee noted that the information contained in the report under consideration related to the implementation of articles 3, 4 (para. (a)), 5 and 6 of the Convention as well as the implementation of the resolutions of the competent organs of the United Nations concerning relations with racist régimes, to which general recommendation III of the Committee referred. It was observed, however, that, although the texts of some articles of the Constitution mentioned in the report were supplied, the texts of other articles of the Constitution as well as other relevant legislative provisions, to which the report referred, were not made available to the Committee; that the information envisaged in the Committee's general recommendation IV (relating to the composition of the population) was lacking; and that the report was not organized in accordance with the guidelines laid down by the Committee at its first session.

172. Members of the Committee took note of the statement that, as Lebanon had acceded to the Convention, "the provisions of that Convention are applicable in

the same way as the legislation in force in Lebanon and are considered binding by the public authorities". However, they were of the opinion that, with respect to articles of the Convention which are not self-executing, specific legislative action by States parties was required in order to implement the provisions of those articles if legislation adequately giving effect to them did not already exist. It was observed that the legislation in force in Lebanon, as reported, did not appear to give full effect to articles 4 and 6 of the Convention.

173. The last two sentences of the report under consideration read as follows:

"With regard to the application of articles 4 and 7, the Lebanese Government has issued orders to the competent authorities to adopt immediate and effective measures and, inter alia, legislative provisions with a view to achieving the aims of the Convention.

#### "Conclusion

"It is evident from the foregoing that there is no racial discrimination in Lebanon and that it is not therefore necessary, under articles 4 and 7 of the Convention, to take legislative, administrative and judicial measures to eliminate racial discrimination, since the International Convention on the Elimination of All Forms of Racial Discrimination is considered to be an integral part of Lebanese legislation."

Members of the Committee were of the view that these two statements were mutually contradictory.

174. In its consideration of the degree to which article 62 of the Press Code and article 4, paragraph 2 of the Act Concerning Film Censorship satisfied the requirements of article 4, paragraph (a), of the Convention, the Committee was handicapped by the fact that the texts of those provisions of Lebanese law were not supplied by the reporting State. The Committee was further handicapped in its examination of the report under consideration by the fact that the translation of the report in the working languages of the Committee was in several instances inaccurate - as some members of the Committee, as well as the representative of the reporting State, pointed out.

175. Commenting on the observations made by members of the Committee about the contradiction between the last two sentences of the report (see para. 173 above), the representative of Lebanon drew attention to an error of translation. The words "under articles 4 and 7 of the Convention", which appear in the last sentence of the report, were an incorrect rendition of the corresponding words in the original Arabic text, which should have been translated as: "after taking in due consideration articles 4 and 7 of the Convention". The representative of Lebanon assured the Committee that the guidelines it laid down at its first session would be followed, as far as possible, by his Government in the preparation of its second periodic report.

#### Uruguay

176. Members of the Committee observed that, although it had been preceded by two regular reports as well as by a supplementary report, the third periodic report of Uruguay contained new information. It also took account of comments made, and questions raised, by members of the Committee at previous sessions.

177. Members of the Committee noted that article 332 of the Constitution, the text of which was furnished, allayed some of the fears which had been expressed during the discussion of previous reports from Uruguay, regarding the absence of specific legislation giving effect to the provisions of article 5, paragraph (f), of the Convention, particularly in view of the principle enunciated in article 10, paragraph 2, of the Constitution, which declared that "no inhabitant of the Republic shall be obliged to do what the law does not require, or prevented from doing what it does not prohibit". They took note of the measures adopted in implementation of article 7 of the Convention. They took note also of the assertion that workers' rights - including the right to education, housing, health care and social security - were protected by articles of the Constitution (and not by secondary laws or regulations) which made no distinction between nationals and aliens but referred to "inhabitants of the Republic".

178. Special note was taken of the statement that "the Council of State is considering an amended version of the present Constitution which will be submitted to a plebiscite when it has been completed. Among the measures under consideration was the incorporation into the legal system of rules deriving from international instruments ratified by Uruguay which are deemed to be relevant or necessary". The hope was expressed that the provisions of the Convention which had not been implemented by specific legislation would be reflected in the contemplated reforms and that the Committee would be duly informed in future reports of all relevant changes in the Constitution and the legal system of the reporting State.

179. The report under consideration contained the following statement: "The records of the courts and other competent agencies in Uruguay contain no report of any case of racial discrimination, and it has therefore not been deemed necessary to draw up rules in pursuance of article 4 (a), (b) and (c)." In commenting on this statement, some members inquired whether the decision not to adopt measures implementing article 4 of the Convention constituted a decision already made within the context of the constitutional and legislative reform mentioned in the preceding paragraph. All members of the Committee who participated in the discussion expressed the hope that legal provisions giving effect to the provisions of article 4 of the Convention would be enacted.

180. Other questions raised during the discussion of the report related to articles 6 and 14 of the Convention: what remedies were available in Uruguay to a victim of an act of racial discrimination, in accordance with article 6 of the Convention? and had the Government of Uruguay, since making the declaration provided for in article 14, paragraph 1, of the Convention, established or indicated a body within its national legal order competent to discharge the responsibilities described in paragraph 2 of that article?

181. The representative of Uruguay assured the Committee that the statement cited in paragraph 179 above related only to the situation existing up to the present time and did not prejudge the new provisions which might be adopted in the course of the proposed constitutional reform, and that the concern expressed by members of the Committee on the subject would be reported to his Government. In reply to the question relating to remedies in accordance with article 6 of the Convention, he stated that, pending the inclusion of specific provisions on the subject in the Penal Code of Uruguay, article 332 of the Constitution was specifically intended to ensure that the fundamental rules and obligations were given effect; in

practice, that meant that if a case of racial discrimination actually occurred it would undoubtedly fall within the purview of the Supreme Court. With regard to the body mentioned in article 14, paragraph 2, of the Convention, he informed the Committee that no such body had been established or indicated because the provisions of that paragraph were optional. In an introductory statement he made at the opening of the Committee's consideration of his Government's report, he assured the Committee that he would pass on all comments that might be made by members of the Committee so that his Government would be able to do its utmost to fulfil its obligations.

#### Botswana

182. Members of the Committee noted that the initial report of Botswana, though concise, contained information indicating that the reporting State had given effect to some of the provisions of articles 2, 3, 4, 5 and 6 of the Convention. However, the information was not organized in accordance with the guidelines laid down by the Committee at its first session; and the legislative provisions to which the report referred in general terms were neither specifically cited nor textually reproduced. Furthermore, information on the implementation of article 7 of the Convention, as well as the information envisaged in the Committee's general recommendations III (on relations with racist régimes) and IV (on the composition of the population), was lacking.

183. Members of the Committee took note of the statement that "legislation pertaining to the colonial period which had racial overtones has already been either amended, rescinded or nullified" and expressed the hope that future reports would include detailed information illustrating that statement, which was in accord with article 2, paragraph 1 (c), of the Convention. Similarly, with regard to the statement in the report which recited the words of article 6 of the Convention, a desire for more specific information on the relevant machinery and procedures as well as cases brought before the courts and judgements handed down by the courts, if any, was expressed. And, with respect to article 4 of the Convention, members of the Committee expressed the hope that information on specific legislative provisions would be provided; however, it will be recalled that such information had been supplied by the Government of Botswana separately, in response to Committee decision 3 (VII). Some members were of the opinion that section 3 (chap. II) of the Constitution, which laid down the principle of non-discrimination and equality before the law in the enjoyment of certain rights, was not co-extensive in its scope with article 5 of the Convention; other members, however, expressed the view that the list of rights enumerated in article 5 was intended to be an illustrative list, not an exclusive or exhaustive one, that it was for each country to decide what fundamental rights and freedoms it was in a position to guarantee to its citizens, and that the Committee was concerned not so much with the nature of the rights proclaimed by States parties as with the application of those rights without discrimination on the basis of race, colour, descent or national or ethnic origin.

184. The representative of Botswana informed the Committee that he would convey the views and request for additional information made during the discussion to his Government, and assured the Committee that the next report of Botswana would follow the guidelines laid down by the Committee and would supply all the information it had requested.

### C. Other action on reports

185. At its 241st meeting (eleventh session), on 11 April 1975, the Committee considered a draft general recommendation submitted by Mr. Čalovski, calling attention to the need for information on "administrative and other measures" in the reports of States parties in accordance with article 9, paragraph 1, of the Convention, and inviting States parties to include such information in their reports.

186. While fully supporting the objectives of the draft general recommendation, which conformed with article 9 of the Convention, and recognizing the need for bringing the matter to the attention of the States parties, Mr. Sayegh expressed doubt that the issuance of another general recommendation, in accordance with article 9, paragraph 2, of the Convention, was the most expedient method of serving the purpose in mind. He noted that, in connexion with the preparation of reports by States parties, the Committee had already issued a general communication, four general recommendations and one specific request; and he expressed apprehension about the issuance of another general recommendation, which would require the setting in motion of the procedure established under article 9, paragraph 2, of the Convention. He observed that the purposes which the Committee had in mind could be served by other methods, such as the inclusion of a reference to this question in the annual report to the General Assembly, the circulation of a general communication to States parties, or the inclusion of references to the inadequacy of reports which lacked information on administrative and other measures during the discussion of those reports in the presence of representatives of the reporting States. Mrs. Warzazi and Messrs. Soler and Tomko supported this view; and Messrs. Soler and Tomko expressed their preference for the first of the alternative proposals mentioned by Mr. Sayegh. Mr. Dayal, agreeing with the purposes of the draft general recommendation, stated that he could agree also to the incorporation of an expression of the Committee's views on the matter in its annual report. Mr. Čalovski said that he had proposed the draft general recommendation under consideration because there was a feeling in the Committee that, on the whole, the reports of States parties provided insufficient information concerning the administrative and other measures taken to give effect to the provisions of the Convention. He felt that the views of the Committee on that point would have a greater impact if they were presented in the form of a general recommendation, but he could agree to a decision by the Committee to incorporate those views in its annual report.

187. The Committee decided not to issue a general recommendation as such, but to express its views on the matter in its annual report to the General Assembly.

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

188. The Committee considered this item at its 225th and 246th meetings (eleventh session), on 31 March and 18 April 1975, and at its 262nd and 263rd meetings (twelfth session), on 18 August 1975.

189. The action taken by the Trusteeship Council at its forty-first session in 1974 and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 1973 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the fifth annual report of the Committee submitted to the General Assembly at its twenty-ninth session. 20/ The opinions and recommendations of the Committee on the Elimination of Racial Discrimination based on its consideration of copies of petitions, copies of reports and other information submitted to it by the Trusteeship Council and the Special Committee were contained in paragraph 262 of its report to the General Assembly. 20/

190. The General Assembly, in resolution 3266 (XXIX) of 10 December 1974, took note with appreciation of the report of the Committee on the Elimination of Racial Discrimination, expressed its appreciation to the Committee for the work it performs in pursuance of the provisions of the Convention and took note also of the part of the report of the Committee concerning petitions and other information relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies.

191. The Trusteeship Council, at its 1443rd meeting (forty-second session), on 4 June 1975, considered an item on its agenda concerning co-operation with the Committee on the Elimination of Racial Discrimination, with particular reference to General Assembly resolutions 2106 B (XX) and 3266 (XXIX). It decided to invite the attention of the Administering Authorities to the requests and observations of the Committee, contained in the Committee's report to the General Assembly, and to ask the Administering Authorities to take them into account in their forthcoming annual reports to the United Nations.

192. At its eleventh session (March/April 1975), the Committee was informed by the Secretary-General of the action taken by the Special Committee at its 1974 session in connexion with article 15 of the Convention. The Secretary-General drew the attention of the Committee to the decisions taken by the Special Committee at its 981st meeting, on 5 September 1974, and to a letter dated 18 December 1974 from the Chairman of the Special Committee, which referred, inter alia, to the petitions which the Special Committee was transmitting under article 15, paragraph 2 (a), of the Convention, together with the records of the discussion on them, as well as to the fact that the report of the Special Committee had been approved by the General Assembly in resolution 3328 (XXIX) of 16 December 1974.



193. As a result of the decisions of the Trusteeship Council at its forty-second session and the Special Committee at its 1974 session, the Committee had before it at its eleventh and twelfth sessions the documents listed in annex V below.

194. At its eleventh session, the Committee appointed three working groups to examine the material submitted to the Committee by the Trusteeship Council and by the Special Committee and to report to the Committee on their findings as well as their opinions and recommendations. The three working groups consisted of the following members of the Committee:

(a) Working Group on Specific and Indian Ocean Territories

Mr. Aboul-Nasr, Mr. Tomko, Mr. Valencia Rodríguez, with Mr. Macdonald as convener.

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

Mr. Dehlavi, Mr. Kapteyn, Mr. Partsch, Mr. Soler, with Mr. Čalovski as convener.

(c) Working Group on African Territories

Mr. Ancel, Mr. Ingles, Mr. Lamptey, Mr. Safronchuk, Mrs. Warzazi, with Mr. Ortiz Martin as convener.

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

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

196. The reports of the three working groups mentioned above, which were considered by the Committee at its 262nd and 263rd meetings, on 18 August 1975, were adopted paragraph by paragraph, with some amendments.

197. The opinions and recommendations of the Committee based on its consideration of copies of petitions, copies of reports and other information submitted to it under article 15 of the Convention, as adopted by the Committee at its 262nd and 263rd meetings, on 18 August 1975, are as follows:

(1) The Committee on the Elimination of Racial Discrimination has

examined the information contained in the documents relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in accordance with the provisions of paragraph 2 of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination.

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

(3) The Committee notes that in the documents it has examined there is generally not sufficient information on the legislative, judicial, administrative or other measure directly related to the principles, objectives and provisions of the Convention, and in this connexion it wishes to emphasize that, to enable it to discharge adequately its obligations under article 15 of the Convention, such information should be invariably provided.

#### A. African Territories 21/

##### 1. Southern Rhodesia

(1) The Committee considered the working paper relating to Southern Rhodesia (A/AC.109/L.992 and Corr.1 and Add.1 and 2) and noted with interest the failure of the so-called "Operation 74" by which the illegal régime sought to change the demographic situation in the country in order to perpetuate its racial policies and entrench illegality.

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21/ Adopted at the 262nd meeting, on 18 August 1975. As regards these Territories, the following documents were submitted to the Committee:

A/9623/Add.4, part II (French Somaliland)  
A/9623/Add.4, part II (Spanish Sahara)  
A/AC.109/L.992 and Corr.1 and Add.1 and 2 (Southern Rhodesia)  
A/AC.109/L.1007 and Add.1 (Namibia)  
A/AC.109/L.1033 (Comoro Archipelago)  
A/AC.109/L.1006 (Decolonization policy of Portugal)  
A/AC.109/L.1020 (Mozambique)  
A/AC.109/L.1016 (Cape Verde)  
A/AC.109/L.1013 (Sao Tome and Principe)  
A/AC.109/L.1014 (Angola)  
A/AC.109/PET.1253 (petition concerning Southern Rhodesia)  
A/AC.109/PET.1254 (petition concerning Spanish Sahara)

(2) The Committee noted with grave concern the continued repression of the African majority by the agents of the illegal régime, and suggests that the General Assembly urge that strong pressure on the part of the international community and effective measures on the part of the administering Power be taken to prevent the Smith régime from continuing such brutality and especially the hanging of African patriots.

(3) The Committee viewed with concern the reported evasion of sanctions involving the Rhodesian Iron and Steel Company (RISCO) in collusion with a number of non-Rhodesian resident companies, and Air Rhodesia in collusion with a number of international airlines. Since such practices would tend to perpetuate the present situation in Rhodesia, which is in violation of the provisions of the Convention, the Committee supports the call to all the Governments concerned to investigate the allegations relating to companies under their jurisdiction. In the case of Air Rhodesia and the international airlines, the Committee further endorses the request to the International Air Transport Association to ask the international airlines under its jurisdiction to terminate their interline agreements in so far as they affect Air Rhodesia.

(4) The Committee regretted the death of Mr. Herbert Chitepo in tragic circumstances, noted with appreciation in the closure by the Portuguese Government of the so-called Southern Rhodesian Embassy in Lisbon, and the support for Zimbabwe given by Commonwealth leaders at their meeting in Kingston, Jamaica, earlier this year.

(5) The Committee endorsed the recommendations of the resolution on the question of Southern Rhodesia adopted by the Special Committee at its 1008th meeting, held at Lisbon, Portugal, on 17 June 1975 (A/AC.109/494).

(6) Taking note of the publicly announced agreement between the illegal régime and the African National Council to hold constitutional talks in a railway car at the Zimbabwe-Zambian border in the very near future, the Committee expresses the earnest hope that these negotiations would finally lead to the desired settlement of the Rhodesian problem. Meanwhile, the Committee urges the release of all political detainees in Zimbabwe immediately as a sign of goodwill by the illegal régime.

## 2. Namibia

(1) The Committee considered the working paper on Namibia (A/AC.109/L.1007 and Add.1) and expressed grave concern over the persistence of the South African Government in its so-called "homelands" policy, which is leading to the fragmentation of Namibia and the dislocation of the non-white population of the Territory.

(2) The Committee condemns the continued repression in Namibia, which has led to the mass exodus of Namibians from the Territory.

(3) In the view of the Committee, South Africa having betrayed its trust in Namibia it is incumbent on the United Nations and the international community at large to ensure that South Africa's administration of the

Territory ceases immediately, so that the people of Namibia are allowed to exercise their right to self-determination. In this connexion, the Committee endorses the consensus on the question of Namibia adopted by the Special Committee at its 1009th meeting, held at Lisbon on 18 June 1975 (A/AC.109/495).

### 3. French Somaliland 22/

The Committee considered the report on French Somaliland of the Special Committee (A/9623/Add.4, part II) and, having noted the continuing dispute over the constitutional status of the Territory and the claim of discrimination inherent in the dispute, suggests an appeal by the General Assembly to the responsible authorities to take measures that would lead to harmony and unity in the Territory.

### 4. Spanish Sahara

In considering the report by the Special Committee on the Spanish Sahara (A/9623/Add.4, part II), the Committee was aware of the fact that aspects of issue are now before the International Court of Justice, and related actions are in train. The Committee therefore expresses the view that in the interim the administering Power must ensure respect for fundamental human rights in the Territory.

### 5. Comoro Archipelago

(1) The Committee considered the report of the Special Committee on the Comoro Archipelago (A/9623/Add.4, part II), and the related working paper (A/AC.109/L.1033), and with respect to the former regretted the catalogue of allegations of arrests, violence, intimidation and arbitrary measures in the Territory.

(2) The Committee, having regard to recent political developments in the Territory, took note of the acceptance of the principle of independence by the administering Power and reiterated its view 23/ that the process of independence should not lead to destruction of Comoran national unity or create conditions for discrimination on a regional or ethnic basis.

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

23/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618), p. 68.

## 6. The decolonization policy of Portugal and the accession of former territories to independence

(1) The Committee had before it the Special Committee's working paper on the decolonization policy of Portugal (A/AC.109/L.1006) and the Special Committee's consensus on the question of Territories under Portuguese administration (A/AC.109/493). While noting that these documents contained no significant information relating to the objectives and purposes of the Convention, the Committee none the less registers its satisfaction with the progressive attitude of the new Portuguese Government on decolonization and the exercise of fundamental human rights in the remaining overseas Territories.

(2) In considering the working papers of the Special Committee on Mozambique (A/AC.109/L.1020), Cape Verde (A/AC.109/L.1016) and Sao Tome and Principe (A/AC.109/L.1013), the Committee noted with satisfaction the fact that these countries have since acceded to independence and expressed the hope that they will soon become parties to the Convention.

## 7. Angola

The Committee considered the working paper by the Special Committee on Angola (A/AC.109/L.1014). The Committee expressed the hope that despite the difficulties confronting the Territory at present, the Angolan liberation movements will keep to their agreement to build the Angolan nation "on just and democratic foundations, eliminating, in consequence, all forms of ethnic, racial and religious discrimination and any other type of discrimination".

## 8. Petitions

### (a) Petition from Mr. Jean Bruck and Mr. Otto Kersten

The Committee examined the information contained in the petition from Mr. Jean Bruck, General Secretary, World Confederation of Labour and Mr. Otto Kersten, General Secretary, International Confederation of Free Trade Unions, concerning Southern Rhodesia (A/AC.109/PET.1253). The Committee condemns the illegal régime for the introduction of forced labour into the Territory, and joins in the call for more stringent application of sanctions against Rhodesia.

### (b) Petition from the Executive Committee of the Popular Front for the Liberation of Saquiét El-Hamra and Río de Oro concerning Spanish Sahara

Having examined the petition from the Executive Committee of the Popular Front for the Liberation of Saquiét El-Hamra and Río de Oro concerning Spanish Sahara (A/AC.109/PET.1254), the Committee requests the administering Power, which is a State party to the Convention, to provide detailed information on the situation in the Territory. Meanwhile, it expresses hope that fundamental human rights will be respected in the Territory.

## B. Pacific and Indian Ocean Territories 24/

### 1. Brunei

The Committee examined the working paper relating to Brunei (A/AC.109/L.1021), but did not find any new elements relating to the principles and objectives of the Convention concerning the Territory.

### 2. New Hebrides

(1) The Committee considered the working paper on the New Hebrides (A/AC.109/L.997).

(2) In spite of the Committee's concern, expressed in its report to the twenty-eighth and twenty-ninth sessions of the General Assembly regarding the rapid multiplication of foreign economic investments which are detrimental to the interests of the people of the Territory, the Committee regrets that it was not provided with the further information it requested and hopes that it will be furnished at an early date.

### 3. Seychelles

(1) The Committee examined the working paper on the Seychelles (A/AC.109/L.1010) and the third periodic report of the United Kingdom (CERD/C/R.70/Add.34, part B) submitted under article 9 of the Convention.

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24/ Adopted at the 262nd meeting, on 18 August 1975. As regards these Territories, the following documents were submitted to the Committee:

Report of the Administering Authority relating to Papua New Guinea for the period from 1 September 1974 to 23 May 1975 (T/1765)

Report of the Administering Authority relating to the Trust Territory of the Pacific Islands for the year ending 30 June 1974 (T/1762)

Outline of conditions in Papua New Guinea (T/L.1192 and Add.1)

Outline of conditions in the Trust Territory of the Pacific Islands (T/L.1191 and Add.1-3)

A/9623/Add.5 (part V), chap. XII (Niue)

A/9623/Add.5 (part II), chap. XX (Cocos (Keeling) Islands)

A/AC.109/L.995 (Gilbert and Ellice Islands, Pitcairn and the Solomon Islands)

A/AC.109/L.1010 (Seychelles)

A/AC.109/L.997 (New Hebrides)

A/AC.109/L.998 (Cocos (Keeling) Islands)

A/AC.109/L.1000 (Tokelau Islands)

A/AC.109/L.1008 (American Samoa)

A/AC.109/L.1021 (Brunei)

A/AC.109/L.1015 (Timor)

A/AC.109/L.1022 (Guam)

A/AC.109/L.1024 (Trust Territory of the Pacific Islands)

(2) According to the above document, the population of the Territory in 1971 was estimated at 52,650, consisting largely of Creoles (descendants of the early French settlers, Africans and other immigrants of mixed origin), Indians, Chinese and small numbers of Europeans. In spite of the fact that the society is multiracial, the Committee received no information on the measures adopted for the integration of the different racial groups.

(3) The Committee noted that, according to the administering Power, the Immovable Property (Transfer Restriction) Amendment Order, 1973, contains no provisions pertaining to racial discrimination.

(4) The Committee noted that conversations have taken place concerning the independence of the Territory in 1976.

#### 4. Papua New Guinea

The Committee, having examined the report of the Administering Authority (T/1765) and the working papers of the Trusteeship Council (T/L.1192 and Add.1), expressed its satisfaction at the information received, according to which the Territory will accede to independence on 16 September 1975.

#### 5. Timor

(1) The Committee considered document A/AC.109/L.1015.

(2) The Committee expressed the hope that the people of Timor would overcome their present difficulties and fully exercise their right to self-determination.

(3) Although no information was provided on the composition of the population, it was known that a number of ethnic groups lived in the Territory. The Committee would accordingly like to receive information on the way in which social integration was maintained.

(4) The Committee also expressed the hope that it would receive full information on the educational system, since it noted that, as a legacy from the former Portuguese régime, there still appeared to be some differences in the education provided for indigenous children and textbooks were apparently in Portuguese, a language spoken by only 10 per cent of the population.

#### 6. Trust Territory of the Pacific Islands

(1) The Committee studied the working papers of the Special Committee and the Trusteeship Council relating to the Trust Territory of the Pacific Islands (A/AC.109/L.1024, T/L.1191 and Add.1-3), and the report of the Administering Authority (T/1762).

(2) The Commission noted with interest the new information on the results of the census of 1973, the implementation of the new salary schedule for

employees of the administration of the Trust Territory, the enactment of the Constitutional Convention Bill, and the rules and regulations concerning immigration.

(3) The Committee noted that a constitutional convention, charged with the duty of drafting a constitution for Micronesia, was held in 1975. The Committee would welcome information on the outcome of the convention and on any provisions of the new constitution, actual or proposed, that may bear on the work of the Committee.

(4) The Committee noted that the right of petition is granted by law and that inhabitants have petitioned the Administering Authority. The Committee would welcome an indication as to whether those petitions pertained in any way to allegations of racial discrimination.

(5) The Committee noted the decision of the Administering Authority in 1974 to authorize the return of public lands to the control of the district legislatures for final distribution. The Committee would welcome information as to whether the basis of distribution affects in any way the purposes and principles of the Convention.

(6) While noting with appreciation the comprehensive nature of the report submitted by the Administering Authority, the Committee drew attention to the fact that the report was not prepared for purposes of the Committee's work or in response to the Committee's previous request for further information. Accordingly, the Committee found itself unable to consider the application of the principles of the Convention to the specific situations on which it had requested information at its last session and hopes that such information would be provided as soon as possible.

#### 7. Gilbert and Ellice, Pitcairn and the Solomon Islands

The Committee, having examined the working paper on the Territories concerned (A/AC.109/L.995), noted with regret that in spite of the Committee's repeated requests for specific information relating to the application in the Territory of the principles and objectives of the Convention, no information was made available to it.

#### 8. American Samoa

The Committee studied the working paper relating to American Samoa (A/AC.109/L.1008), but did not find any relevant information directly connected with the attainment of the principles and objectives of the Convention.



C. Atlantic Ocean and Caribbean Territories,  
including Gibraltar 25/

1. Belize

(1) The Committee has examined the reports of the Special Committee relating to Belize (A/9023/Add.6 and A/9623/Add.6 (part II)).

(2) After the 1966 elections, the United Black Association for Development (UBAD), a minority group without representation in Parliament, opposed the programme then initiated by the People's United Party (PUP) (which held 17 of the 18 seats in the House of Representatives), intended to give expression to indigenous Mayan culture as a basis for national identity.

(3) The Committee would like to receive statistical information on the ethnic composition of the population of Belize, as well as on the question of the effect of the influx of migrant workers on social relations.

(4) The letters of Mr. Dennis Young of 14 February and 18 March 1973 were circulated as petitions by the Special Committee (A/AC.109/PET.1237 and Add.1). The petitioner is mainly opposed to the incorporation of Belize into Guatemala, as the programme of mayanization is, according to him, intended to suppress the "black" population and its culture.

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25/ Adopted at the 263rd meeting, on 18 August 1975. As regards these Territories, the following documents were submitted to the Committee:

A/9023/Add.4 (Gibraltar)  
A/9023/Add.6 (Belize)  
A/9023/Add.6 (United States Virgin Islands)  
A/9623/Add.6 (part I), chap. XXV (Cayman Islands)  
A/9623/Add.6 (part I), chap. XIII (Bermuda)  
A/9623/Add.6 (part I), chap. XXV (British Virgin Islands)  
A/9623/Add.6 (part I), chap. XXV (Turks and Caicos Islands)  
A/9623/Add.6 (part I), chap. XXIV (United States Virgin Islands)  
A/9623/Add.4 (part II), chap. XIII (Gibraltar)  
A/9623/Add.6 (part II), chap. XXVI (Falkland Islands (Malvinas))  
A/9623/Add.6 (part II), chap. XXVII (Belize)  
A/9623/Add.6 (part II), chap. XXVIII (Antigua, Dominica, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent)  
A/9623/Add.4 (part I), chap. X (St. Helena)  
A/9623/Add.6 (part I), chap. XXV (Montserrat)  
A/AC.109/L.994 (Bermuda)  
A/AC.109/L.999 (British Virgin Islands)  
A/AC.109/L.1003 (Turks and Caicos Islands)  
A/AC.109/L.1005 (United States Virgin Islands)  
A/AC.109/L.1044 (Falkland Islands (Malvinas))  
A/AC.109/L.1004 (Cayman Islands)  
A/AC.109/L.1025 (Belize)  
A/AC.109/L.1023 (St. Helena)  
A/AC.109/PET.1237 and Add.1 (petitions concerning Belize).

## 2. Bermuda

(1) The Committee has taken note with interest of the information applied by the administering Power with regard to activities of the Race Relations Board (CERD/C/R.70/Add.34).

(2) The Committee notes the information contained in paragraphs 61 to 63 of A/AC.109/L.994 concerning measures envisaged for preparing young Bermudans for selected jobs now held by non-Bermudans.

## 3. St. Helena

(1) The Committee examined the report of the Special Committee (A/9623/Add.4 (part I)) and took note of the role of foreign economic interests in the exploitation of the Territory and, in particular, of the activities of the South Atlantic Trading and Investment Company (SATIC). In this connexion, the United Kingdom Government refuted in 1971 any charges of the existence of apartheid-like conditions in the company; no further information in this regard has been forthcoming.

(2) The administering Power has reported that no measures for the elimination of racial discrimination as regards the operation of the South African company of Frank Robb and Associates have been taken. The Committee is strongly opposed to any further economic penetration of the Territory by South Africa and would request from the administering Power necessary information on further steps taken in this regard.

## 4. Gibraltar

(1) The Committee welcomes the extensive information on Gibraltar provided by the Government of the United Kingdom in its third periodic report (CERD/C/R.70/Add.34) and takes note of the statement that the recently adopted Trade Licensing Ordinance and the Immigration Control (Amendment) Ordinance have removed to a great extent the sources of grievance of the Indian community in Gibraltar.

(2) In the reports of the Special Committee (A/9023/Add.4 and A/9623/Add.4, part II) there is no reference to racial discrimination with regard to labour conditions, housing, public health or education. The Committee wishes, however, to be informed whether the wages and employment conditions established by the official Employers Joint Industrial Council (A/9023/Add.4) apply equally to migrant workers and would request information as to the number of migrant workers actually employed in Gibraltar.

(3) The Committee would also like to be informed whether there are any distinctions in salaries and wages in specific fields outside the field of public services.

## 5. Turks and Caicos Islands

(1) In view of the close economic connexion between Canada and the Islands, an association with Canada was proposed by a member of an opposition party in the Canadian Parliament, apparently supported by a delegation from the Islands. The proposal was, however, rejected on 10 April 1974 in the Canadian House of Commons by the Secretary of State for External Affairs, who emphasized that "it is by no means evident that association would be of mutual benefit, compared with the friendly relations that now exist, and that the creation of such a new relationship could be represented as neo-colonial ..." (A/9623/Add.6 (part I)).

(2) The administering Power has reported that there are no signs of racial tension in the Islands resulting from efforts to develop the tourist industry. As the Government continues to keep the situation under close scrutiny, further reports about developments would be welcome.

## 6. Montserrat

(1) The Committee noted the contents of paragraphs 5, 7 and 9 of the report of the Special Committee (A/9623/Add.6 (part I), chap. XXV) concerning the possible implications of the racial situation in the Territory. The Chief Minister, P. A. Bramble, is reported to have called upon the electorate to give him a mandate to "outlaw racism", and to have said that the activities of the racists had created "a situation of uncertainty which cannot only hold up development efforts, but can render it extremely difficult, if not impossible, for this country to achieve the economic break-through which is so essential to the survival of our people".

(2) The Committee wishes to receive general and specific information on the actual situation relative to the provisions of the Convention.

## 7. United States Virgin Islands

(1) The Committee notes with concern the findings of the Special Committee that there were poor race relations in the Territory.

(2) The Committee has taken note of the statement by the Attorney General of the United States Virgin Islands that "... the recent outcry for independence is not accidental. It is a natural avenue for those who are convinced that the objectives of the whites are incompatible with the objectives of the natives and that there can be no reconciliation under the present system". The Committee would welcome more specific information from the Special Committee in the matter.

(3) According to the report of the Special Committee (A/9023/Add.6), the District Court of the United States Virgin Islands ruled that all non-citizen children living in the Territory were eligible for admission to public schools. As a result of this ruling (according to A/9623/Add.6 and A/AC.109/L.1005) total enrolment in the public schools rose from 20,790 in 1972/73 to 25,248 in 1974/75. One third of the students in 1972/73 were non-citizen children and in 1973/74 a higher than usual influx of such

students was expected (A/AC.109/L.1005). In 1973/74 the admission of these scholars resulted in an increase of more than 100 per cent in the school population since 1968. In addition, about 5,000 children studied in non-public (private and parochial) schools. Over 30,000 scholars in a country with about 100,000 inhabitants is a high percentage. However, since the reports give no indication of the total number of children of school-going age, it is difficult to ascertain from the documents the precise percentage of foreign children admitted.

(4) In view of rising unemployment and the presence of a considerable alien population in the Virgin Islands (nearly half of the total labour force of 31,579) the control of immigration has been tightened. Four thousand one hundred thirty-five illegal immigrants were sent home during 1974, most of whom had come from the Commonwealth Caribbean countries.

(5) Though the "Alien Interest Movement" appealed to all illegal aliens to leave voluntarily, its President said on 4 February 1974 that "aliens have never been fully accepted by the Virgin Islanders", and that "deep-seated misconceptions" had given rise to this condition. He contended that "to deprive us of the services which we help to provide would be to deny us the right of equal treatment which is guaranteed in the Bill of Rights and the /Revised/ Organic Act". Therefore, he urged "all the people living in the Virgin Islands to unite and rebuild a viable community" (A/9623/Add.6). The Committee would welcome assurances that there was no racial discrimination against foreign workers involved in these measures.

#### General observations

(1) In general the process of decolonization in the Caribbean and Atlantic area has made slow progress as only the Bahamas (on 10 July 1973) and Grenada (on 7 February 1974) have attained independence. Negotiations are, however, pending regarding the decolonization of Belize (A/AC.109/L.1025, of 4 May 1975) and other islands.

(2) The Committee is of the opinion that all Territories in the area are facing economic and social difficulties for various reasons. It is clear that in the development of these Territories a prominent role is played by foreign interests and problems have arisen resulting from the policies and procedures adopted by the authorities concerned in regard to emigration and immigration. The Committee is of the view that greater regional co-operation could advance the attainment of the objectives of the Convention in the area, as well as the speeding up of the decolonization process.

(3) The Committee notes that the population of most of the Territories consists of peoples of different origin, a factor which could give rise to racial tensions.

## VI. MEETINGS OF THE COMMITTEE IN 1976 AND 1977

198. The Committee considered this item of the agenda at its 246th meeting (eleventh session), on 18 April 1975, and at its 261st meeting (twelfth session), on 15 August 1975.

199. It may be recalled that at its tenth session (August 1974) the Committee had already decided that its thirteenth session would be held in New York from 29 March to 16 April 1976. 26/

### Eleventh session

200. At its 246th meeting, on 18 April 1975, the Committee decided that its fourteenth session would also be held in New York from 2 to 20 August 1976.

201. As regards the Committee's meetings in 1977, the Secretary-General informed the Committee at its eleventh session that its fifteenth and sixteenth sessions could be held in New York without any additional financial implications from 28 March to 15 April and from 1 to 19 August 1977, respectively. The Committee agreed to hold its fifteenth and sixteenth sessions in 1977 during the period proposed by the Secretary-General. However, it deferred consideration of the venue of those two sessions to its twelfth session, when the Secretary-General would report to the Committee on the possibility of holding one or both of those meetings at Geneva.

202. After hearing statements by Messrs. Dayal and Sayegh, the Committee expressed the hope that the States parties to the Convention might wish to invite the Committee to hold one of its 1977 sessions in their country in connexion with their activities under the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

### Twelfth session

203. At its 261st meeting (twelfth session), on 15 August 1975, the Committee was informed of the administrative and financial implications of holding the fifteenth and sixteenth sessions of the Committee in 1977 in Geneva or in New York.

204. The Committee decided that its fifteenth and sixteenth sessions would be held at United Nations Headquarters in New York on the dates referred to in paragraph 201 above, subject to reconsideration of the venue of those sessions next year, if necessary.

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26/ See Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 18 (A/9618), chap. VI, para. 280.

VII. DECISIONS ADOPTED BY THE COMMITTEE AT  
ITS ELEVENTH AND TWELFTH SESSIONS

A. Eleventh session

1 (XI). Participation in the Programme for the Decade for  
Action to Combat Racism and Racial  
Discrimination 27/

The Committee on the Elimination of Racial Discrimination,

Having considered, at its ninth, tenth and eleventh sessions, the Programme for the Decade for Action to Combat Racism and Racial Discrimination, contained in General Assembly resolution 3057 (XXVIII) of 2 November 1973,

Recalling decision 2 (X), adopted by the Committee on 28 August 1974,

Having considered also, at its eleventh session, General Assembly resolutions 3223 (XXIX) of 6 November 1974 and 3266 (XXIX) of 10 December 1974,

Deeply conscious of its unique position within the United Nations system in regard to the problem of the elimination of all forms of racial discrimination, and entertaining a profound interest in and concern for the successful accomplishment of the goals and objectives of the Decade,

Noting with appreciation that the General Assembly, in paragraph 10 of resolution 3223 (XXIX), commended the active involvement of the Committee on the Elimination of Racial Discrimination in the implementation of the Programme for the Decade within its competence under the International Convention on the Elimination of All Forms of Racial Discrimination,

Noting that in paragraph 6 of its resolution 3266 (XXIX), the General Assembly endorsed the Committee's decision to make its contribution in the context of the Decade for Action to Combat Racism and Racial Discrimination and the Programme for the Decade, to the total and unconditional elimination of racism and racial discrimination in accordance with the powers vested in it by the International Convention on the Elimination of All Forms of Racial Discrimination, especially by concentrating its efforts, pursuant to articles 3, 9 and 15 of the Convention, on preparing recommendations with regard to the most flagrant and large-scale manifestations of racial discrimination, particularly in areas which are still under the domination of racist and colonial régimes and foreign occupation,

1. Affirms its determination to intensify its efforts to fulfil its responsibilities under the Convention, on the basis of continuing co-operation of the States parties, thereby contributing to the achievement of the goals and objectives of the Decade;

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27/ Adopted at the 231st meeting, on 4 April 1975 (see chap. III, paras. 41-43).

2. Expresses its readiness to contribute to the implementation of the Programme for the Decade, for example by:

(a) Taking part in the preparation for the world conference on combating racial discrimination, envisaged in paragraph 13 (a) of the Programme;

(b) Participating in that conference;

(c) Taking part in the preparation for, and participating in, international and regional seminars envisaged in paragraph 13 (b) of the Programme;

(d) Participating in student workshops provided for in paragraph 15 (b) of the Programme, with particular reference to topics related to the International Convention on the Elimination of All Forms of Racial Discrimination;

(e) Assisting in the preparation of pilot studies contemplated under paragraph 15 (d) of the Programme;

3. Recommends that:

(a) An item, or items, on the International Convention on the Elimination of All Forms of Racial Discrimination and the work of the Committee on the Elimination of Racial Discrimination under that Convention should be included in the agenda of the world conference on combating racial discrimination;

(b) Papers on the work of the Committee in implementation of the provisions of the Convention should be presented at that world conference;

(c) A seminar should be devoted to the provisions of the Convention and the implementation thereof;

(d) The questionnaire which the Secretary-General is entrusted with preparing, in accordance with paragraph 18 (e) of the Programme, should include a question on the considerations which have prevented the ratification of, or accession to, the Convention by Member States which are not Parties to the Convention;

(e) Copies of the biennial reports of Member States received under the aforementioned paragraph should be transmitted to the Committee;

4. Expresses the view that, in order to accelerate the momentum of action on the Programme for the Decade, the Secretary-General may wish to consider the setting up of a special task force within the Division of Human Rights of the Secretariat for this purpose;

5. Requests the Secretary-General to transmit the text of this decision, in accordance with paragraph 18 (f) of the Programme, to the Economic and Social Council for consideration at its fifty-eighth session, and to inform the Committee at its next session of the action taken on this decision, if any, by the Economic and Social Council.

The Committee on the Elimination of Racial Discrimination,

Recalling its general recommendation III, in which it expressed the view that measures adopted on the national level to give effect to the provisions of the Convention are interrelated with measures taken on the international level to encourage respect for the principles of the Convention,

Noting that the Programme for the Decade for Action to Combat Racism and Racial Discrimination, contained in General Assembly resolution 3057 (XXVIII) of 2 November 1973, declares in paragraph 8, that one of the ultimate goals of the Decade is to resist any policy or practices which lead to the strengthening of the racist régimes and contribute to the sustainment of racism and racial discrimination, and proclaims, in paragraph 13 (e) and (g), that racist régimes should be denied any support or assistance that could enable them to perpetuate racist policies or practices, including policies aimed at depriving the indigenous people of their inalienable rights, and that it is essential to consider ways and means of ensuring the international and regional isolation of racist régimes,

Noting also that, in paragraph 7 of resolution 3223 (XXIX) of 6 November 1974, the General Assembly urged all States to ensure inter alia the immediate termination of all measures and policies, as well as military, political, economic and other activities, which enable racist régimes in southern Africa to continue the repression of the African people,

1. Declares that all policies, practices or relations which have the effect of supporting, sustaining or encouraging racist régimes are irreconcilable with the commitment to the cause of the elimination of racial discrimination which is inherent in the ratification of, or accession to, the International Convention on the Elimination of All Forms of Racial Discrimination, and inconsistent with the specific commitment of States parties to condemn racial segregation and apartheid in accordance with article 3 of the Convention, and their resolve to build an international community free from all forms of racial segregation and racial discrimination, expressed in the Preamble to the Convention;

2. Calls upon States parties concerned, at the earliest possible stage in the Decade for Action to Combat Racism and Racial Discrimination, to reconsider any relations which they may have with the racist régimes in the light of their own commitments to the cause of the elimination of racial discrimination;

3. Invites all States parties to include, in their reports under article 9, paragraph 1, of the Convention, information on the status of their relations with the racist régimes of southern Africa;

4. Notes that the principled decision of the General Assembly, at its twenty-ninth session, to refuse to allow the delegation of South Africa to participate in its work, gave forceful expression to the principle that a régime which makes racial segregation and racial discrimination the corner-stone of its national policy falls outside the pale of the community of nations.

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28/ Adopted at the 233rd meeting, on 7 April 1975 (see chap. III, paras. 41-43).



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

The Committee on the Elimination of Racial Discrimination,

Having considered the information provided by the representative of Cyprus at the 234th meeting of the Committee, on 8 April 1975, to the effect that the Government of Cyprus is being prevented from fulfilling its obligations under the Convention in a part of its territory and that racial discrimination is being practised therein,

1. Expresses its concern at the information laid before the Committee and its hope for a speedy normalization of conditions in Cyprus;

2. Invites the Government of Cyprus to provide it with such additional information as may be available to it for consideration by the Committee at its twelfth session.

4 (XI). Thirtieth anniversary of the defeat of nazism and fascism 30/

The Committee on the Elimination of Racial Discrimination,

Recalling that the year 1975 marks the thirtieth anniversary of the defeat of nazism and fascism, ideologies based essentially on racism and racial discrimination,

Bearing in mind that the struggle cost the lives of millions of human beings and caused untold suffering to mankind,

Aware that racism and vestiges of those ideologies persist in some parts of the world,

Convinced that all necessary measures should be taken to extirpate those policies and ideologies as a positive contribution to the goals and objectives of the Decade for Action to Combat Racism and Racial Discrimination,

1. Pays tribute to the memory of the millions of human beings who perished in the Second World War as victims of the racist ideologies of nazism and fascism;

2. Condemns racism and all vestiges of nazism and fascism that persist in the world, in whatever form they may exist;

3. Reminds the States parties concerned of their obligations under the Convention to adopt appropriate legislative, judicial, administrative or other measures with a view to putting an end to racism and to the vestiges or manifestations of such ideologies wherever they exist.

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29/ Adopted at the 235th meeting, on 8 April 1975 (see chap. IV, sect. B, para. 88).

30/ Adopted at the 242nd meeting, on 14 April 1975 (see chap. III, paras. 41-43).

B. Twelfth session

1 (XII). Information supplied by Cyprus relating to conditions in Cyprus 31/

The Committee on the Elimination of Racial Discrimination,

Taking note of the supplementary report submitted by the Government of Cyprus in response to Committee decision 3 (XI) of 8 April 1975, and of the additional information supplied by the representative of Cyprus at the 251st meeting of the Committee, on 6 August 1975,

Taking note also of the progress achieved so far in three rounds of talks between the communities directly concerned, and of their decision to hold a fourth round of talks in the near future,

1. Expresses once more the concern it voiced in its decision 3 (XI);
2. Expresses the earnest hope that the progress achieved so far will continue; that the resolutions unanimously adopted by the competent organs of the United Nations will be implemented; and that a speedy normalization of conditions in Cyprus will be effected, so that all refugees and other human beings in Cyprus suffering hardships because of their racial or ethnic origin will be enabled to enjoy fully their fundamental human rights without discrimination.

2 (XII). Statement made by the Committee on the Elimination of Racial Discrimination during its consideration of the item on the Decade for Action to Combat Racism and Racial Discrimination 32/

1. The Committee has taken note of, and considered, Economic and Social Council resolution 1938 A (LVIII) of 6 May 1975, which was brought to its attention by the Secretary-General in accordance with the request made by the Committee in paragraph 5 of its decision 1 (XI) of 4 April 1975.
2. The Committee has noted with appreciation, in particular, operative paragraphs 3 (f), 4, 7 and 8 of the draft resolution which the Economic and Social Council, in paragraph 5 of its resolution, has recommended to the General Assembly for adoption at its thirtieth session. However, with reference to operative paragraph 4 of that draft resolution, the Committee wishes to state that, during the past year, less than half of the reports which were due under article 9 of the Convention were submitted and less than one tenth were submitted within the time-table laid down under that article, in spite of many reminders sent by the Secretary-General on behalf of the Committee to the States parties concerned. Accordingly, the Committee expresses the hope that the text of paragraph 4 of the draft resolution will be adjusted in such a way as to take account of the

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31/ Adopted at the 251st meeting, on 6 August 1975 (see chap. IV, sect. B, para. 90).

32/ Adopted at the 260th meeting, on 15 August 1975 (see chap. III, paras. 62 and 63).

detailed information contained in the annual report of the Committee to the General Assembly, 33/ which is inter alia a principal source of information on the state of compliance by States parties with their obligations under article 9 of the Convention. In the opinion of the Committee, the words "to continue", in operative paragraph 4 of the draft resolution, imply a state of full compliance by States parties with their obligations under the relevant articles of the Convention which regrettably has not prevailed so far with respect to article 9. In this connexion, the Committee notes that the General Assembly had rightly avoided predicating its call for full compliance, in paragraphs 5 and 9 of resolution 3266 (XXIX) of 10 December 1974, on the assumption that such compliance had obtained in the past.

3. The Committee requests the Secretary-General to bring this statement to the attention of the Third Committee of the General Assembly when it considers the draft resolution proposed by the Economic and Social Council in its resolution 1938 (LVIII).

3 (XII). Attendance by a member of the Committee  
at meetings of the Third Committee 34/

The Committee on the Elimination of Racial Discrimination recommends to the General Assembly that a member appointed by the Committee should be invited to participate in meetings of the Third Committee of the General Assembly at which the report of the Committee on the Elimination of Racial Discrimination is considered.

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33/ See chap. IV, sect. A, and annex III.

34/ Adopted at the 261st meeting, on 15 August 1975 (see chap. II, sect. C, para. 32).

# ANNEX I

## States parties to the International Convention on the Elimination of All Forms of Racial Discrimination as at 22 August 1975

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

<sup>a/</sup> Accession.

<sup>b/</sup> Date of receipt of notification of succession.

Date of receipt of the  
instrument of ratification  
or accession

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

Date of receipt of the  
instrument of ratification

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

## ANNEX II

### Membership of the Committee

<u>Name of member</u>	<u>Country of nationality</u>
Mr. Mahmoud ABOUL-NASR	Egypt
Mr. Marc ANCEL*	France
Mr. Naste Dimo ČALOVSKI*	Yugoslavia
Mr. Rajeshwar DAYAL*	India
Mr. Samiulla Khan DEHLAVI*	Pakistan
Mr. Adedokun A. HAASTRUP	Nigeria
Mr. José D. INGLES	Philippines
Mr. Paul Joan George KAPTEYN	Netherlands
Mr. George O. LAMPTEY	Ghana
Mr. Ronald St. John MACDONALD*	Canada
Mr. Gonzalo ORTIZ MARTIN*	Costa Rica
Mr. Karl Josef PARTSCH	Germany, Federal Republic of
Mr. Vasily S. SAFRONCHUK*	Union of Soviet Socialist Republics
Mr. Fayez A. SAYEGH	Kuwait
Mr. Sebastian SOLER*	Argentina
Mr. Ján TOMKO*	Czechoslovakia
Mr. Luis VALENCIA RODRÍGUEZ	Ecuador
Mrs. Halima Embarek WARZAZI	Morocco

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\* Term expires on 19 January 1976 .

# ANNEX III

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

(30 August 1974 to 22 August 1975)

### A. Initial reports

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Botswana	22 March 1975	1 August 1975	(1) 18 April 1975
Central African Republic <u>a/</u>	14 April 1972	NOT YET RECEIVED	(1) 26 September 1972 (2) 15 May 1973 (3) 7 September 1973 (4) 25 April 1974 (5) 20 September 1974 (6) 20 May 1975
Jordan <u>a/</u>	30 June 1975	NOT YET RECEIVED	
Laos <u>a/</u>	24 March 1975	NOT YET RECEIVED	(1) 18 April 1975
Lebanon	12 December 1972	30 July 1975	
Lesotho <u>a/</u>	4 December 1972	NOT YET RECEIVED	(1) 15 May 1973 (2) 7 September 1973 (3) 25 April 1974 (4) 20 September 1974 (5) 20 May 1975
Mali	15 August 1975	30 December 1974	
Senegal	18 May 1973	23 April 1975	(1) 7 September 1973 (2) 25 April 1974 (3) 20 September 1974
Togo <u>a/</u>	1 October 1973	NOT YET RECEIVED	(1) 30 April 1974 (2) 20 September 1974 (3) 20 May 1975
Trinidad and Tobago	4 November 1974	28 July 1975	(1) 18 April 1975

a/ For the reminders which the Committee decided at its twelfth session to send to the States parties, see chap. IV, sect. A, para. 71 above.



<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
United Arab Emirates <u>a/</u>	21 July 1975	NOT YET RECEIVED	
United Republic of Tanzania <u>a/</u>	26 November 1973	NOT YET RECEIVED	(1) 30 April 1974 (2) 20 September 1973 (3) 20 May 1975
Upper Volta	18 August 1975	NOT YET RECEIVED	
Zambia	5 March 1975	11 March 1975	(1) 15 May 1973 (2) 7 September 1973 (3) 25 April 1974 (4) 20 September 1974

B. Second periodic reports

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Algeria <u>a/</u>	15 March 1975	NOT YET RECEIVED	(1) 18 April 1975
Austria	8 June 1975	12 August 1975	
Central African Republic <u>a/</u>	14 April 1974	NOT YET RECEIVED	
Chile	20 November 1974	16 July 1975	(1) 18 April 1975
Cuba	16 March 1975	21 May 1975	
Denmark	8 January 1975	8 January 1975	
France <u>a/</u>	28 August 1974	NOT YET RECEIVED	(1) 18 April 1975
Jamaica <u>a/</u>	5 July 1974	NOT YET RECEIVED	(1) 20 September 1974 (2) 20 May 1975
Lebanon <u>a/</u>	12 December 1974	NOT YET RECEIVED	
Lesotho <u>a/</u>	4 December 1974	NOT YET RECEIVED	
Malta <u>a/</u>	26 June 1974	NOT YET RECEIVED	(1) 20 September 1974 (2) 20 May 1975
Mauritius <u>a/</u>	29 June 1975	<del>NOT YET RECEIVED</del>	
Netherlands	9 January 1975	18 March 1975	
Peru <u>a/</u>	30 October 1974	NOT YET RECEIVED	(1) 20 May 1975

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Senegal <u>a/</u>	18 May 1975	NOT YET RECEIVED	
Sweden	5 January 1975	2 January 1975	
Tonga <u>a/</u>	17 March 1975	NOT YET RECEIVED	(1) 20 May 1975
United Republic of Cameroon	24 July 1974	11 July 1975	(1) 18 October 1974 (2) 20 May 1975
Zambia <u>a/</u>	5 March 1975	NOT YET RECEIVED	(1) 20 May 1975

C. Third periodic reports

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Czechoslovakia	5 January 1974	21 October 1974	(1) 25 April 1974 (2) 20 September 1974
Finland	16 August 1975	NOT YET RECEIVED	
Greece	19 July 1975	NOT YET RECEIVED	
Holy See	1 June 1974	3 January 1975	(1) 20 September 1974
India	5 January 1974	22 August 1974	
Iraq	15 February 1975	NOT YET RECEIVED	(1) 18 April 1975
Libyan Arab Republic	5 January 1974	8 October 1974	(1) 25 April 1974 (2) 20 September 1974
Mongolia	4 September 1974	9 April 1975	
Niger	5 January 1974	23 August 1974	(1) 25 April 1974
Tunisia <u>a/</u>	5 January 1974	NOT YET RECEIVED	(1) 25 April 1974 (2) 20 September 1974 (3) 20 May 1975
United Kingdom of Great Britain and Northern Ireland	5 April 1974	21 March 1975	(1) 25 April 1974
Uruguay	5 January 1974	4 August 1975	(1) 25 April 1974 (2) 20 September 1974 (3) 20 May 1975

<u>States parties</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Venezuela	5 January 1974	15 July 1975	(1) 25 April 1974 (2) 20 September 1974 (3) 20 May 1975
Yugoslavia	5 January 1974	14 August 1974	(1) 25 April 1974

D. Additional information requested by the Committee

<u>States parties to which request for additional information was sent</u>	<u>Requested by the Committee at its</u>	<u>Date on which requested additional information was submitted</u>
Tonga <u>a/</u>	Ninth session	Not received
Bolivia	Tenth session	12 December 1974
Haiti	Tenth session	24 April 1975
Peru <u>a/</u>	Tenth session	Not received
Sierra Leone <u>a/</u>	Tenth session	Not received
Cyprus	Eleventh session	30 June 1975

# ANNEX IV

## Consideration by the Committee at its eleventh and twelfth sessions of the reports and information submitted by States parties under article 9 of the Convention

State party	Type of report				Information on article 4 in reply to decision 3 (VII)	Meeting(s) at which considered	Date of meeting(s)
	Initial	Second	Third	Supplementary			
Argentina			X			232-233	7 April 1975
Bolivia		X		X		233	7 April 1975
Cyprus			X			234-235	8 April 1975
India			X			235	8 April 1975
Denmark		X				236	9 April 1975
Niger			X		X	236-237	9 April 1975
Libyan Arab Republic			X			237	9 April 1975
Yugoslavia			X		X	237-238	9-10 April 1975
Holy See			X			239	10 April 1975
Mali	X					239	10 April 1975
Netherlands		X			X	239-240	10-11 April 1975
Czechoslovakia			X		X	240-241	11 April 1975
Sweden		X			X	241	11 April 1975
Zambia	X				X	242	14 April 1975
Mongolia			X			243	15 April 1975
United Kingdom of Great Britain and Northern Ireland			X			244-245 248-249	17 April 1975 5 August 1975

State party	Type of report				Information on article 4 in reply to de- cision 3 (VII)	Meeting(s) at which considered	Date of meeting(s)
	Initial	Second	Third	Supple- mentary			
Senegal	X					249-250	5-6 August 1975
Haiti				X		250	6 August 1975
Cyprus				X		250-251	6 August 1975
Venezuela			X			251-252	6-7 August 1975
United Republic of Cameroon		X				253	7 August 1975
Chile		X				253 and 255-257	7, 8 and 11 August 1975
Trinidad and Tobago	X					254-255	8 August 1975
Lebanon	X					255	8 August 1975
Uruguay			X			257	11 August 1975
Botswana	X				X	258	12 August 1975

ANNEX V

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

A. Documents submitted pursuant to the decision of the Trusteeship Council at its forty-second session (1975)

1. Reports of the Administering Authorities relating to the Trust Territory of the Pacific Islands and Papua New Guinea:

Trust Territory of the Pacific Islands (United States of America)	T/1762 For the year ending 30 June 1974
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Papua New Guinea (Australia)	T/1765 For the period from 1 September 1974 to 23 May 1975
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2. Reports of the Trusteeship Council to the General Assembly and to the Security Council, incorporating the working papers prepared by the Secretariat (Outline of conditions in the Trust Territory of the Pacific Islands (T/L.1191 and Add.1-3) and in Papua New Guinea (T/L.1192 and Add.1)):

Official Records of the General Assembly, Thirtieth Session,  
Supplement No. 4 (A/10004)

Official Records of the Security Council, Thirtieth Year,  
Special Supplement No. 1 (S/11735)

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

1. Petitions submitted by the Special Committee pursuant to its decision at the 981st meeting, on 5 September 1974, and forwarded by the letter of the Chairman of the Special Committee, dated 18 December 1974:

<u>Petitions concerning</u>	<u>Document symbol</u>
Southern Rhodesia	A/AC.109/PET.1253
Spanish Sahara	A/AC.109/PET.1254

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a/ See chap. V, para. 197 above.

2. Working papers submitted by the Special Committee:

	<u>1974</u>	<u>1975</u>
Southern Rhodesia		A/AC.109/L.992 and Corr.1 and Add.1 and 2
Namibia		A/AC.109/L.1007 and Add.1
Territories under Portuguese administration:		
Decolonization policy of Portugal		A/AC.109/L.1006
Angola		A/AC.109/L.1014
Mozambique		A/AC.109/L.1020
Cape Verde		A/AC.109/L.1016
Sao Tome and Principe		A/AC.109/L.1013
Timor		A/AC.109/L.1015
Bermuda	A/9623/Add.6 (Part I), chapter XIII	A/AC.109/L.994
Gilbert and Ellice Islands Pitcairn and the Solomon Islands		A/AC.109/L.995
New Hebrides		A/AC.109/L.997
Cocos (Keeling) Islands	A/9623/Add.5 (Part II), chapter XX	A/AC.109/L.998
British Virgin Islands	A/9623/Add.6 (Part I), chapter XXV	A/AC.109/L.999
Tokelau Islands		A/AC.109/L.1000
Turks and Caicos Islands	A/9623/Add.6 (Part I), chapter XXV	A/AC.109/L.1003
Cayman Islands	A/9623/Add.6 (Part I), chapter XXV	A/AC.109/L.1004
United States Virgin Islands	A/9623/Add.6 (Part I), chapter XXIV	A/AC.109/L.1005

1974

1975

American Samoa		A/AC.109/L.1008
Seychelles		A/AC.109/L.1010
Gibraltar	A/9623/Add.4 (Part II), chapter XIII	Not yet issued
French Somaliland <u>b/</u>	A/9623/Add.4 (Part II), chapter XIV	Not yet issued
Niue	A/9623/Add.5 (Part V), chapter XXII	Not yet issued
Falkland Islands (Malvinas)	A/9623/Add.6 (Part II), chapter XXVI	A/AC.109/L.1044
Belize	A/9623/Add.6 (Part II), chapter XXVII	A/AC.109/L.1025
Antigua, Dominica, St. Kitts-Nevis- Anguilla, St. Lucia and St. Vincent	A/9623/Add.6 (Part II), chapter XXVIII	Not yet issued
St. Helena	A/9623/Add.4 (Part I), chapter X	A/AC.109/L.1023
Montserrat	A/9623/Add.6 (Part I), chapter XXV	Not yet issued
Brunei		A/AC.109/L.1021
Guam		A/AC.109/L.1022
Trust Territory of the Pacific Islands		A/AC.109/L.1024
Comoro Archipelago		A/AC.109/L.1033

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



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