

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

GENERAL ASSEMBLY

OFFICIAL RECORDS: TWENTY-NINTH SESSION

SUPPLEMENT No.18 (A/9618)



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New York, 1974

NOTE

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LETTER OF TRANSMITTAL

30 August 1974

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 1974 and, at its 224th 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.

Accept, Sir, the assurances of my highest consideration.

(Signed) Adedokun A. HAASTRUP
Chairman,
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. As at 30 August 1974, there were 81 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 (see annex I below).

B. Sessions

2. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1974. The ninth session was held at the Headquarters of the United Nations from 25 March to 12 April 1974 and the tenth session was held at the United Nations Office at Geneva from 12 to 30 August 1974.

C. Membership of the Committee

3. In accordance with the provisions of article 8 of the Convention, representatives of the States Parties held their Fourth Meeting at the Headquarters of the United Nations on 10 January 1974,^{1/} and elected nine members of the Committee on the Elimination of Racial Discrimination, to replace those whose terms were to expire on 19 January 1974. Accordingly the membership of the Committee was composed of the following 18 persons:

<u>Name</u>	<u>Nationality</u>
Mr. Mahmoud Aboul-Nasr**	Egypt
Mr. Marc Ancel	France
Mr. Naste Dimo Calovski	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

* Elected.

** Re-elected.

^{1/} For decisions of the States Parties to the Convention at their Fourth Meeting, see International Convention on the Elimination of All Forms of Racial Discrimination, Official Records: Fourth Meeting of States Parties (CERD/SP/6).

<u>Name</u>	<u>Nationality</u>
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

* Elected.

** Re-elected.

D. Attendance

4. All the members, except Mr. Dehlavi, attended the ninth session of the Committee.

5. All the members, except Mr. Dehlavi, Mr. Ingles and Mr. Valencia Rodríguez, attended the tenth session; Mr. Ancel and Mrs. Warzazi attended only part of that session.

E. Solemn Declaration

6. At the opening of the ninth session, the members of the Committee, who were elected or re-elected by the States parties on 10 January 1974, made a solemn declaration in accordance with rule 14 of the provisional rules of procedure of the Committee.

F. Election of Officers

7. At its 172nd meeting, on 25 March 1974, the Committee elected the following officers in accordance with article 10, paragraph 2, of the Convention for a term of two years:

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

G. Agenda

Ninth session

8. After some discussion at the 172nd meeting of the Committee, on 25 March 1974, the Committee adopted the items listed on the provisional agenda, submitted by the

Secretary-General in accordance with rule 6 of the provisional rules of procedure, as the agenda of its ninth session. The agenda of the ninth session read as follows:

1. Opening of the session by the representative of the Secretary-General
2. Solemn declaration by new members of the Committee under rule 14 of the provisional rules of procedure
3. Election of officers of the Committee
4. Adoption of the agenda
5. Action by the General Assembly at its twenty-eighth session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention
6. Decade for Action to Combat Racism and Racial Discrimination
7. Information from States Parties concerning their obligations under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination 2/
8. Consideration of reports and comments submitted by States parties under article 9 of the Convention
 - (a) Initial reports of States Parties due in 1972
 - (b) Second periodic reports of States Parties due in 1972
 - (c) Initial reports of States Parties due in 1973
 - (d) Second periodic reports of States Parties due in 1973
 - (e) Initial reports of States Parties due in 1974
 - (f) Second periodic reports of States Parties due in 1974
 - (g) Third periodic reports of States Parties due in 1974
 - (h) Comments of States Parties on general recommendation IV of the Committee 3/
9. 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
10. Meetings of the Committee in 1975 and 1976

2/ For the action taken by the Committee on this item, see chapter IV, section B, paragraph 76, foot-note 8 below.

3/ For the action taken by the Committee on this item, see chapter IV, section C, and annex V below.

Tenth session

9. At its 201st meeting, on 13 August 1974, the Committee adopted the provisional agenda submitted by the Secretary-General as the agenda of its tenth session. It read as follows:

1. Adoption of the agenda
2. Review of the work methods of the Committee, with particular reference to the consideration of reports and information submitted by States Parties under article 9 of the Convention: item proposed by Mr. Marc Ancel 4/
3. Consideration of reports, comments and information from States Parties under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination
 - (a) Initial reports of States Parties due in 1972
 - (b) Second periodic reports of States Parties due in 1972
 - (c) Initial reports of States Parties due in 1973
 - (d) Second periodic reports of States Parties due in 1973
 - (e) Initial reports of States Parties due in 1974
 - (f) Second periodic reports of States Parties due in 1974
 - (g) Third periodic reports of States Parties due in 1974
 - (h) Information from States Parties concerning their obligations under article 4 of the Convention 2/
 - (i) Comments of States Parties on general recommendation IV of the Committee 3/
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 1975 and 1976
7. Report of the Committee to the General Assembly at its twenty-ninth session under article 9, paragraph 2 of the Convention

4/ For the action taken by the Committee on this item, see chapter IV, section B, paragraphs 79-80 below.

II. ACTION BY THE GENERAL ASSEMBLY AT ITS TWENTY-EIGHTH SESSION
ON THE FOURTH ANNUAL REPORT OF THE COMMITTEE 5/

10. The Committee considered this item during its ninth session, at the 173rd to 175th meetings, held on 25 and 26 March 1974, and the 198th meeting, on 12 April 1974.

A. General Assembly resolution 3134 (XXVIII)

11. The Committee was gratified by both the tone and the contents of General Assembly resolution 3134 (XXVIII) of 14 December 1973, relating to the Committee's fourth annual report, 5/ as well as by the overwhelming support which that resolution received during the vote in the General Assembly. Some members associated themselves with the view of Mr. Valencia Rodríguez that, in that resolution, "the General Assembly had, in general, expressed support for the Committee's activities and fully accepted its point of view".

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

12. It will be recalled that, in his letter transmitting the fourth annual report to the Secretary-General, the Chairman of the Committee drew attention to the fact that, at the Committee's seventh session, the view had been expressed "that the General Assembly should consider the Committee's report separately from other items" (A/9018, p. vii). At its ninth session, the Committee noted with satisfaction that the Third Committee and the General Assembly had considered the Committee's fourth annual report separately within their respective programmes of work, thereby indicating the importance they attached to it, as was emphasized by Mr. Valencia Rodríguez in the statement with which he opened the Committee's discussion of the item and which was endorsed by other members.

13. Members were gratified also by the fact that the report was considered "in greater depth than on previous occasions" (Mr. Čalovski); that it was "accorded more time and importance" than at previous sessions (Mr. Aboul-Nasr); and that it had been given "more attention ... than in the past" (Mr. Safronchuk).

14. There was wide agreement also that the Committee's report was, in general, accorded a favourable reception by the Third Committee. Mr. Aboul-Nasr found it "reassuring" that the Committee's report "had been received with appreciation" and that "its decisions had been endorsed". Mr. Valencia Rodríguez thought that, "generally speaking, the Committee's report ... had elicited praise and favourable

5/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 18 (A/9018). For the three 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).

comments". Mr. Ancel was "struck by the General Assembly's favourable response and the growing importance it attached to the Committee's report". Mr. Kapteyn was "impressed by the sympathetic consideration of the Committee's report in the Third Committee". Mr. Lamprey expressed "satisfaction at the way in which the Third Committee had dealt with the Committee's report". Mrs. Warzazi "welcomed the favourable response of the General Assembly to the Committee's report". Mr. Ortiz Martin found it "encouraging" that "the Assembly had commented on the Committee's activities and that there was growing interest in those activities". Mr. Macdonald welcomed "the positive comments made during the discussion in the Third Committee" and expressed satisfaction with "the favourable reception accorded to the Committee's report by the General Assembly". Mr. Čalovski felt that "the many compliments paid to the quality of the report and the endorsement of the practice whereby representatives of States Parties were present when reports were discussed were gratifying". The Chairman summed up the views of members of the Committee by stating that "there seemed to be a general feeling of satisfaction among members of the Committee at the attention given by the Third Committee and the General Assembly to the Committee's report".

15. The favourable reception accorded to the Committee's report by the General Assembly and the Third Committee was viewed by some members as a salutary indicator of the status of the relationship between the Committee and those bodies and as a significant step in the continuing and useful dialogue between them. Mr. Ancel was pleased at "the excellent and increasingly close relationship between the Committee and the Assembly". Mr. Dayal expressed pleasure at "the satisfactory progress of the dialogue between the Committee and the General Assembly". To Mr. Macdonald, it was "gratifying to note that the Committee's relationship with the General Assembly was evolving successfully, in a spirit of growing confidence and mutual trust". Mr. Ortiz Martin noted that "the dialogue with the General Assembly was ... of fundamental importance to the Committee". Mr. Kapteyn "agreed with other speakers as to the need to establish a continuous dialogue between the Committee and the Third Committee". And Mr. Čalovski thought that "the dialogue between the General Assembly and the Committee was extremely helpful and should be continued and expanded".

16. Although some regret was expressed at the fact that the number of representatives who participated in the Third Committee's consideration of the Committee's report was relatively small, some members cautioned against possible misinterpretation of that fact. In the view of Mr. Valencia Rodríguez, "the fact that representatives of only 26 Member States had seen fit to speak, either in the general discussion or in the proceedings relating to the draft resolution on the item, should not be construed as apathy on the part of the majority; the silence of the many should rather be viewed as acquiescence to or agreement with the views of those who had spoken". Mr. Ancel also was of the opinion that, although it was "regrettable that so few representatives had made statements", it was nevertheless "clear that those who had not spoken had no objection to the Committee's work". However, Mrs. Warzazi thought that some action should be taken in order to remedy the situation which may have contributed to the phenomenon under discussion, and suggested that "in future the report should be distributed before the sessions of the General Assembly so that it could be studied in greater detail by the members of the Third Committee".

17. There was some divergence of opinion about the importance that should be attached by the Committee to the views expressed by representatives of Member

States in the Third Committee regarding the activities of the Committee in general or some of its particular decisions and actions. Mr Macdonald "hoped that the Committee would continue to pay due attention to all the observations pertinent to its work", and Mr. Safronchuk thought that "the Committee should take account of the opinions expressed in the Third Committee and in the General Assembly itself". Mr. Soler held the view that "it was useful to engage in self-criticism while considering criticism from other sources; the Committee would thus be able to reflect on its successes and failures". On the other hand, Mr. Ingles wondered "whether it was necessary for individual members of the Committee to discuss the opinions expressed by individual members of the Third Committee", arguing that "the dialogue was, after all, between the Committee and the Assembly and not between the individual members of the Committee and individual members of the Third Committee". He concluded that "the Committee should therefore focus its attention on the decisions of the General Assembly rather than on the individual opinions of members of the Third Committee which have not been endorsed by the Assembly; otherwise, there was a danger that the dialogue might become a confrontation". Mr. Dayal disagreed with this view; he thought that "it was difficult to do justice to the Assembly's debates without mentioning some of the opinions of individual members" and denied that the Committee "would be exceeding the limits of its functions if it referred to those opinions".

18. Consideration of the views expressed by representatives of Member States in the Third Committee was, in the opinion of some members of the Committee on the Elimination of Racial Discrimination, attended by some difficulties. In the first place, the views of representatives of Member States were often in conflict with one another. Mr. Valencia Rodríguez cited one illustration: "Whereas the USSR delegation esteemed that the Committee should assign priority to its responsibilities under article 15, the French and United Kingdom delegations had reservations concerning its activities under that article". Mr. Ancel also noted the same phenomenon: "Some speakers had reproached the Committee for exceeding its competence, especially with regard to article 15 of the Convention, while others reproached it for being too reluctant to exercise its powers". In the second place, the attention of representatives in the Third Committee was not always directed - in the view of some members - towards the more important activities of the Committee, nor was the interest of delegations equally aroused by all the Committee's responsibilities. According to Mr. Čalovski, "too much attention had been paid by some delegations to such peripheral questions as the venue of future sessions". Mr. Ancel also felt that "the General Assembly had perhaps devoted too much time" to that question. Mr. Čalovski noted with surprise that "some delegations which were deeply committed to the elimination of racial discrimination had failed to comment on the broader consequences of the Committee's activities". And Mrs. Warzazi observed that, "while the Third Committee had placed justifiable emphasis on the colonialist manifestations of racial discrimination, it had not paid sufficient attention to discriminatory acts against peoples in independent Territories". A third difficulty related to the political motives which were believed by some members to inspire some of the views expressed in the Third Committee. Thus, both Mr. Valencia Rodríguez and Mrs. Warzazi believed that some of the views expressed in the Third Committee concerning the competence of the Committee under article 15 or other articles of the Convention were largely inspired by political motives.

19. Notwithstanding these difficulties, members of the Committee considered the views expressed by representatives of Member States in the Third Committee; and their deliberations may be summarized as follows:

(a) Commenting on the statement of the USSR representative that the Committee had paid too much attention to such "secondary questions" as the interpretation of its rules of procedure and individual articles of the Convention, Mr. Valencia Rodríguez acknowledged that "that view was justified to some extent", but pointed out that the Committee's "initial, indispensable task had been to work out rules of procedure that would enable it to fulfil its mandate". Mr. Ancel, while agreeing that "in the early stages of its work it had been important for the Committee to draw up flexible and precise rules of procedure which would enable it to make progress", noted that "many of the amendments to the rules of procedure that had been proposed by members had been of a substantive nature". Mr. Kapteyn also conceded that "such questions were in general of secondary interest", but he nevertheless believed that, in the case of the Committee, attention to procedural matters had had a special justification: "In order to win the confidence and respect of the States Parties to the Convention, the Committee had had to indicate clearly how it intended to use its powers and interpret the obligations of States Parties";

(b) Closely related to the foregoing question was the observation, made by the representative of the United Kingdom, to the effect that the Committee had acted wisely in not making a definitive statement on the scope of the obligations of States Parties under article 5. Mr. Valencia Rodríguez commented that "the discussion on that subject had been neither idle nor purely academic; it would serve the Committee in good stead when it came to consider the future reports of States Parties";

(c) The representatives of the Netherlands, the Federal Republic of Germany and the United Kingdom had made observations relating to the continuing efforts of the Committee to encourage States Parties to provide the fullest possible information in accordance with article 9, paragraph 1, of the Convention. In the light of those observations, Mr. Valencia Rodríguez drew the conclusion that "the Committee should continue its efforts to ensure that the reports submitted by States Parties were as comprehensive as possible";

(d) The statement by the representative of the Netherlands, to the effect that the Committee had hesitated to urge States Parties to make the declaration provided for in article 14 of the Convention, elicited divergent responses from members of the Committee. Mr. Valencia Rodríguez was of the opinion that "nothing in the Convention authorized the Committee to appeal to States Parties to take a specific course of international action; such a decision was the unique prerogative of States Parties themselves". Mr. Kapteyn, while "not entirely convinced" by the legal arguments that had been used to support that opinion, proposed, as an alternative solution, "that the Committee should begin drafting rules of procedure concerning the consideration of communications from individuals or groups of individuals", arguing that "such rules would serve to reassure those States Parties which were not certain how the Committee intended to interpret its powers under article 14". Both Mrs. Warzazi and Mr. Lamptey, however, cautioned the Committee against embarking hastily on such a course of action;

(e) Conflicting views expressed in the Third Committee regarding the functions of the Committee on the Elimination of Racial Discrimination under article 15 of the Convention elicited different responses from members of the Committee. Mrs. Warzazi urged her fellow members, in their capacity as impartial experts, not to be swayed by politically-motivated criticism of the Committee's work and to

continue to "banish political considerations from their debates and decisions". Mr. Valencia Rodríguez recognized that article 15 of the Convention was of fundamental importance and concluded that the Committee should continue to discharge its full responsibilities under it; at the same time, he recognized that the Committee had other obligations under other articles of the Convention; he urged the Committee therefore to discharge all its responsibilities in a balanced way. Mr. Ancel, recalling that the Committee had been reproached both for allegedly exceeding its competence and for being too reluctant to exercise its powers, particularly with reference to article 15 of the Convention, observed that in fact the Committee "was steering a middle course". But Mr. Soler believed that article 15 itself gave rise to serious difficulties to the Committee in that it laid upon the Committee the obligation to receive information and documentation from other bodies and, as a result, "serious accusations were often levelled against States that were not parties to the Convention and that were not heard" - a matter which gave rise, in his opinion, to the "political coloration that sometimes marked the Committee's work". He therefore urged the Committee "to proceed with considerable caution in its work under article 15". On the other hand, Mr. Safronchuk reminded the Committee of the contents of General Assembly resolution 3134 (XXVIII), and recalled that the Committee had been praised in the Third Committee for devoting much attention at its seventh and eighth sessions to the discharge of its obligations under article 15 of the Convention and also that "many speakers who had taken part in the discussion of the report had expressed the hope that the Committee would give special attention to the flagrant and wide-scale violations of human rights practised by the colonialist and racist régimes in South Africa and Israel and thereby contribute to the fight to end those violations". He concluded that the Committee should take account of those opinions. Stating that he had been "struck by the controversy over article 15", Mr. Ingles emphasized that paragraph 3 of General Assembly resolution 3134 (XXVIII) "was an endorsement of the Committee's action" and affirmed that "the Committee must not go back on its decisions and recommendations";

(f) Affirming that the statement of the representative of the Federal Republic of Germany, to the effect that the Committee "should refrain from dealing with questions affecting the external relations of States Parties not covered by the Convention", referred to the relations maintained by States Parties, including the Federal Republic of Germany, with the racist régimes of southern Africa, Mr. Valencia Rodríguez recalled that, "prior to adopting general recommendation III, ^{6/} the Committee had discussed whether it was empowered to request such information and had concluded that it was competent to do so by virtue of the tenth preambular paragraph and article 3 of the Convention and section III of General Assembly resolution 2784 (XXVI). Even so, the Committee had not wished to go too far and had stressed that the submission of such information was voluntary, as reference to the final paragraph of general recommendation III would show". Mr. Čalovski also addressed himself to the question of the relations of other States with the racist régimes of southern Africa and the efforts of the Committee to obtain full information on those relations. He believed that the ability of those racist régimes to persist in their racist policies and practices "was unfortunately due in part to the unwillingness of a number of countries to sever lucrative political, economic and military relations with them"; and,

^{6/} See Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718), chap. X, sect. B, decision 1 (VI).

although the delegations of a "few countries" had, "not surprisingly, commented somewhat adversely on the Committee's findings" in the Third Committee, "many delegations ... had supported the Committee's view that the fullest possible information should be supplied";

(g) "The reservations expressed by the representative of Israel concerning the conduct of the Committee's work" were, in the opinion of Mr. Valencia Rodríguez, "undoubtedly associated" with the Committee's discussion of, and action on, the information supplied by the Government of the Syrian Arab Republic regarding the situation in Israeli-occupied Syrian territory. "Having presided over the adoption of decision 4 (VII)" of 25 April 1973, Mr. Valencia Rodríguez "wished it to be known that the Chair had acted impartially and in good faith, abiding by the provisional rules of procedure and the powers conferred on the Committee under the Convention". He further reminded the Committee that the General Assembly had taken note of that decision in paragraph 4 of resolution 3134 (XXVIII), "thereby endorsing the Committee's interest in the matter";

(h) Regarding the suggestion made in the Third Committee that it was beyond the competence of the Committee on the Elimination of Racial Discrimination to request that its sessions should be held alternately at Geneva and New York, Mr. Partsch pointed out that "the provisions of article 10, paragraph 4, of the Convention were consequent upon the provisions of paragraph 3 of the same article" and suggested that "the two paragraphs could therefore be merged to provide that the meetings of the Committee should normally be held at the place where the competent secretariat services were available".

20. Regarding the final action the Committee should take on the item under consideration, Mr. Ingles suggested that the Committee might express in its fifth annual report its appreciation of the action of the General Assembly. The Chairman stated that the Committee's forthcoming annual report should indicate "the views and recommendations of the Committee" on that subject. Mr. Macdonald suggested, and the Chairman agreed, that the report should also reflect the Committee's deliberations.

C. Distribution of the summary records of the Committee's meetings and of the reports and other information submitted by States Parties

21. Only one of the questions raised in the Third Committee during its consideration of the Committee's fourth annual report (A/9018) gave rise to the adoption of a formal decision at the ninth session of the Committee on the Elimination of Racial Discrimination. Commenting on the remarks of the representative of the Netherlands concerning the need for wider distribution of the Committee's summary records and other documents in the interest of wider awareness of its work, Mr. Valencia Rodríguez stated that "the time was ripe to consider the scope of rule 34 of the provisional rules of procedure" of the Committee. Mr. Calovski agreed with that view and stated that, like Mr. Valencia Rodríguez, he was in favour of a general distribution of the Committee's documents.

22. Mr. Aboul-Nasr differentiated between two groups of documents, from the standpoint of the appropriate form and the conditions of publicity for documents

the summary records of the meetings of the Committee, and the reports and other information submitted by States Parties. Messrs. Partsch, Kapteyn and Macdonald supported that view; and the Chairman summed up the views expressed by members of the Committee by stating that "they seemed to be in agreement with regard to the different degrees of publicity to be given to its summary records and to the reports of States Parties; all agreed that the reports of States Parties should be handled quite differently from summary records".

23. Regarding the summary records of the meetings of the Committee, Mr. Partsch observed, and the Chairman agreed, that general distribution should be considered only for the final records and not the provisional records. There was then some discussion, in which several members engaged, of the potential recipients to whom the final summary records would be circulated if the principle of general distribution was formally approved; and the Secretary-General was requested to provide a list of the categories of recipients to whom the established system of "general distribution" of United Nations documents normally applied. Mr. Valencia Rodríguez and Mr. Partsch suggested a list of such recipients; however, the list appeared to be similar to the one subsequently provided by the representative of the Secretary-General.

24. Regarding reports and other information submitted by States Parties in accordance with article 9, paragraph 1, of the Convention, Mr. Aboul-Nasr and Mrs. Warzazi expressed the view that it was not within the competence of the Committee to decide to give such reports general distribution; they both recognized, however, that the reporting States were fully entitled to make public their own reports if they so desired. On the other hand, Mr. Dayal doubted that reports from States Parties were intended to be confidential. He thought that there was a certain contradiction between the present system of restricted distribution of State reports and the publicity given to the consideration of those reports by the Committee in open meetings and in press releases. The situation would become even more incongruous, he argued, if the summary records of the meetings of the Committee were given general distribution while the reports of States Parties continued to receive restricted distribution. Not only was that situation an offence against logic; it also gave rise to distortion; for, as a result of the careful scrutiny to which the Committee rightly subjected the reports submitted by States Parties, the deliberations of the Committee and the summary records of its meetings tended to reflect principally a critical attitude on the part of the members of the Committee towards those reports, while the positive merits of the reports did not receive commensurate emphasis. Mr. Partsch and Mr. Dayal suggested that consideration might be given to the possibility of making public the reports of States after the lapse of a reasonable period of time, such as two years. Another suggestion was offered by Mr. Dayal, and supported by Mr. Partsch, to the effect that the Committee should agree to give general distribution to reports from States Parties except when a State requested that its report be considered confidential, in which case the debates and the records of the meetings at which such reports were considered would also be secret.

25. At the suggestion of Mr. Partsch, which was supported by Messrs. Aboul-Nasr and Macdonald, the Chairman appointed a working group - composed of Messrs. Aboul-Nasr, Dayal, Ingles, Partsch and Tomko, with Mr. Dayal in charge - to consider the question under discussion and to submit proposals to the Committee after the consideration of reports submitted by States Parties in accordance with article 9, paragraph 1, of the Convention had been completed.

26. At the 198th meeting, on 12 April 1974, the Committee considered the following draft decision proposed by the working group:

"In view of the opinion, expressed by several representatives in the General Assembly at its twenty-eighth session, of the necessity for ensuring adequate publicity of the work of the Committee on the Elimination of Racial Discrimination, the Committee has taken the following decisions:

"1. The summary records of the meetings of the Committee in their final form will be classified as documents for general distribution.

"2. Reports of States Parties under Article 9 of the Convention will be similarly treated if the States Parties so request when forwarding their reports to the Secretary-General for submission to the Committee."

27. Alternative formulations of the preambular paragraph were suggested separately by Messrs. Čalovski, Partsch and Sayegh. Upon the suggestion of Mr. Aboul-Nasr, which was supported by Mr. Dayal, the Committee decided to delete the preambular paragraph of the draft decision.

28. With respect to paragraph 1, Mr. Sayegh proposed two amendments to insert the word "public" between the words "the meetings" in the first line; and to insert the words "beginning with the tenth session" at the end of the paragraph. Having rejected the idea of retroactive reclassification of the summary records of past sessions, the Committee voted first on the question whether the practice of classifying the summary records as documents for general distribution should be initiated at the ninth session or at the tenth session; there were 5 votes in favour of the ninth session, 8 votes in favour of the tenth session, and 1 abstention. Paragraph 1, as amended, was then adopted by 12 votes to none, with 1 abstention.

29. Regarding paragraph 2 of the draft decision, Mr. Ingles proposed the deletion of the words "when forwarding their reports to the Secretary-General for submission to the Committee", and Mr. Sayegh proposed, first, that the word "of" after the word "Reports" in the first line of the paragraph be replaced by the words "and other information submitted by"; and secondly, that the words "similarly treated" be replaced by the words "be classified as documents for general distribution". Mr. Sayegh also asked for information from the Secretary-General on the financial implications of the draft decision, as provided in rule 25 of the provisional rules of procedure, and expressed the hope that that information would be made available to the Committee before it voted on the text of the decision as a whole. Before the meeting adjourned, a representative of the Secretary-General told the Committee that "he did not think that the decision would give rise to calculable financial implications, since it merely entailed what was normal practice for other United Nations organs". The Committee adopted paragraph 2, as amended, by consensus.

30. The text of the decision, as adopted at the 198th meeting, on 12 April 1974, appears in chapter VII, section A., decision 1 (IX).

III. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

31. As requested by Mr. Macdonald at the eighth session (171st meeting) in August 1973, the Committee decided to include in the agenda of its ninth session an item entitled "Decade for Action to Combat Racism and Racial Discrimination".

32. At the ninth session, the Committee considered the item at its 175th to 177th meetings, held on 26 and 27 March 1974. While examining the item, the Committee took note of General Assembly resolution 3057 (XXVIII) of 2 November 1973 relating to the Decade and containing in its annex, the Programme for the Decade for Action to Combat Racism and Racial Discrimination, as well as resolution 3134 (XXVIII) of 14 December 1973 in which the Assembly, *inter alia*, expressed the conviction that the Committee "by fulfilling its responsibilities under the International Convention on the Elimination of All Forms of Racial Discrimination, will contribute to the implementation of General Assembly resolution 3057 (XXVIII)".

33. Several members of the Committee (Messrs. Macdonald, Dayal, Ingles, Lamptey) expressed their satisfaction at the adoption of General Assembly resolution 3057 (XXVIII) relating to the Decade and noted the specific references made to the Committee's work in the Programme. Some members, however (Messrs. Haastrup, Dayal, Aboul-Nasr), registered their disappointment at the fact that the Committee had not been given a specific task to perform during the Decade, that its role in the proposed world conference on combating racism and racial discrimination had not been clearly defined and that the Committee had not been more closely associated with the activities included in the Programme. Those members favoured an active involvement of the Committee in the Decade as well as in the implementation of the Programme and pointed out that the Committee, by being the only United Nations body exclusively dedicated to the elimination of racial discrimination, was particularly interested in associating itself with the efforts aimed at making the Decade a success. On the other hand, it was observed by several members (Messrs. Valencia Rodríguez, Macdonald, Partsch and Mrs. Warzazi) that, inasmuch as the functions of the Committee were defined by and limited to those specifically entrusted to it by the International Convention, the Committee should follow an indirect approach and, they emphasized, that its maximum contribution to the Decade would be ensured by it carrying out its functions under the Convention.

34. Members of the Committee (Mrs. Warzazi and Messrs. Čalovski and Aboul-Nasr) who had hoped for a closer association of the Committee with the Programme for the Decade and those who, in one way or another, would still welcome direct involvement of the Committee in it, suggested various means of achieving that goal, including the preparation by the Committee of a document summarizing its activities for submission to the proposed world conference, and the appropriateness of the Committee being represented at it; some members also proposed that the Committee should be consulted on the preparation of the conference, especially with regard to matters of substance. Some members further expressed the hope that the Committee would take action on the steps provided for in paragraph 12 (a) (iii) of the Programme and recommended that the reports that would presumably be submitted to the Secretary-General by States not parties to the Convention should be transmitted to it for its knowledge and consideration.

35. Those members (Mrs. Warzazi, Messrs. Valencia Rodríguez, Ingles and Ortiz Martin) who favoured the indirect approach for the Committee's contribution to the Decade suggested the following measures: to create and strengthen the Committee's ties with other United Nations organs in order to concentrate and harmonize the various efforts made within the United Nations system for the elimination of racial discrimination; to encourage States Parties to make further declarations under article 14 of the International Convention and, by doing so, to contribute to the establishment of the procedures referred to in paragraph 12 (a) (iv) of the Programme; to persuade more States Members to ratify and accede to the Convention and to call on States not parties to take urgent action to enact appropriate legislation in conformity with the aims and purposes of the Convention.

36. Members of the Committee agreed, nevertheless, that, since the objectives of the Decade coincided with the aims of the Convention as well as with the purposes of the Committee's work, there was a definite role which the Committee could play within the framework of the Decade. Suggestions made in that connexion included giving wider publicity to the Committee's work (Messrs. Valencia Rodríguez, Macdonald, Partsch, Aboul-Nasr and Haastrup), undertaking certain special studies bearing on the application of the International Convention or on certain articles thereof, developing and bringing up to date studies and research, encouraging individual contributions by Committee members to the activities undertaken during the Decade and holding a session during the Decade in a region where the problems of racial discrimination have particular significance; in that connexion, it was felt advisable to hold a session at the headquarters of the Economic Commission for Africa at Addis Ababa.

37. The Committee agreed to respond to the appeal made to it by the General Assembly in resolution 3134 (XXVIII) and to seek to contribute to the success of the Decade by fulfilling its responsibilities under the Convention, while at the same time calling the attention of the Economic and Social Council and the General Assembly to the Committee's desire to contribute to the success of the action to combat racism and racial discrimination. The Committee also requested the Secretary-General to inform the Economic and Social Council of the main points of the Committee's deliberations on the item relating to the Decade.

38. The Committee decided to keep the item on its agenda throughout the Decade and requested the Secretary-General to keep it informed of the relevant activities undertaken under the Programme.

39. At the tenth session, the Committee considered the item at its 217th, 218th, 221st and 222nd meetings, held on 23, 27, 28 and 29 August 1974. While examining the item, the Committee had before it the report of the Secretary-General to the Economic and Social Council at its fifty-sixth session on the activities undertaken or planned in connexion with the Decade (E/5474), as well as a summary of information concerning activities of Governments and international organizations relating to the Decade, contained in a note by the Secretary-General (E/5475). The Committee also took note of Economic and Social Council resolution 1863 (LVI) of 17 May 1974 relating to the Decade.

40. Members of the Committee registered their gratification for the manner in which the role of the Committee during the Decade had been spelled out in the report prepared by the Secretary-General and for the way in which the Council had commended the active involvement of the Committee in the implementation of the Programme in its resolution 1863 (LVI).

41. Members emphasized once again that the Committee was a body well-suited for contributing to the Decade and participating in the Programme and, in that connexion, certain specific suggestions and a number of avenues for action by the Committee and its members were mentioned.

42. Members of the Committee supported a proposal by Mr. Macdonald that a brochure be issued containing, among other things, a history of the Committee, a summary of its work and an account of its achievements in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. The brochure - which, one member (Mr. Safronchuk) noted, could be published with the financial resources available within the United Nations budget for public information - would inform the general public of the aims and purposes of the Convention and could be a major contribution, within the context of the information campaign requested by the General Assembly in resolution 3057 (XXVIII), to the enlightenment of world public opinion on the work being carried out by the Committee towards the eradication of racial discrimination.

43. The Committee also supported a proposal by Mrs. Warzazi to ensure that individual members would take part in the programmes which, as part of the action envisaged for the Office of Public Information during the Decade, would be carried out by the United Nations broadcasting system. On such radio programmes, it was agreed, members of the Committee might comment on the Convention in non-technical language, selecting the most important articles so that the objectives of the Convention might be understood by peoples of many lands.

44. With regard to the world conference to be organized during the Decade, many members supported the suggestion put forward by Mr. Aboul-Nasr that the Committee could very effectively lay the groundwork for the international meeting and that, on the basis of the wealth of information in the field of racial discrimination at its disposal, it could be entrusted with the task of preparing a background document for the proposed conference, as well as of suggesting topics to be included in its agenda. One member (Mr. Partsch) felt, however, that the Committee could not itself take that initiative, since it was for the organizers of the conference to decide the type of co-operation they might wish from the Committee.

45. Within the framework of interrelated action between the Committee and the competent United Nations organs, members observed that the Committee was called upon to co-operate with those bodies taking part in the activities of the Decade. In particular, members shared the views of Mr. Čalovski, who noted that it would be useful if the General Assembly were to transmit every year to the Committee information on the implementation of the Programme on the basis of which, and of its own work, the Committee would then be able to prepare a draft resolution for submission to the General Assembly on the world situation in the struggle against racial discrimination. To that effect, Mr. Safronchuk submitted a draft proposal containing a recommendation to the General Assembly which, in its revised form, reflected many of the suggestions put forward by several members of the Committee (Messrs. Čalovski, Ortiz Martin, Macdonald, Aboul-Nasr and Tomko and Mrs. Warzazi). The revised text of Mr. Safronchuk's proposal read as follows:

"The Committee on the Elimination of Racial Discrimination,

"Having examined General Assembly resolution 3057 (XXVIII) of
2 November 1973 and Economic and Social Council resolution 1863 (LVI) of
17 May 1974,

"Having studied the information contained in the report of the Secretary-General of the United Nations (E/5474) and in his note (E/5475),

"Attaching great importance to the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

"Aware of the fact that its successes would not be measured by what was said but by what was done in the elimination of all forms of discrimination based on race, colour, descent, national or ethnical origin,

"Noting with appreciation the high value placed on the role and activities of the Committee in General Assembly resolution 3134 (XXVIII) of 14 December 1973 and Economic and Social Council resolution 1863 (LVI),

"Resolved 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,

"Noting the need for continuous international action against all forms of racial discrimination and, in particular, against apartheid,

"1. Recommends to the General Assembly:

"(a) To make an appeal to States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to continue to co-operate to the fullest possible extent with the Committee on the Elimination of Racial Discrimination, in particular with regard to compliance with the requirements of article 9 of the Convention;

"(b) To make an urgent appeal to States which have not yet become parties to the Convention to accede thereto;

"(c) To make a further appeal to States which for any reason have not yet adhered to the Convention to be guided by the basic provisions of the Convention in their internal and foreign policies;

"2. Considers it necessary, in accordance with articles 3, 9 and 15 of the Convention, to concentrate its efforts 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;

"3. Expresses its readiness to take an active part in the preparations for and conduct of the international conference on combating racial discrimination;

"4. Expresses its readiness to take an active part in a world-wide information campaign with the aim of eliminating racial prejudices and educating society in the spirit of struggle against all manifestations of racism and racial discrimination; to these ends, members of the Committee might:

"(a) Assist in publishing a brochure explaining in popular form the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the work of the Committee;

"(b) Speak on United Nations radio broadcasts to popularize the provisions of the Convention;

"(c) Take part in the seminars provided for in paragraph 15 (b) of the Programme for the Decade;

"(d) Take part in preparing the pilot studies provided for in paragraph 15 (d) of the Programme for the Decade;

"5. Endorses the recommendation made by the Special Committee on Apartheid in its report to the General Assembly (A/9022) 7/ that the General Assembly continue to decline to accept the credentials of the representatives of the Republic of South Africa, which practises apartheid as a State policy in flagrant violation of many United Nations decisions and the Committee's recommendations."

46. The following amendments were submitted to this text:

(a) A first amendment by Mr. Partsch which, in its revised form, consisted of adding at the end of the sixth preambular paragraph, the following:

"... especially in concentrating its efforts, in accordance with 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 yoke of racist régimes and those under colonial or foreign domination";

(b) A second amendment by Mr. Partsch to insert the word "all" before the words "States Parties" in subparagraph (a) of operative paragraph 1;

(c) A third amendment by Mr. Partsch which, in its revised form, consisted of deleting the words "to continue" and to insert the words "without exception" before the words "to the fullest possible extent" in subparagraph (a) of operative paragraph 1;

(d) An amendment by Mr. Kapteyn to add a new subparagraph (d) to operative paragraph 1 which, in its revised form, read as follows:

"(d) To draw the attention of States Parties to the Convention to the usefulness of the implementation of article 14 as one of the means of promoting the effectiveness of the Convention";

(e) A fourth amendment by Mr. Partsch to delete operative paragraph 2.

47. While most members stressed that racial discrimination, being a consequence of colonialism, could be found in areas under foreign occupation and therefore

7/ Ibid., Twenty-eighth Session, Supplement No. 22.

supported the text which singled out the need to pay particular attention to those areas during the Decade, Messrs. Soler and Kapteyn opposed the insertion in the draft proposal of the words "foreign occupation" which, in their view, had a political connotation and did not necessarily imply the existence of racial discrimination; the use of the term in the proposal, therefore, was totally outside the framework of the Decade and of the Committee's terms of reference.

48. Various members (Messrs. Kapteyn, Soler, Partsch) also questioned the competence of the Committee to pronounce itself on matters such as recommending to the General Assembly that it should decline to accept credentials of the representatives of any particular State Member. The majority were, however, of the view that one of the aims of the Decade would be to isolate the régimes which practise racial discrimination in one of its most brutal forms and that, as part of the Committee's contribution to the Programme, a recommendation such as that contained in operative paragraph 5 of the draft proposal was within the competence of the Committee.

49. During the discussion of Mr. Kapteyn's amendment (para. 46 (d) above), many members voiced their agreement to the text and stressed that there was no better way to contribute to the success of the Decade than by ensuring the de facto elimination of racial discrimination, something which could be achieved only after individuals or groups of individuals were able to address communications claiming to be victims of racial discrimination. They further argued that the Committee was duty bound to promote the implementation of the Convention and that such would be done to the fullest extent only when the procedure envisaged under article 14 was in operation. Messrs. Safronchuk, Tomko, Aboul-Nasr, Čalovski and Dayal opposed those views. They recalled that the declaration under article 14 of the Convention was optional and that, therefore, the Committee was not entitled to pressure States Parties into making it. It was also their opinion that if the Committee were to take such initiative, it might bring attention to a very controversial article of the Convention, thus curtailing the interests of further States to become parties to it. Messrs. Safronchuk and Tomko observed that the Decade was aimed at combating mass infringements of human rights and discriminatory State policies and that the amendment of Mr. Kapteyn diverted attention from that major goal and did not contribute to the aims of the Decade. Messrs. Čalovski, Safronchuk and Tomko opposed Mr. Kapteyn's amendment because it appeared to interpret article 14, and also because they had hoped that the Committee would adopt the resolution under discussion unanimously.

50. At the 221st meeting, Mr. Safronchuk withdrew his proposal as a sign of his disagreement with the amendment of Mr. Kapteyn. The proposal was reintroduced by Messrs. Lamprey and Macdonald; and Messrs. Partsch and Kapteyn resubmitted the amendments described in paragraph 46 above.

51. The vote on the proposal and the amendments thereto was as follows.

52. Mr. Čalovski proposed a subamendment to delete the words "as one of the means of promoting the effectiveness of the Convention" in Mr. Kapteyn's amendment. The subamendment was rejected by 3 votes in favour, 6 against and 3 abstentions.

53. The amendment of Mr. Kapteyn, as a whole, was adopted by 7 votes to 2 with 3 abstentions.

54. The first amendment of Mr. Partsch was adopted by 9 votes to none, with 4 abstentions.

55. The second amendment of Mr. Partsch was adopted unanimously.

56. The third amendment of Mr. Partsch was adopted by 3 votes to none with 10 abstentions.

57. The fourth amendment of Mr. Partsch was rejected by 3 votes in favour, 7 against and 3 abstentions.

58. At the request of Mr. Soler, a separate vote was taken on the first part of operative paragraph 2 of the proposal up to and including the words "racial discrimination". This first part of the paragraph was adopted by 12 votes to none with 1 abstention. Also, at the request of Mr. Soler, a separate vote was taken on the remaining part of the paragraph, which was adopted by 11 votes to 1 with 1 abstention.

59. Operative paragraph 2, as a whole, was adopted by 11 votes to 1 with 1 abstention.

60. At the request of Mr. Soler, a separate vote was taken on operative paragraph 5 of the proposal. The paragraph was adopted by 9 votes to 2 with 2 abstentions.

61. At the 221st meeting, held on 28 August 1974, the Committee adopted the proposal, as a whole, as amended, by 11 votes to none with 2 abstentions. The text of the decision, as adopted by the Committee, appears in chapter VII, section B, decision 2 (X).

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

A. Receipt of reports and supplementary information

Initial reports

62. From the establishment of the Committee until the end of the tenth session, initial reports under article 9, paragraph 1, of the Convention were due from 74 States Parties; 68 initial reports were received during that period. Of those, 12 were received during the interval between the eighth and ninth sessions as follows: the initial reports of Jamaica, Peru and the United Republic of Cameroon, which were due in 1972; those of Algeria, Barbados, Cuba, Democratic Yemen and New Zealand, which were due in 1973; and those of Fiji, the German Democratic Republic, Haiti and the Ivory Coast, which were due in 1974.

63. Of the initial reports which fell due in 1972, the Committee had not received, by the closing of its tenth session, the reports of the Central African Republic, in spite of four reminders sent to it in accordance with rule 66 of the provisional rules of procedure: a first reminder was sent on 26 September 1972 requesting the Government of the Central African Republic to submit its initial report by 1 January 1973; a second reminder was sent on 15 May 1973 requesting the Government to submit its report by 1 July 1973; a third reminder was sent on 7 September 1973 requesting the Government to submit its report by 1 January 1974; and a fourth reminder was sent on 25 April 1974, requesting the Government to submit its report by 15 June 1974. Nor had the Committee received the initial report of Lesotho, which was due in 1972, in spite of three reminders sent to it on 15 May 1973, 7 September 1973 and 25 April 1974 requesting the Government of Lesotho to submit its initial report by 1 July 1973, 1 January 1974 and 15 June 1974 respectively.

64. Of the initial reports which were due in 1973, the Committee had not received, by the closing of its tenth session, the initial report of Zambia, in spite of three reminders sent to it on 15 May 1973, 7 September 1973 and 25 April 1974; the initial report of Senegal, in spite of two reminders sent to it on 7 September 1973 and on 25 April 1974; and the initial reports of Togo and the United Republic of Tanzania, in spite of a first reminder sent to them on 30 April 1974.

65. At its 216th meeting (tenth session), held on 22 August 1974, the Committee decided, in accordance with rule 66, paragraph 1, of its provisional rules of procedure, to request the Secretary-General to send a fifth reminder to the Central African Republic, fourth reminders to Lesotho and Zambia, a third reminder to Senegal and second reminders to Togo and the United Republic of Tanzania, requesting them to submit their initial reports by 1 January 1975.

Second periodic reports

66. Second periodic reports from 51 States Parties were due by the end of the tenth session of the Committee. By that date, 46 second periodic reports had been received. Of these, eight were received during the period under review, as follows:

the second periodic reports of Bolivia, Canada, Finland, Greece, Norway and Romania, which were due in 1973, and the second periodic reports of Morocco and Nepal, which were due in 1974.

67. Of the second periodic reports which fell due in 1974, the Committee had not received, by the closing of its tenth session, the reports of the Central African Republic, France, Jamaica, Malta and the United Republic of Cameroon.

68. At its 216th meeting (tenth session), held on 22 August 1974, the Committee decided, in accordance with rule 66, paragraph 1, of its provisional rules of procedure, to request the Secretary-General to send reminders to Jamaica and Malta, requesting them to submit their reports by 1 January 1975. Moreover, it decided that no reminder should be sent to the Central African Republic with respect to its second periodic report inasmuch as that State Party had not submitted its initial report (see paras. 63 and 65 above). As for the United Republic of Cameroon, the Committee's consideration of the initial report of which was suspended pending the receipt of certain supplementary texts (see paras. 171-172, below), the Committee decided that the reminder regarding its second periodic report should request that State Party to annex those texts to its second periodic report. In the case of France, owing to the fact that the supplementary report to its initial report, due in 1972, to which reference was made in the Committee's fourth annual report (A/9018, foot-note 13) was received on the last day of the ninth session and was considered by the Committee at its tenth session (see paras. 210-215 below), the Committee decided that France should be requested to include in its second periodic report, in addition to information on any relevant measures which may have been adopted since the submission of the supplementary report, replies to the questions raised during the Committee's consideration of the initial and supplementary reports of France at the tenth session.

Third periodic reports

69. Third periodic reports from 36 States Parties were due in 1974 before the end of the tenth session of the Committee. By that date, all except the reports of Czechoslovakia, the Holy See, India, the Libyan Arab Republic, the Niger, Tunisia, the United Kingdom, Uruguay and Venezuela had been received. In accordance with a decision of the Committee at its ninth session, first reminders were sent on 25 April 1974 to the above-mentioned States Parties, with the exception of the Holy See, requesting them to submit their third periodic reports by 15 June 1974.

70. At its 216th meeting (tenth session), held on 22 August 1974, the Committee decided, in accordance with rule 66, paragraph 1, of its provisional rules of procedure, to request the Secretary-General to send second reminders to Czechoslovakia, the Libyan Arab Republic, the Niger, Tunisia, Uruguay and Venezuela, and a first reminder to the Holy See, requesting them to submit their third periodic reports by 1 January 1975. It decided that no reminders should be sent to India and the United Kingdom, inasmuch as the Governments of those two States Parties had informed the Committee that their respective reports were under preparation and would be submitted as soon as possible.

Supplementary reports

71. During the year under review, six supplementary reports were received by the Committee. Of these, four were submitted, at the initiative of the Governments

concerned, by Ecuador, France, the Philippines and Sierra Leone; and two were submitted, in response to requests made by the Committee at its seventh and eighth sessions, by Iran and Tonga.

72. At its eighth session (August 1973), the Committee had acceded to a request by the representative of Lebanon to postpone consideration of the "preliminary" report submitted by his Government pending the submission of a more comprehensive initial report before the ninth session. The Committee had not received the supplementary report in question by the end of the tenth session.

73. The dates on which all reports - initial, 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 decisions of the Committee, may be found in annex II below.

74. Under rule 66, paragraph 2, of its provisional rules of procedure, the Committee is required to include in its annual report to the General Assembly a reference to any instance of a State Party not submitting a report or additional information required under article 9 of the Convention, after a reminder concerning that matter has been sent to it, through the Secretary-General, in accordance with paragraph 1 of that rule. Accordingly, and in the light of the information contained in paragraphs 63 and 64 above and in annex II, the Committee wishes to bring to the attention of the General Assembly the fact that the following six States Parties had not, by the end of the tenth session, submitted their reports: the Central African Republic, to which four reminders had been sent; Lesotho and Zambia, to each of which three reminders had been sent; Senegal, to which two reminders had been sent; and Togo and the United Republic of Tanzania, to each of which a first reminder had been sent. In that connexion, the Committee wishes to reiterate 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" (A/8027, annex III, sect. A).

The Committee still holds that view.

B. Consideration of reports and other information submitted by States Parties

75. At its ninth and tenth sessions, the Committee completed the consideration of all the reports and other information submitted by States Parties in accordance with article 9, paragraph 1, of the Convention - except for 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.

76. At the two sessions under review, 59 reports submitted by 50 States Parties were considered by the Committee (see annex III). This was in addition to information submitted by 22 States in response to a request sent to all States

Parties in accordance with the Committee's decision 3 (VII) of 19 April and 4 May 1973, relating to the implementation of the provisions of article 4, paragraphs (a) and (b) of the Convention. 8/

77. The Committee devoted 33 of the 53 meetings it held in 1974 to the discharge of its obligations under article 9 of the Convention, as described in the preceding paragraph.

78. In accordance with rule 64 of its provisional rules of procedure, the Committee followed the practice - inaugurated at its fourth session (see A/8418, para. 36) of requesting the Secretary-General to notify the States Parties concerned of the dates on which their respective reports would be considered. As the information tabulated in annex III shows, 12 States did not designate representatives to participate in the meetings in which their reports were considered (three during the ninth session and nine during the tenth session, which was held at Geneva). At its tenth session, the Committee decided to send individual communications, through the Secretary-General, to the 12 States concerned, informing them of the decisions adopted or the views expressed during the consideration of their respective reports (the texts of those communications appear in annex IV).

79. At its tenth session, the Committee reconsidered the practice which it had followed - though not without qualms - since its third session (see A/8148, paras. 24-36) of classifying reports as "satisfactory" or "unsatisfactory". It came to the conclusion that that practice had outlived its earlier usefulness and that, in any case, it was becoming increasingly less necessary than it had once been. It may be recalled that, from the beginning, the classification of reports as "satisfactory" or "unsatisfactory" had been intended to serve as a means of indicating the relative completeness or incompleteness of the information contained in each report and not as a judgement that the reporting State complied or failed to comply with the provisions of the Convention. The classification in question, in other words, was designed to indicate the degree of fulfilment of the reporting requirements laid down in article 9, paragraph 1, of the Convention and not the degree of fulfilment of the anti-discrimination requirements laid down in articles 2 to 7 of part I of the Convention. The danger was always present, however, that what was intended to be a formal evaluation of a report might be misconstrued as a substantive evaluation of the situation in the territory of the reporting State relating to the elimination of racial discrimination. But that potential danger became greater as many of the reports received by the Committee began to fulfil more completely the reporting requirements of article 9, paragraph 1, of the Convention and as the consideration of those reports began, as a consequence, to focus on the substantive significance of the extensive information provided in reports while proportionately less attention needed to be paid to the question of completeness of the information supplied. At that stage, indeed, the practice of judging reports as "satisfactory" or "unsatisfactory" became not only less necessary and perhaps less useful than it had been theretofore, but also more likely to mislead.

8/ At the 177th meeting (ninth session), held on 27 March 1974, the Committee decided to consider the information received from each State Party in response to decision 3 (VII) at the time it considers the report or reports submitted by that State Party in accordance with article 9, paragraph 1, of the Convention.

80. At the 216th meeting (tenth session), held on 22 August 1974, the Committee decided that - unlike the second (A/8418), third (A/8718) and fourth (A/9018) annual reports - the present annual report should not classify reports submitted by States Parties as "satisfactory" or "unsatisfactory". Furthermore, in accordance with that decision, the following sections, which summarize the deliberations and findings of the Committee with regard to the reports it considered during the ninth and tenth sessions, will reflect the evaluation made by the Committee of the various features of the reports as such as well as the views expressed by the Committee or by its members regarding the legislative, judicial, administrative or other measures which give effect to the provisions of part I of the Convention, or fail to do so.

81. The following paragraphs are arranged on a country-by-country basis according to the sequence followed by the Committee at its ninth and tenth sessions in its consideration of the reports and other information submitted by States Parties. Annex III contains the following information with respect to every State Party concerned: (1) the type of report or other information considered (i.e., "initial", "second periodic", "third periodic" or "supplementary" reports, and information submitted separately in response to decision 3 (VII) of the Committee with regard to the implementation of article 4 of the Convention); (2) the meeting or meetings at which the documents were considered; (3) the dates of those meetings and (4) an indication of whether or not a representative of the State Party concerned participated in the Committee's consideration of the report or other information before it.

Jamaica

82. The Committee found that the initial report of Jamaica contained no information on administrative or judicial measures and that the only information on legislative measures contained in it consisted of citations from sections 13, 24 and 25 of chapter 3 of the Constitution. The texts of other provisions of the Constitution referred to in those sections were not provided. There was no information on penal legislation corresponding to the requirements of article 4 of the Convention; no information on the fulfilment of the obligations laid down in article 7; and no information on legislation ensuring equality in the enjoyment of some of the rights enumerated in article 5. There was no evidence of any measures taken to incorporate the definition of racial discrimination given in article 1, paragraph 1, of the Convention into the country's penal legislation. There was no information on the country's relations, if any, with the racist régimes of southern Africa or on the ethnic composition of the population, as envisaged in the Committee's general recommendations III 9/ and IV 10/ respectively. There was no indication in the report of the nature and scope of any problem relating to racial discrimination that might exist in Jamaica. And, finally, the information contained in the report was not organized in accordance with the guidelines laid down by the Committee.

83. It was observed that the report appeared to focus less on the measures that were adopted to give effect to the provisions of the Convention than on the reservation made by the Government of Jamaica when it ratified the Convention, which stated that ratification "does not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce judicial processes beyond those prescribed under the Constitution". The reservation

9/ See decision 1 (VI) of 18 August 1972.

10/ See decision 1 (VIII) of 16 August 1973.

itself and the prominence given to it in the report gave rise to many questions. How much importance did a State attach to its ratification of the Convention if at the same time it expressed reservations which rendered some of the provisions of the Convention inoperative? If the Constitution of Jamaica amply guaranteed the protection of human rights, which obligations under the Convention had induced the Government to make its reservations? And what were the judicial processes referred to in the Convention which, in the view of the Government of Jamaica, might go beyond those prescribed under the Constitution? Did the Government of Jamaica intend to fulfil its obligations under article 2, paragraph 1 (c), of the Convention to undertake periodic reviews of its legislation relating to racial discrimination and to introduce such changes as would bring that legislation into line with the provisions of the Convention? And did the reservation refer to the present Constitution only, or did it refer also to possible future Constitutions or constitutional amendments?

84. Some of the exceptions enumerated in subsections 4-8 of section 24 of chapter 3 of the Constitution of Jamaica relating to the anti-discrimination provisions of subsections 1 and 2 of section 24 appeared to be at variance with the spirit and letter of the Convention. Concern over this question was heightened by the scope of the reservation referred to in the preceding paragraph.

85. Besides answering some of the specific questions raised by some members of the Committee during the consideration of his Government's report, the representative of the Government of Jamaica addressed himself to some of the concerns expressed by several members and enumerated in the two preceding paragraphs. The reservation made by his Government when it ratified the Convention had in no way inhibited it from complying with the provisions of the Convention. Virtually no cases of racial discrimination had been brought to court; and the authorities did not feel the need to take administrative measures, or measures under article 7, to eliminate or guard against what amounted to a non-existent evil. Article 4 of the Convention was amply covered by the Constitution. The comments made by members would be conveyed to his Government.

Ghana 11/

86. The second periodic report of Ghana and the supplement thereto, along with the information submitted in accordance with the Committee's decision 3 (VII), were viewed as evidence of continued co-operation with the Committee. The Government of Ghana was congratulated on the establishment of the Ghana National Committee on Apartheid and thanked for the information it supplied on the activities of the Ghana United Nations Association; these measures were viewed as instances of positive action to apply the provisions of article 2, paragraph 1 (e), and article 7 of the Convention. Interest was expressed in receiving more information in future reports on those organizations and their achievements. Appreciation was expressed also for the information indicating that Ghana maintained no relations of any kind with South Africa and Southern Rhodesia, prohibited the importation of any goods made in those countries, and denied its port facilities or air space to their ships or aircraft.

11/ For the Committee's consideration of the third periodic report of Ghana at the tenth session, see paragraphs 180-183 below.

87. It was noted that there was need for more information on the legislative measures which give effect to the provisions of the Convention. The texts of relevant legislative provisions were requested, since many of the provisions enumerated or referred to in the present reports were not provided. The Avoidance of Discrimination Act, cited in connexion with article 4 of the Convention, was not as extensive in its scope as the article itself. Article 12 of the 1969 Constitution, which provided that every person should have unimpeded access to the courts and was thus directly related to article 6 of the Convention, did not satisfy all the requirements of that article; more information was needed on the remedies available, on the jurisdiction of the courts, and on whether there were any administrative tribunals. Regarding the prohibition of the importation of goods from South Africa and Rhodesia, it was pointed out that the reports did not specify the laws and regulations in which that prohibition was laid down, did not make it clear whether the export of goods to those two countries was also considered an offence, and did not provide information on the legal provisions, if any, that enforced the trade sanctions against the racist régimes.

88. Aware of the fact that the third periodic report of Ghana was already on its way and would be considered at the tenth session, some members refrained from participation in the consideration of the reports currently before the Committee pending the receipt of the more up-to-date report.

89. The representative of the Government of Ghana, besides giving clarifications in response to some specific questions addressed to him, assured the Committee that the third periodic report included very detailed information concerning measures adopted to give effect to the provisions of the Convention.

Iran

90. The Committee found that the reports submitted by Iran contained information which took account of all the requirements of article 9, paragraph 1, of the Convention. Constitutional provisions and the provisions of the Civil and Penal Codes directly related to the Convention were discussed, as were also some administrative and other measures. Demographic information, as envisaged in the Committee's general recommendation IV, was also provided. The information supplied was organized in accordance with the guidelines laid down by the Committee; and some of the comments made by members of the Committee during the consideration of earlier reports from the Government of Iran were taken into account and discussed in what amounted to a dialogue between that Government and the Committee.

91. With regard to the measures adopted by the Government of Iran which had direct bearing on the application of the provisions of the Convention, it was noted that the requirements of articles 5, 6 and 7 were fulfilled. Special note was taken of the fact that, under article 9 of the Iranian Civil Code, the provisions of the Convention had acquired the force of law; if any case of racial discrimination arose, the provisions of that instrument would be applicable. The activities of the Iranian Committee on Human Rights were also noted with appreciation.

92. Article 23 of the Act on the Press of 1955 was viewed as being less extensive in its scope than article 4, paragraph (a), of the Convention, and doubt was expressed whether it fulfilled any of the requirements of article 4, paragraph (b). Doubts were raised with respect to articles 959 and 960 of the Civil Code. Doubt

was expressed also with respect to the view that the provisions of the Convention had acquired the force of law; while this was true with regard to some provisions, other provisions of the Convention required additional positive enactments, inasmuch as they were not self-implementing. It was regretted that the report did not provide information on the relations, if any, between Iran and the racist régimes of southern Africa. The relevance of the information on religious minorities and the appropriateness of using religious criteria in the determination of the ethnic composition of the population were also questioned.

93. The representative of the Government of Iran explained that minorities, which constituted only 1.2 per cent of the population of Iran, were ethnic groups distinguished chiefly by religion, not by race or colour. Iran vigorously condemned all forms of racial discrimination, particularly apartheid; it had always given active support to all United Nations resolutions on southern Africa. Articles 959 and 960 of the Civil Code reflected merely a hypothetical case and their application was minimal.

Mauritius

94. The information contained in the initial report of the Government of Mauritius consisted principally of the texts of sections 3, 11 and 16 of chapter II of the Constitution of that country. No information on other legislation, or on any administrative, judicial or other measures was made available to the Committee, as required by article 9, paragraph 1, of the Convention. The report contained no information on the relations, if any, between Mauritius and the racist régimes in southern Africa and no information on the country's demographic composition, as envisaged in the Committee's general recommendations III and IV, respectively.

95. The introductory statement, to the effect that the accession of Mauritius to the Convention had not necessitated the adoption of further measures as the Constitution of the country fully provided against any racial discrimination, was questioned; certain mandatory provisions of the Convention, such as those contained in articles 4, 6 and 7, required positive legislative action to give effect to the principles enunciated in the Constitution and the provisions of the Convention as well as appropriate administrative and other measures.

96. The Committee decided to request the Government of Mauritius to provide additional information and to take into account the Committee's guidelines and general recommendations.

Cuba

97. The initial report of Cuba contained information on constitutional principles and provisions of the Fundamental Law which bore a direct relation to most of the provisions of part I of the Convention, particularly those contained in articles 5, 6 and 7, as well as information on some administrative measures adopted by the Government of the reporting State. The Committee welcomed the information on Cuba's attitude to racial discrimination as manifested in its foreign policy, and noted with appreciation that the report under consideration was one of the few initial reports organized in accordance with the Committee's guidelines.

98. Some doubt was expressed about the application of some of the provisions of article 5 of the Convention; it was questionable whether the Labor Force Control System was compatible with the right to free choice of employment, for example. It was not clear whether article 4 of the Convention was fully applied. Nor was information provided on the specific provisions in the Penal Code which gave effect to the anti-discrimination provisions of the Constitution and the Convention. More information was needed on administrative and judicial measures. General interest was expressed in receiving the text of the Declaration of Havana and information on the ethnic composition of the population.

New Zealand

99. The initial report of New Zealand was welcomed by the Committee for its comprehensiveness, for the thoroughness of the information it contained, and for its conformance with the guidelines laid down by the Committee. The praise received by the report on account of its form was equalled by the praise given to it for its substance; the Government was congratulated not only on its report but also on the policies it had adopted. It was noted that the Government took a thoroughly realistic view of the situation in the country and was prepared to deal with racial problems in a manner that was in conformity with the standards proclaimed in the Convention; that no attempt was made to hide the fact that racial discrimination existed but that, on the contrary, the Government was aware of the situation and was making commendable efforts to set it right; and that a wide range of legislative, administrative and other measures had been adopted to combat racial discrimination. It was noted that the Government had carefully reviewed existing laws and practices in the field of race relations before ratifying the Convention and that special legislation was enacted, in consequence of that review, to implement the Convention. It was also noted that the Government, while enacting necessary laws, paid careful attention to the effectiveness with which such laws were applied; and that a great number of educational, social and economic measures had been taken to further the integration of the community. Of special interest to the Committee were the measures adopted for the purpose of enabling the Maori and other Polynesian communities to enjoy equality of rights with the rest of the population. The Government of New Zealand was conscious that there were occasions when differences in law remaining between different ethnic groups might serve to prevent discrimination rather than to provide a basis for it, and the Committee - mindful of the permissive provisions of article 1, paragraph 4, and the mandatory provisions of article 2, paragraph 2, of the Convention - concurred that that Government would be acting wholly within the terms of the Convention if it retained the differences in law remaining between Maoris and non-Maoris in respect of Maori land. Finally, the Committee noted with appreciation the information to the effect that a proposed tour by the South African Springbok Rugby Team in 1973 had been called off - an action indicating the existence of an enlightened public opinion in New Zealand.

100. It was regretted that section 25 of the Race Relations Act does not declare racist organizations illegal, as required by the Convention in article 4, paragraph (b). The Committee observed that the statement made by the representative of New Zealand in the Third Committee of the General Assembly at the 1318th meeting of that Committee on 25 October 1965 did not have the force of a reservation; and an inconsistency was noted between the implementation of paragraph (a) and that of paragraph (b) of article 4 of the Convention, which appeared to imply that freedom of assembly and association was considered more sacred than freedom of thought and expression.

101. Inquiries were made about the ethnic composition of the population and about the immigration policies of the reporting State. While replying to the former inquiry and to some other specific questions raised during the discussion, the representative of the Government of New Zealand stated that he would try to obtain information on immigration for the Committee.

Algeria

102. The assurance, contained in the initial report of Algeria, that the laws of that country contained no discriminatory provisions with regard to the rights and duties of citizens was welcomed by the Committee, as was the additional assurance that Algerian law recognized and protected the rights of all persons inhabiting the national territory without discrimination; it was regretted, however, that the latter assertion was not supported by the texts of constitutional or other legislative provisions. The same regret was expressed with regard to the assertion that the principles contained in the Convention were strictly applied in all the internal legislation of the country. The information on the absence of economic, consular and diplomatic relations with racist régimes and on the support given by Algeria to the Committee for the Liberation of Africa, though brief, was received with appreciation by the Committee. However, article 298, paragraph 2, of the Criminal Code - which constituted the sole legislative text contained in the report - did not seem to the Committee to be "all-embracing", as the report described it to be; it fell short of the requirements of article 4, paragraph (a), of the Convention. It declared an offence punishable by law the defamation of one or more persons belonging to an ethnic group when the intent of such defamation is to incite hatred between citizens or inhabitants, whereas the scope of article 4, paragraph (a), of the Convention was much wider. Finally, the report did not provide information on administrative, judicial or other measures, as required under article 9, paragraph 1, of the Convention, nor information on the ethnic composition of the population, as envisaged in the Committee's general recommendation IV.

103. The representative of the Government of Algeria assured the Committee that information such as it was seeking was available, but that the failure to include it in the report under consideration was prompted in part by the belief that an initial report was intended to be concise and somewhat general in nature, and largely by a sense of propriety, and even modesty, which generated an aversion to self-advertisement and the cataloguing of the country's achievements. The Committee, however, hoped that the next report would reflect more fully the efforts of the reporting State in its struggle against racial discrimination and would follow more closely, in its structure, the guidelines laid down by the Committee.

Iraq

104. The second periodic report submitted by Iraq was welcomed by the Committee for the comprehensiveness of the information it contained, which related to virtually all the provisions of part I of the Convention. The information in the report was not confined to constitutional and other legislative provisions, but dealt with administrative and other measures as well; the absence of information on judicial matters was attributed to the fact, stated in the report, that the courts had not had to deal with cases involving racial discrimination. The material in the report was organized in accordance with the guidelines laid down by the Committee. Ample information was provided in response to the Committee's general recommendation III.

105. The Committee noted that ratification of the Convention had in effect made it a binding national legislation. It noted also that measures had been adopted to give effect to articles 2, 3, 4, 5 and 7 of the Convention; doubts were expressed, however, whether all the requirements of article 6 had been met. The extensive information on legislative, administrative and other measures safeguarding the rights of all minorities, and in particular the "national rights" of the Kurds, were noted.

106. Inquiries were made about the ethnic composition of the population; and the desire for receiving the actual texts of the legislative provisions discussed in the report was expressed by several members.

107. The representative of the Government of Iraq furnished replies to specific questions raised in the course of the discussion. With regard to the lack of statistical information on the ethnic groups in his country, he referred to the attempts being made for compiling adequate population statistics and assured the Committee that the requested information would be transmitted to it as soon as it was available. Regarding the texts of the provisions cited in the report, he stated that in his country the legislative texts were published in Arabic and that their translation into English was sometimes delayed for three or four years; however, he had already transmitted to the Secretary-General informal translations of the relevant provisions of the Constitution and the Penal Code of Iraq. Concerning the implementation of article 6 of the Convention, he recalled that Iraq had a system of civil law which gave primary importance to written law, and that - as the report stated - the Civil and Criminal Codes of Iraq included provisions relating to delictual responsibility, although no occasion had yet arisen for applying them.

Finland

108. Inasmuch as the second periodic report submitted by Finland indicated that no legislative measures had been taken since the submission of the initial report, the Committee's discussion centred around the administrative measures described in the report. The information on these measures showed that the Government of Finland continued to take steps to ensure the protection of racial minorities. It was regretted, however, that no information was provided on the way in which judicial cases in the sphere of race relations had been dealt with during the period covered by the report, although it was stated that "a couple" of such case had come before the courts.

109. Interest was shown in the so-called Lapp Parliament which the Government of Finland intended to establish; and questions were raised about the powers that would be conferred upon it, and whether it would be a body serving the Parliament of Finland in an advisory capacity or would be given statutory powers to take measures on behalf of the Lapps. Inquiries were made about measures relating to Gipsies, and about the achievements of a Gipsy Association which, according to the initial report submitted by Finland, had been formed to study the situation of the Gipsies.

110. The representative of the Government of Finland assured the Committee that his Government's replies to the questions put by its members would be transmitted to the Committee.

Romania

111. The Committee welcomed the information, contained in the second periodic report of Romania, to the effect that the Government of Romania had, since the submission of its initial report, ratified Convention No. 111 of the International Labour Organisation, 12/ and enacted new legislation affecting four areas of relevance to the provisions of the Convention. The fact that the texts of the relevant provisions of the new laws were furnished in the report was noted with appreciation. The laws passed during the period covered by the report were important in making the application of the Convention effective; and the adoption of these laws showed that the process of improving its national legislation was continuing in the reporting State.

112. It was noted, however, that the report was confined to information on legislative measures and made no reference to administrative, judicial or other measures. Nor did it contain information on the relations, if any, between the reporting State and the racist régimes in southern Africa or on the demographic composition of the country, as was envisaged in the Committee's general recommendations III and IV. It was observed that the Committee had not yet received from the Government of Romania information bearing on the implementation of article 7 of the Convention.

113. Regarding the supplementary information, submitted in response to decision 3 (VII) of the Committee, the question was raised whether article 166 of the Penal Code of Romania covered racist propaganda and membership in racist organizations. Members of the Committee did not all agree that the word "fascism" was synonymous with the word "racism", or that the use of the former word in penal legislation without an interpretation of its precise connotation would serve the purposes of the legislation.

114. The representative of the Government of Romania replied to specific questions raised during the discussion and elaborated on the new legislation discussed in the report. He stated that article 166 of the Penal Code covered racist propaganda and membership in racist organizations.

Greece

115. The second periodic report submitted by Greece indicated that no new measures were adopted since the submission of the initial and supplementary reports, and that, in the new Constitution of 1973, there was no change in the articles giving effect to the provisions of the Convention. In view of this fact, the Committee appreciated the efforts made to present the already available information anew and to organize it in accordance with the guidelines laid down by the Committee.

116. The Committee welcomed the announcement made by the representative of the Government of Greece, at the opening of the consideration of his Government's report, that, in the light of the previous year's discussion of the question by

12/ Conventions and Recommendations Adopted by the International Labour Conference, 1919-1966 (Geneva, International Labour Office, 1966), p. 973.

the Committee, the Ministry of Justice had instructed its legal drafting committee to prepare a draft legislative decree meeting the requirements of article 4 of the Convention.

117. The Committee regretted that the texts of the legislative provisions cited in the report were not embodied in it nor annexed to it. It was noted that the report contained no information on the implementation of article 7 of the Convention, or on the ethnic composition of the population (as envisaged in the Committee's general recommendation IV). While welcoming the information contained in the report about the contribution by Greece to the Educational and Technical Programme for Southern Africa and to the United Nations Trust Fund for South Africa, it was regretted that no information was provided on the relations, if any, between Greece and the racist régimes of southern Africa, as envisaged in the Committee's general recommendation III.

118. Of the questions addressed to the representative of the Government of Greece, some related to the implementation of article 6 of the Convention: what was the procedure which a victim of an act of racial discrimination could follow in order to obtain compensation or redress? And had there been occasion in Greece to appeal to the Council of State in a question of racial discrimination? It was asked also whether article 7, paragraph 1, of the Greek Constitution, which stated that "Greeks" were equal before the law, applied solely to Greeks and not to other inhabitants of the country, such as Turks and Bulgarians.

119. The representative of the Government of Greece replied to some of the questions raised in the discussion. No cases had been recorded in Greece of discriminatory measures adopted by public authorities or the administration. Article 7 of the Constitution applied to all Greek citizens; non-citizens could invoke article 8 of the Constitution, which applied to "every person within the territorial boundaries of the Greek State", and could also appeal to the Council of State if they were victims of a discriminatory measure.

Norway

120. According to the second periodic report of Norway, no legislative or other measures were adopted since the submission of the initial report and no cases relevant to the provisions of the Convention were brought before the courts. The Committee welcomed the additional information contained in the report (which was considered in conjunction with the information submitted in response to decision 3 (VII)) and, in particular, the information concerning the composition and functions of the permanent commission on the Gipsies.

121. The Committee expressed the desire to know more about the reports prepared by the permanent bodies for the integration of the Lapps and the Gipsies. Concern was expressed lest the concept of "integration" be carried too far; it was observed that total integration of an ethnic group into the mainstream of society, with consequent abandonment of traditions and customs, could be a form of racial discrimination. Noting that two members of the permanent commission of the Gipsies represented that group, questions were raised about the methods of selection of those two members.

122. The information concerning the implementation of article 4 of the Convention suffered from the fact that the text of section 330 of the Penal Code was not

supplied. Members of the Committee inquired whether, under that section, taken together with section 135 (a) of the Penal Code, the establishment of, or participation in, organizations which propagated or promoted racial discrimination was a punishable offence.

123. The representative of the Government of Norway supplied additional information on the functions of the commission on the Gipsies, stated that the two members who represented the Gipsies were appointed by the Gipsies themselves, and assured the Committee that Gipsies would not be forced to accept totally the Norwegian way of life. Regarding article 4 of the Convention, he assured the Committee that the text of section 330 of the Penal Code, in an English translation, would be supplied and that the questions raised during the discussion regarding the implementation of paragraph (b) of article 4 would be referred to his Government.

Fiji

124. The Committee found the information contained in the initial report of Fiji incomplete. The report dealt only with legislative measures: it was silent on judicial, administrative or other measures. It contained no information on measures relating to the implementation of article 7 of the Convention. And it provided no information on the relations, if any, between Fiji and the racist régimes of southern Africa or on the ethnic composition of the population, as envisaged in the Committee's general recommendations III and IV. Furthermore, the material contained in the report was not organized in accordance with the guidelines laid down by the Committee.

125. As far as the application of the provisions of part I of the Convention was concerned, the Committee noted with appreciation that the requirements of article 6 appeared to have been fully met, particularly by the provisions of section 17 of chapter II of the 1970 Constitution ("Enforcement of protective provisions") and chapter IX ("The ombudsman"). On the other hand, it was noted that the basic anti-discrimination provisions of the Constitution (contained in subsection 1 of section 15 of chapter II) prohibited only discriminatory measures resulting from legislation or emanating from public authorities, and said nothing about acts of discrimination committed by individuals or private organizations; and many exceptions to the principle of non-discrimination were enumerated in subsections 3 to 7 of section 15. Regarding article 4 of the Convention, it appeared from the information submitted by the Government of Fiji in response to decision 3 (VII) of the Committee that the only relevant provisions in the Fijian legal system were those contained in section 15 of the Public Order Ordinance, No. 15 of 1969; but, in the view of the Committee, the scope of this section was narrower than that of article 4, inasmuch as the former was confined to the prohibition of disturbance of the public peace by the incitement of hatred or contempt of any class of person.

126. The representative of the Government of Fiji replied to the inquiry concerning the ethnic composition of the population of his country; informed the Committee that his Government had no diplomatic relations with the racist régimes of southern Africa; and assured the Committee that discriminatory acts by individuals or organizations did not exist in his country, which had never had a racial incident in living memory.

Ecuador

127. The third periodic report of Ecuador maintained and carried forward a dialogue with the Committee which was initiated in the second periodic report, and which the Committee welcomed. Observations made by individual members of the Committee at previous sessions were commented upon. The texts of the instructions sent by the Government of Ecuador to its delegation to the twenty-seventh session of the General Assembly, with reference to items on its agenda relating to the racist régimes of southern Africa, were embodied in the report. Moreover, the Committee was informed that the Government of Ecuador had decided - in the light of certain observations made during the Committee's consideration of that Government's previous report - to incorporate into its new Penal Code a number of provisions penalizing offences against racial discrimination, particularly those described in article 4 of the Convention; and the texts of articles 211-215 of the preliminary draft of the proposed Code were embodied in an addendum to the third periodic report.

128. It was noted that the draft articles of the Penal Code mentioned in the preceding paragraph satisfied the requirements of article 4 of the Convention in all but two respects: the financing of racist activities, prohibited under paragraph (a) of article 4, and the outlawing and prohibition of racist organizations, required under paragraph (b) of that article, were not included among the offences described in the draft articles of the Penal Code. Some members wondered whether that omission was attributable to the presence in Ecuadorian law of some general provisions which made it unnecessary for those two items to be added to the draft.

129. The representative of the Government of Ecuador replied to several specific questions put to him in the course of the discussion.

Austria

130. The Committee considered the initial report of Austria in conjunction with the information submitted by that State Party in response to decision 3 (VII) of the Committee. It found the information contained in the report comprehensive and thorough, and welcomed the fact that it was organized in accordance with the guidelines laid down by the Committee. On the other hand, it was noted with regret that that information dealt only with legislative measures, to the exclusion of judicial, administrative or other measures; and that there was no indication of the extent to which some of the rights guaranteed by the laws in force were in fact enjoyed by those to whom they applied. The texts of the legislative provisions mentioned in the report were not supplied in all cases. And no information was given on the relations, if any, between the reporting State and the racist régimes of southern Africa, as was envisaged in the Committee's general recommendation III.

131. With regard to the implementation of the provisions of the Convention by the Government of Austria, the Committee took note with satisfaction of the supplementary information furnished by the representative of that Government at the opening of the Committee's consideration of the report, to the effect that a constitutional bill designed to ensure the equal treatment of aliens in relation to one another had been approved by the National Assembly and that a new Criminal Code, containing provisions intended to implement article 4 of the Convention, had

been adopted and would come into force on 1 January 1975. However, concern was expressed over the apparent failure to implement the provisions of articles 4 (a), 4 (b), 5 (e) (vi), 5 (f) and 7 of the Convention and over the status of minorities, as follows:

132. Section 290 (1) of the Criminal Code was more narrow in scope than article 4, paragraph (a), of the Convention, in two respects: it qualified the dissemination of ideas based on racial superiority or hatred which it prohibited, and thus appeared to limit its effect to the dissemination of racist ideas that was "intended to lead to racial discrimination"; and it was silent with respect to the prohibition of "the provision of any assistance to racist activities, including the financing thereof".

133. As far as article 4, paragraph (b), of the Convention was concerned, some members of the Committee were satisfied that section 3 (a) of the Prohibition of Nazism Act and sections 6 (1), 20, 21, 22, 24 and 29 of the Associations Act met the requirements of the Convention. Other members, however, noted that subsections 1 and 2 of section 3 (a) of the Prohibition of Nazism Act showed that that act was limited in its application to seven specified Nazi organizations and their branches, and to other associations "whose purpose is to undermine the autonomy and independence of the Republic of Austria or to disturb public order and the reconstruction of Austria"; they doubted that an Act whose scope was so confined could be seen as satisfying the mandatory requirement of article 4, paragraph (b), of the Convention to "declare illegal and prohibit organizations ... which promote and incite racial discrimination". The sections of the Associations Act which provide for the prohibition of illegal organizations (such as sections 6 (1) and 24), by being permissive in their language, fell short of the mandatory requirements of the Convention. Furthermore, one member noted that the failure to implement fully the requirements of article 4, paragraph (b), of the Convention was a cause of special concern in view of the fact that such chauvinistic organizations as the Karntner Heimat Dienst were able to operate freely and oppose minority rights and seek the assimilation of the Slovenes.

134. Some members noted with concern that the report stated that there was no provision in Austrian law for a right to equal participation in cultural activities (as provided for in article 5, paragraph (e) (vi), of the Convention) and that a right corresponding to the provisions of article 5, paragraph (f), of the Convention was not specifically enacted in Austrian legislation because it was "taken for granted as part of the normal legal order in Austria". The omission of information on the implementation of article 7 of the Convention was noted with regret.

135. With regard to minorities, some members questioned the premise underlying the information contained in the report, which was stated explicitly by the representative of the Government of Austria in the statement he made at the opening of the consideration of that Government's report, namely, that there were no distinct national or ethnic groups in Austria although there were religious and linguistic minorities. It was observed that a breakdown of the population on the basis of the linguistic criterion would yield results different from those yielded by one which was based on ethnic consciousness and kindred sociological criteria. It was emphasized that the rights of minorities did not depend on their numbers or the percentage of the total population which they constituted. Furthermore, it was observed that, important as legislative provisions were, of equal importance

was the actual application of those provisions. Thus, with respect to the provisions governing the use of Croatian and Slovene languages in the courts and other public institutions, interest was expressed in whether persons wishing to avail themselves of those provisions and use those languages were subjected to any delay or harassment when bringing cases to court. Certain disparities were noted between the provisions of some of the international treaties by which Austria was bound and those of its own laws, with respect to minorities. Thus, article 7 (3) of the State Treaty of 1955 provided that the Slovene and Croat languages should be accepted as official languages in addition to German in the administrative and judicial districts of Carinthia, Burgenland and Styria, whereas the Federal Act of 19 March 1959 applied those provisions only to certain judicial districts of Carinthia. The explanation given in the report that, in the remaining districts of Carinthia and in Styria and Burgenland the provisions of article 66 (4) of the Treaty of St. Germain (providing that non-German-speaking Austrian citizens would be given reasonable facilities for using their languages in court) applied, appeared to indicate that certain obligations under an international treaty had been abridged or limited by a federal law.

136. In his second statement before the Committee, the representative of the Government of Austria commented on the concerns expressed by members of the Committee and replied to some of the questions put to him. He recalled that his Government had made declarations when it ratified the Convention stating its interpretation of articles 4 and 5. He stated that a new section (283 (1)), had superseded section 290 (1) of the Criminal Code and that it had the effect of amending the Prohibition of Nazism Act; that the term "nazism" had always been understood in its generic sense in Austria and included all totalitarian ideologies based on the concept of racial superiority; that the absence of specific provisions in Austrian law to give effect to the provisions of article 5, paragraph (e) (vi), of the Convention should be viewed in the context of the fact that it was a principle of the Austrian legal system that all persons were entitled to carry out any activity that was not prohibited by law; and that, although refusal to grant access to places or services intended for use by the general public (in violation of the provisions of article 5, paragraph (f), of the Convention) was not punishable by law, the right of access could be enforced by the courts.

137. With regard to the question of minorities, the representative of the Government of Austria reaffirmed that there were no racial minorities in his country, only linguistic and religious minorities; recalled that so far no cases of alleged discrimination against linguistic minorities in Austria had been brought before the competent courts and that none of the signatories to the State Treaty of 1955 had thus far complained of non-compliance by Austria with its obligations under that Treaty; and stated that the minorities were completely free to develop their culture and use their languages and had every opportunity to do so. He conceded, however, that there had been some problems in recent years, and even acts of violence; but the authorities had taken appropriate action. In one case, which was mentioned during the discussion, three persons had been brought to trial and sentenced to severe imprisonment. A special commission had been set up to study questions relating to the Slovene minority in Carinthia; and there was a standing body to ensure contact between the Government and the representatives of minorities to solve any problems that might arise.

Canada

138. The second periodic report of Canada was praised for the comprehensiveness of the information it contained and for the candid and objective manner in which it described not only the measures adopted and the gains achieved but also the difficulties which were encountered and those which remained. The detailed information on the ethnic composition of the population, envisaged in the Committee's general recommendation IV, was welcomed. On the other hand, it was noted that the texts of legal provisions cited in the report were not always supplied; and that no effort was made to relate the various measures described in the report to the specific provisions of the Convention which inspired them or which they were designed to apply.

139. With regard to the measures adopted by the Government of Canada to give effect to the provisions of the Convention, it was noted with appreciation that the policy of the reporting State stressed not only prohibition and punishment but prevention as well, and expressed itself not only in legislative measures but also in administrative measures; and that those measures were adopted at the federal, provincial and local levels. The multiplicity of mechanisms and agencies providing protection and assistance was noted; special mention was made of the Canadian Association of Statutory Human Rights Agencies, the eight provincial Human Rights Commissions, the anti-discrimination branch established within the federal public service, the Ombudsmen appointed in six provinces, and the office of the Minister of State for Multiculturalism. Another source of satisfaction was the positive measures adopted to promote mutual respect and co-operation among racial groups in Canada, which were in implementation of the provisions of article 7 of the Convention. Special measures taken to protect native groups and speed their advancement and to ensure their participation in public life were also noted with appreciation, particular attention being paid to the measures to protect their land claims and the educational and vocational training programmes inaugurated for their benefit, in implementation of article 2, paragraph 2, of the Convention. On the other hand, doubt was expressed whether the provisions of the Criminal Code fully met the requirements of article 4 of the Convention; and concern was voiced over the exceptions under the Individual's Rights Protection Act and the Fair Employment Practices Act.

140. Questions were asked during the discussion on the following subjects: the effect of the ratification of the Convention by the Federal Government on provincial legislation; the powers and functions of the human rights commissions and of the ombudsmen; the situation of the indigenous population; certain provisions of the Indian Act; the decision, if any, of the Supreme Court in the cases brought before it by two Indian-born women; the actions, if any, taken by the provincial human rights commissions on the complaints received by them alleging acts of racial discrimination; and immigration policy and laws.

141. The representative of the Government of Canada replied to, or made observations on, all but the last two questions mentioned in the preceding paragraph. With regard to immigration laws, he stated that they were currently under review by his Government. For further information on the situation of the indigenous populations, he referred the Committee to two studies drawn up by the Department of Indian and Northern Affairs, concerning the Canadian Eskimos and Indians respectively, which he would presently make available to the Committee; to the 1972 Canadian annual report to the Human Rights Commission, already submitted,

and the 1973 report, which would soon be completed; and to the comprehensive study on the indigenous peoples of Canada which his Government would soon submit to the Secretary-General.

Morocco

142. The Committee noted that the relevant provisions of the Constitution of 1972 of Morocco, the texts of which were attached to the second periodic reports from that country, reaffirmed the provisions of the previous Constitution concerning human rights. It also noted, however, that the report contained no information on the other legislative provisions which, it stated, existed in Morocco pursuant to the obligations resulting from its accession to the Convention, nor on administrative or other measures giving effect to the provisions of the Convention, particularly those laid down in article 7. Information on the ethnic composition of the population, as envisaged in the Committee's general recommendation IV, was not furnished. Nor was the information requested during the Committee's consideration of the initial report provided in the present report.

143. The representative of Morocco assured the Committee that he would transmit all questions which had been raised to his Government and hoped that it would reply to them in its next report.

Madagascar

144. The third periodic report of Madagascar was considered by the Committee in conjunction with the information submitted by that State Party in response to decision 3 (VII) of the Committee. The readiness with which the reporting State had answered requests for information in accordance with the Committee's general recommendations III and IV and decision 3 (VII) was welcomed by the Committee. The Committee noted with appreciation the supplementary information furnished by the representative of the Government of Madagascar, to the effect that the Penal Code was currently in the process of revision and that the new provisions eventually incorporated into it would include some specific measures relating to the Convention; that the texts of the relevant provisions would be communicated to the Committee when they passed into law; and that the Constitution was also being reviewed.

145. The question was asked about the implementation of article 7 of the Convention, and whether the Government of the reporting State had envisaged any measures in the field of teaching, education, culture and information. Interest was expressed in receiving statistical data and other particulars on the various ethnic groups listed in the report.

146. The representative of the Government of the reporting State assured the Committee that, if the information on the population which was requested was available, it would be made available to the Committee.

Iceland

147. The third periodic report of Iceland was praised for the comprehensiveness of the information it contained and because that information was organized in accordance with the guidelines laid down by the Committee; the annex, which

supplied the texts of the legislative provisions mentioned in the report, was found very useful. The Committee welcomed the inclusion in the report of information on the status of its relations with the racist régimes of southern Africa and on the ethnic composition of the population in response to the Committee's general recommendations III and IV respectively. It was noted with appreciation that the report took into account observations made during the Committee's consideration of earlier reports and that the Government of the reporting State had taken specific action in response to the Committee's comments.

148. With regard to the implementation of the provisions of the Convention by the Government of the reporting State, the Committee noted that, with some exceptions, the requirements of articles 2 to 6 had been met; it was regretted, however, that no information was available on whether article 7 was being implemented and that the Government of Iceland had not considered it necessary to enact specific legal provisions satisfying the requirements of article 5, paragraph (f), of the Convention. While some members were of the opinion that article 73 (d) of the Constitution could not by itself give full effect to the provisions of article 4, paragraph (b), of the Convention, other members felt that, in view of the provisions of article 121 of the Penal Code, as well as article 73 (d) of the Constitution, existing legislation in Iceland was adequate to give effect to those requirements.

149. Questions were asked about the number of foreign workers in Iceland; the rights of which they were assured (other than those concerning conditions of recruitment and salaries, with which the report dealt); the recourse a person had when his right of access to a place of service intended for use by the general public was not respected; and - in view of some ambiguity on this matter in the report - about the precise status of the relations, if any, between Iceland and the racist régimes of southern Africa.

150. Besides replying to the questions enumerated in the preceding paragraph and commenting on some of the observations mentioned in paragraph 2, the representative of the Government of Iceland informed the Committee that the appointment of an ombudsman in Iceland had recently been submitted to Parliament.

Kuwait

151. The third periodic report of Kuwait was considered together with the information submitted by the Government of Kuwait in response to decision 3 (VII) of the Committee. The Committee noted that the only relevant measures adopted since the submission of the previous report was the establishment, in accordance with Law No. 14 of 1973, of a Constitutional Court. It was observed that the report contained neither the text of that law nor detailed information on the composition or competence of the Court. Regarding the information submitted in response to decision 3 (VII) of the Committee, it was observed that some of the provisions to which reference was made were not relevant to the Convention. While articles 27 and 28 of Law No. 3 of 1961 appeared to meet some - though not all - of the requirements of article 4, paragraph (a), of the Convention, it was not clear to what extent article 6 of Law No. 24 of 1962, the text of which was not supplied, satisfied the requirements of article 4, paragraph (b), of the Convention. The representative of the Government of Kuwait was asked to confirm that the position of his Government with respect to the racist régimes in southern Africa had remained unchanged since the previous report was submitted.

152. The representative of the Government of Kuwait read out, in an unofficial English translation, the text of the relevant sections of Law No. 14 of 1973. He confirmed that Kuwait had no relations of any kind with the racist régimes of southern Africa.

Philippines

153. The information contained in the third periodic report of the Philippines showed that, under the new Constitution of 1973, most of the rights enumerated in article 5 of the Convention were safeguarded. The Committee welcomed the information that aliens were granted protection under Philippine law and enjoyed rights on an equal footing with nationals.

154. Questions were raised as to whether any measures had been adopted to implement article 7, or article 2, paragraph 1 (c) of the Convention. Some members affirmed, and others denied, that article II, section 7, of the Constitution fulfilled the requirements of article 4, paragraph (b) of the Convention; and it was asked whether the Government had reached a final decision on the questions of the necessity for adopting special measures to give effect to the provisions of article 4 of the Convention (to which, according to its initial report, the Government of the reporting State had planned to give careful consideration). Questions were asked about the effects which Proclamation No. 1081 of 12 September 1972, placing the country under martial law, may have had upon the rights guaranteed to citizens, including the rights safeguarded under the Convention. Interest was expressed in the Commission on National Integration, and information on its composition, functions and activities was asked for. Information on the ethnic composition of the population was also requested.

155. The representative of the Government of the Philippines stated that his Government had not found it necessary to adopt legislation to give effect to provisions of article 4 of the Convention. He informed the Committee that, despite the proclamation of martial law, the human rights provided for in the Constitutions of 1934 and 1973 had been afforded to all citizens and non-citizens in the country. He referred members of the Committee to a report prepared by the Commission on National Integration, extracts from which had been transmitted to the Secretary-General and would be made available to the Committee. And he gave the Committee some information on the ethnic composition of the population.

Pakistan

156. The third periodic report of Pakistan was considered in conjunction with the information submitted by the Government of that State in response to decision 3 (VII) of the Committee. The Committee noted with satisfaction that Act VI of 1973 had been promulgated in order to implement the provisions of the Convention. That Act, which amends the Penal Code and makes its provisions specifically applicable to racial discrimination, appeared to fulfil the requirements of article 4 of the Convention. The new Constitution of 1973 contained provisions which recognized the rights enumerated in articles 5 and 6 of the Convention. On the other hand, no information was furnished concerning the implementation of article 7 of the Convention; and the report as a whole was seen as focusing more on what had occurred in the public sector than on developments in the private sector. The lack of information on the ethnic composition of the population was regretted.

157. The representative of the Government of Pakistan replied to some of the specific questions put to him by members of the Committee during the discussion. He referred to some measures adopted to give effect to article 7 of the Convention, and assured the Committee that more information would be supplied in future reports on such measures.

Hungary

158. The third periodic report of Hungary was considered in conjunction with the information submitted by the Government of Hungary in response to decision 3 (VII) of the Committee. The Committee noted that, in 1972 and 1973, several relevant legislative developments had occurred, including amendments to the Constitution, a new law on the courts and an amendment to the Criminal Code.

159. It was observed that the relevant constitutional and other legislative provisions cited in the report dealt mainly with the rights of the nationalities. The Committee welcomed the fact that, under the new provisions the scope of those rights was extended, all nationalities in Hungary were guaranteed equal rights, and nationalities were guaranteed the right to use their respective languages in the courts and in education. The information on the implementation of article 4 of the Convention showed that Hungarian law gave effect to most of the provisions of that article.

160. Members of the Committee asked whether there was a national body in Hungary responsible for watching over the interests of the minorities, and whether the administrative tribunals had intervened in important questions relating to the provisions of the Convention and, if so, what their rulings or decisions had been.

161. The representative of the Government of Hungary expounded on the information contained in the report under consideration.

Brazil

162. The Committee took note of the statement, in the third periodic report of Brazil, that no new measures had been adopted to give effect to the provisions of the Convention since the submission of the previous report. It was noted, however, that some information which was requested by the Committee at the seventh session during its consideration of the earlier report of Brazil (A/9018, paras. 121-127) had not been supplied.

163. With regard to the information submitted by Brazil in response to Committee decision 3 (VII), the Committee found that the texts of the relevant provisions of Brazilian laws which had been made available to it fulfilled the requirements of paragraph (a) of article 4 of the Convention, but that the requirements of paragraph (b) of that article had not been fully met.

164. The representative of the Government of Brazil informed the Committee that, owing to an oversight, the text of Law No. 898, which contained the provisions corresponding to article 4, paragraph (b), of the Convention, had not been provided as part of the information submitted by his Government in pursuance of decision 3 (VII); and he assured the Committee that an English translation of the text would be transmitted. He also informed the Committee that up-to-date

information on matters related to racial discrimination, as far as Brazil was concerned, was to be submitted to the Economic and Social Council and that the relevant parts of that information would be transmitted to the Committee as soon as they became available. And he hoped that the information requested by the Committee at its seventh session would also be forthcoming.

Union of Soviet Socialist Republics

165. The information contained in the third periodic report from the USSR and its two annexes and the information submitted in response to decision 3 (VII) of the Committee was praised for its comprehensiveness and thoroughness. The Committee welcomed the detailed information on the demographic composition of the country, submitted in accordance with the Committee's general recommendation IV.

166. With regard to the measures giving effect to the provisions of the Convention, the Committee noted with gratification that the Government of the reporting State not only reaffirmed its dedication to the cause of non-discrimination, both internally and internationally, but also gave evidence of its continued dedication to that goal by keeping its internal legislation and its position towards relevant international instruments under constant review. Accordingly, since the submission of its second periodic report, the USSR had ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), signed the International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII), annex), and continued to take measures to isolate the racist régimes of southern Africa and to enhance the solidarity of the peoples struggling against racial discrimination; and, with respect to the internal scene, it had continued to take measures designed to ensure complete de facto equality for the various Soviet nations and nationalities and had also promulgated in July 1973 an all-Union law on the Fundamentals of the Legislation of the USSR and the Union Republics concerning Public Education. In addition to welcoming these manifestations of a continuing and dynamic policy of struggle against racial discrimination, the Committee noted with satisfaction that the reporting State sought to achieve the objectives of its policy not only by the prohibition, through legislation, of acts of racial discrimination but also by the promotion of socio-economic conditions generating real equality and by the promotion of attitudes of harmony and mutual respect among nationalities through educational and other measures, in implementation of the provisions of article 7 of the Convention.

167. It was noted that the information before the Committee showed that the provisions of article 4, paragraph (a), of the Convention were being implemented; interest was expressed, however, in receiving the texts of legislative provisions relating to paragraph (b) of that article. Interest was expressed also in the implementation of article 6 of the Convention; and questions were asked about the remedies that were available to persons who felt themselves to be the victims of racial discrimination, whether adequate redress could be obtained through administrative tribunals, whether further recourse could be had to judicial and other tribunals, the procedures to be followed in pursuit of those objectives, and whether information was available about individual cases of that nature which might illustrate how the provisions of the Convention were implemented at the grass-roots level. Regarding the nationalities policy of the reporting State, it was asked

whether that policy took into account not only the languages but also the distinctive customs, traditions and cultures of the various nationalities. Interest was expressed in receiving the texts of the various legislative enactments mentioned in the opening paragraph of the report and described as defining the principles of the established nationalities policy of the reporting State.

168. In his statement before the Committee, the representative of the Government of the USSR, in addition to replying to specific questions put to him by members of the Committee, expounded on the nationalities policy of the USSR. Regarding article 6 of the Convention, he affirmed that the judicial system protected the rights of all citizens and stated that the Office of the Procurator supervised the precise and strict observance of Soviet laws; and he recalled that it had been pointed out in his country's previous report that no cases involving acts of racial discrimination had occurred.

Tonga

169. It will be recalled that the initial report of Tonga, when considered by the Committee at its eighth session, was found to be incomplete and that the Government of Tonga was requested to furnish the Committee with additional information (A/9018, paras. 286-289). At its ninth session, the Committee had before it a communication from the Government of Tonga which consisted of the statement, "No additional information on Tonga report under article 9 of the Convention". The Committee decided to send another communication to the Government of Tonga requesting additional information. The text of that communication, prepared by the Rapporteur and approved by the Committee at its 195th meeting, may be found in annex IV, section A.

United Republic of Cameroon

170. The Committee welcomed the statements, contained in the initial report of the United Republic of Cameroon, that the Government of the reporting State had, before acceding to the Convention, already adopted legislative, judicial and administrative measures condemning racial discrimination and that its accession to the Convention had not resulted in the repeal of existing legislation or in the adoption of new laws with a view to giving effect to the provisions of the Convention. The report contained also a list of certain articles of the Penal Code, and certain Acts and Decrees.

171. The Committee welcomed the assurances and the information contained in the report. Members of the Committee, however, found it necessary to have the texts of the provisions mentioned in the report in order to be able to consider them and ascertain the manner in which and the extent to which the provisions of the Convention were implemented in the reporting State. Taking note of the information provided by the Secretary-General to the effect that, in compliance with the request made by the Committee at its 162nd meeting on 17 August 1973, he had already taken steps with a view to obtaining copies of the legislative texts mentioned in the report, the Committee decided to suspend its consideration of that report until the tenth session and to send a communication to the Government of the reporting State requesting it to furnish it with the texts mentioned in its report.

172. By the opening of the tenth session, the requested texts mentioned in the preceding paragraph had not been received. The action taken by the Committee with regard to that situation is described in paragraph 68 above.

Costa Rica

173. The third periodic report of Costa Rica was welcomed by the Committee for furnishing the information envisaged in the Committee's general recommendations III and IV. It was observed that the lack of information on judicial measures and court cases was attributable to the fact, stated in the report, that no individual had come before the courts to complain that provisions condemning racial discrimination in any form had been transgressed. Although the third periodic report contained no new information on measures adopted since the submission of the second periodic report, the Committee welcomed the fact that the third periodic report reaffirmed the continued effect of constitutional and legislative provisions already described in the earlier reports, that it amplified the information provided in the past concerning those provisions, and that it took due account of the observations made in the course of the Committee's consideration of the second periodic report.

174. The Committee welcomed heartily the information that, on 8 January 1974, the Government of the reporting State made a declaration in accordance with article 14, paragraph 1, of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals as provided for in that article. The Committee noted that Costa Rica had thus become the fourth State Party to make the declaration in question. It was asked, however, whether the Government of Costa Rica had also established or indicated a body within its national legal order with the competence described in paragraph 2 of article 14 of the Convention.

175. Extracts from a statement made by the Minister of Foreign Affairs of the reporting State before the Security Council, which were cited in the report, gave rise to some requests for clarification, particularly with respect to the part which read: "The present Government of Costa Rica introduced in 1970 a policy of universalization of our diplomatic relations." Inasmuch as the statement was introduced, in the report, by a remark indicating that it was cited in connexion with the wish expressed by the Committee "to be informed of the international political position of countries which have signed the Convention, particularly their position vis-à-vis nations which have been condemned by the United Nations for such truly heinous discriminatory policies as apartheid", members of the Committee wished to know whether the policy of universalization of diplomatic relations had led to the establishment of diplomatic relations with the illegal régime in Southern Rhodesia or had led to the repeal of Legislative Decree No. 4015 of 1967, which prohibited export and import trade with South Africa until such time as the Government of that country abandoned its policies of racial discrimination.

176. The appropriateness of the use of the word "whites" to describe persons of mixed Spanish and Indian ancestry, which had been questioned at the seventh session and with respect to which some observations were made in the report under consideration, continued to be considered questionable; the word mestizos appeared to be more appropriate.

177. In his statement before the Committee, the representative of the Government of Costa Rica referred to the questions mentioned in paragraph 175, above, and stated that Legislative Decree No. 4015 of 1967 remained in force. As to the question of diplomatic relations, he did not consider the Committee the most appropriate forum for a discussion of that matter, but would nevertheless state that Costa Rica maintained diplomatic relations with South Africa, but not with Rhodesia.

Bolivia

178. It will be recalled that the initial report of Bolivia, when it was considered by the Committee at its fourth session, was found unsatisfactory (see A/8418, para. 35). At its 69th meeting (fourth session), held on 30 August 1971, the Committee decided to request the Government of Bolivia to submit a new report conforming to the guidelines in communication CERD/C/R.12 (see A/8027, annex III, sect. A) in due time for consideration at the Committee's fifth session, which was due to open on 14 February 1972. The report requested by the Committee was not received. At its tenth session, however, the Committee had before it a communication dated 20 March 1974 stating: "... we have not considered it necessary to send the report in question because there are no conflicts or problems of this nature in Bolivia, since the Convention is being implemented without any kind of restrictions or difficulties".

179. Recalling that, according to article 9, paragraph 1, of the Convention, the obligation to submit reports on measures giving effect to the provisions of the Convention was a mandatory obligation, the discharge of which was not contingent on the existence of problems of racial discrimination, the Committee decided at its 201st meeting (tenth session), held on 13 August 1974, to request the Government of Bolivia to submit a report in compliance with the requirements of article 9, paragraph 1, of the Convention as soon as possible, but before the eleventh session of the Committee.

Ghana

180. The Committee noted that, although no new developments relevant to the implementation of the provisions of the Convention had occurred since the submission of Ghana's second periodic report, the third periodic report before it contained extensive and detailed information amplifying and supplementing the information supplied in the past, with particular reference to the measures adopted by the reporting State to implement the resolutions of the competent organs of the United Nations regarding the racist régimes in southern Africa and also to the activities of the National Committee on Apartheid. The Committee welcomed the fact that the texts of relevant legislation were embodied in an annex to the report.

181. Although the information submitted by Ghana in response to the Committee's decision 3 (VII) had already been considered at the ninth session, in conjunction with the Committee's consideration of the second periodic report of Ghana (see paras. 86-89 above), that information was considered again at the tenth session. The Committee found that sections 3 and 4 of the Avoidance of Discrimination Act of 1957 met some of the requirements of article 4 of the Convention, but not those required by the provisions of paragraph (a), which related to activities conducted by individuals, nor the provisions of paragraph (b), relating to members who did not have "the management control" of organizations.

182. Referring to the nine principles enumerated in the report and described as principles which underscore the liberties of the individual, some members asked whether they were more than theoretical principles, whether they were supplemented by laws or regulations prohibiting racial discrimination in specific areas; how they were applied in practice, particularly by the courts; and how they might have been affected by the suspension of the Constitution of 1969. The procedures and agencies which might be available to individuals who felt that they had been victims of racial discrimination were the subject of another inquiry. Some members inquired whether the policy of "racial integration" followed by the Government of Ghana - by virtue of which the word "tribe" had been "removed from all official documents" and citizens had been "asked to consider themselves Ghanaians" - was not tantamount to an attempt at nation-wide assimilation.

183. The representative of Ghana stated that he had taken note of the comments on the degree to which the Avoidance of Discrimination Act of 1957 met the requirements of article 4 of the Convention; he informed the Committee that discussions were in progress in Ghana with a view to carrying out a general review of the country's legislation; and, in reply to one of the questions mentioned in the preceding paragraph, he stated that, at present, the only remedy available to persons who had been victims of racial discrimination lay in recourse to the courts.

Egypt

184. The Committee noted that, although no measures giving effect to the provisions of the Convention had been adopted by the Government of Egypt since it submitted its second periodic report, the third periodic report from that Government contained detailed information, accompanied by the texts of the relevant legislative provisions, in response to observations and inquiries made by members of the Committee at the seventh session (when the earlier report was considered), with particular reference to the implementation of article 4 of the Convention. The Committee welcomed the continuing dialogue with the reporting State and welcomed also the information, contained in the second section of the report under examination, to the effect that a new penal law was currently under preparation and that the draft of that law included special and more specific provisions for the prohibition and punishment of all forms of racial discrimination in accordance with article 4, paragraphs (a) and (b), of the Convention. It noted with satisfaction the affirmation that the Government of Egypt continued to condemn and boycott racist régimes and to assist liberation movements opposing such régimes, as well as the assurance that that Government intended to participate effectively in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and that it would inform the Committee of its activities in that regard.

Byelorussian Soviet Socialist Republic

185. The Committee considered the third periodic report of the Byelorussian SSR together with the information submitted by the reporting State in response to decision 3 (VII) of the Committee. In addition to supplying information on the relevant measures adopted by the reporting State since the submission of its second periodic report, the report under examination contained detailed information on the ethnic composition of the population, as envisaged in the Committee's general recommendation IV, and replied to most of the questions raised in the Committee

during its consideration of the second periodic report at its seventh session (A/9018, paras. 229-234). The Committee welcomed the report under discussion as well as the co-operation of the reporting State and its reaffirmation of its continued dedication to the struggle against racial discrimination.

186. The enactment of Soviet legislation on national education and the adoption of the new Byelorussian Labour Code during the period under review were seen as evidence of the continuing concern to improve existing legislation and to further respect for the rights of individuals and nationalities; likewise, the ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the signing of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the demonstrations of solidarity with peoples struggling against colonialism and racism were viewed as further evidence of the continued adherence of the reporting State to the objectives of the Convention.

187. It was recalled that questions had been raised, during the Committee's consideration of the second periodic report of the Byelorussian SSR, with regard to which no replies had then been received, particularly in relation to the implementation of articles 4 and 6 of the Convention. With regard to article 4, it appeared to some members that the provisions of article 71 of the Criminal Code, which dealt with propaganda or agitation aimed at inciting racial or national enmity or discord, did not meet all the requirements of the provisions of paragraph (b) of article 4 of the Convention - particularly the obligation to declare illegal and to prohibit organizations which commit such acts, and to recognize participation in such organizations as an offence punishable by law. With regard to article 6, members asked whether the courts had had to deal with any cases of racial discrimination, whether there had been cases in which the provisions of article 71 of the Criminal Code had been invoked and applied, and what the procedure that the courts followed and the sanctions they applied had been. It was asked also whether racial discrimination as such was treated as an offence in the penal law of the reporting State; whether the guarantees against racial discrimination provided for in article 16 of the Labour Code applied to the recruitment and appointment of public officials; and what the exact position of national minorities had been, from the point of view of both language instruction and trade union rights.

188. The representative of the Government of the Byelorussian SSR stated that incitement to racial discrimination, whether by individuals or organizations, was punishable under article 71 of the Criminal Code; that organizations of the kind referred to in article 4, paragraph (b), of the Convention fell implicitly within the scope of article 71 of the Criminal Code; that he did not know of any case in which that article had had to be applied; that the Russian and Byelorussian languages were on an equal footing in the Republic; that, in the case of all national minority languages, all legal and physical arrangements had been made to ensure teaching of the national language whenever a sufficient number of persons requested it; that no need had been felt to form trade unions concerned exclusively with the protection of the interests of national minorities nor had the need ever been felt, in the Byelorussian Communist Party, to create a special organ to protect the interests of minorities; and that the guarantees against racial discrimination provided for in the Constitution applied to all workers, including officials.

Sierra Leone

189. It will be recalled that, after a preliminary consideration of the second periodic report of Sierra Leone at the eighth session, the representative of the reporting State - upon instructions from his Government - requested the Committee to postpone further consideration of the report until the ninth session in order to give his Government time to consider the comments made on the report and, if appropriate, to submit a more detailed one (A/9018, foot-note 13). A supplementary report was submitted on 29 April 1974, after the close of the ninth session; and it was considered, together with the second periodic and the third periodic reports, at the tenth session.

190. During the consideration of the reports of Sierra Leone at the tenth session, the Committee welcomed the careful consideration which had been given by the Government of Sierra Leone to the observations made during the preliminary discussion of the second periodic report of that Government at the eighth session, and of which there was clear evidence in the supplementary report of 29 April 1974.

191. The Committee noted with regret that the information contained in those reports did not deal with all the articles of part I of the Convention and did not go beyond the sphere of legislative measures; that no additional information was supplied with respect to a relevant court case mentioned in the supplementary report and that no information was furnished on the relations, if any, between the reporting State and the racist régimes of southern Africa or on the ethnic composition of the population, as was envisaged in the Committee's general recommendations III and IV respectively.

192. At the 204th meeting (tenth session), held on 14 August 1974, the Committee decided unanimously to request the Government of Sierra Leone to submit a report, as soon as possible but no later than the opening of the eleventh session of the Committee, satisfying the requirements of article 9, paragraph 1, of the Convention. Since no representative of Sierra Leone participated in the consideration of that country's report at the tenth session, the Committee decided to convey its decision to the Government of Sierra Leone by means of a communication sent through the Secretary-General. (The text of that communication, prepared by the Rapporteur and approved by the Committee at its 215th meeting on 22 August 1974, may be found in annex IV, section B.)

193. Section 13 of the Constitution Act, No. 6 of 1971, gave rise to some concern, both at the eighth session and at the tenth session. Some members feared that subsections 7 and 8 of section 13 of the Constitution might have the effect of permitting laws or public officials to circumvent the anti-discrimination provisions of subsections 1 and 2 of that section. Concern was caused also by subsection 4 (g) of section 13 of the Constitution, which provided that the anti-discrimination provisions of subsection 1 should not apply to any law so far as that law makes provision "for the limitation of citizenship to persons of negro African descent" - which appeared to be incompatible with the provisions of article 1, paragraph 3, of the Convention. Eight members of the Committee affirmed, while three members denied, such incompatibility between the provisions of the Convention and those of the Constitution under reference; one member, while believing that that incompatibility was evident, maintained that it might be explained by the historical experience of Sierra Leone; and three members, feeling that further information from the reporting State was required, reserved judgement

until such information was received and examined. The Committee decided to reconsider the question when the report requested from Sierra Leone (see para. 192 above) came up for consideration at the eleventh session.

Barbados

194. The initial report of Barbados was welcomed by the Committee for the detailed information it supplied in relation to some articles of the Convention and also because the information it contained was organized in accordance with the guidelines laid down by the Committee and was accompanied by the texts of the relevant legal provisions. On the other hand, it was regretted that the information furnished in the report was confined to the legislative measures adopted by the reporting State; that information on measures under article 7 of the Convention was totally lacking; and that no information was supplied regarding the relations, if any, between the reporting State and the racist régimes of southern Africa or regarding the ethnic composition of the population, as was envisaged in the Committee's general recommendations III and IV respectively.

195. The Committee welcomed the speed with which the Government of Barbados acceded to the Convention after independence. It appeared from the report that the obligations of the reporting State under article 5 of the Convention were adequately discharged and that some legislative action satisfying the requirements of article 4, paragraph (a), of the Convention had been taken, but there was no indication that the provisions of paragraph (b) of that article had been implemented - an omission which might have been connected with the second part of the "interpretative statement" made in the instrument of accession deposited by the reporting State, which interpreted article 4 as requiring a State Party to enact measures in the fields covered by that article only where it was considered that the need had arisen to enact legislation. The Committee noted that that interpretation differed from its own understanding of the obligations of States Parties under article 4 of the Convention, as expressed in general recommendation I and reaffirmed in decision 3 (VII). The "interpretative statement" made by the Government of Barbados affected also the implementation of the provisions of article 6 of the Convention. It stated: "Accession to the Convention does not imply acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligations to introduce judicial processes beyond those provided in the Constitution." While the Committee was aware of the provisions of section 24 of the Constitution, which appear to have a direct bearing on the implementation of article 6 of the Convention, it had received no information to indicate whether the Parliament of Barbados had in fact used the powers it has under subsection 6 of that section of the Constitution.

Ukrainian Soviet Socialist Republic

196. The third periodic report of the Ukrainian SSR, which was considered by the Committee in conjunction with the information submitted by the reporting State in response to decision 3 (VII) of the Committee, was praised for the extensiveness of the information it supplied, for the texts of legislative provisions it furnished, for the responsiveness of its authors to inquiries made by members of the Committee during the consideration of the second periodic report of the reporting State, and for the detailed information on the ethnic composition of the population and on the policies of the Government of the Ukrainian SSR towards racist régimes as well

as towards the struggle of oppressed peoples against racism and colonialism. The Committee noted that, in the period covered by the report, there had not been "a single case of criminal prosecution for offences against national and racial equality of rights".

197. The Committee welcomed the information that, in the period covered by the report, the Ukrainian SSR had ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and signed the International Convention on the Suppression and Punishment of the Crime of Apartheid.

198. The information before the Committee bore directly upon the implementation of the provisions of all the articles in part I of the Convention. In view of the questions raised during the consideration of the second periodic report of the Ukrainian SSR regarding the application of articles 4 and 6 of the Convention, the discussion at the tenth session centred around the information supplied in response to those questions. Article 66 of the Criminal Code, which dealt with propaganda or agitation aimed at inciting racial or national enmity or discord, did not seem to meet all the requirements of article 4, paragraph (b), of the Convention; the obligation to declare illegal and to prohibit organizations which committed such acts and to recognize participation in those organizations as an offence punishable by law were not fulfilled by article 66 of the Criminal Code. Nor was the information before the Committee (article 5 of the Judicial System Act of 1960, article 16 of the Code of Criminal Procedure of 1960, and article 6 of the Code of Civil Procedure of 1963) sufficient to show that the essential provisions of article 6 of the Convention were fully reflected in the legislation of the Ukrainian SSR; it was not clear how and by what means an individual who considered that he was suffering damage as a result of an act of racial discrimination could bring a case before the courts and seek adequate reparation or satisfaction.

199. With regard to article 4, paragraph (b), of the Convention, the representative of the Ukrainian SSR stated that, although there were no specific legal provisions declaring illegal and prohibiting organizations which promoted and incited racial discrimination, certain groups would come automatically under article 103 of the Constitution and article 66 of the Criminal Code. With regard to article 6 of the Convention, he thought that the provisions in the Criminal Code enabled any person who considered that he had suffered damage for racial reasons to bring the matter before the courts and to have the benefit of legal assistance or, alternatively, to refer the matter to the Committee of People's Control. The next periodic report would provide full information on that question, he assured the Committee.

Swaziland

200. The Committee noted that, according to the third periodic report of Swaziland, no legislative measures had been adopted since the second periodic report was submitted. The Committee welcomed the information contained in the report about the administrative and other measures adopted in furtherance of the Government's policy of encouraging the practice of "non-racialism", as well as the assurances made by the Government that those measures had made some progress, particularly in the fields of education and social and cultural affairs.

201. The Committee inferred from the report that the new Constitution, which - it had been informed at its eighth session (A/9018, para. 264) - was in the process of being drafted, had not yet been promulgated.

Syrian Arab Republic

202. The third periodic report of the Syrian Arab Republic was considered together with the information submitted by the reporting State in response to decision 3 (VII) of 19 April and 4 May 1973 of the Committee. At the opening of the Committee's consideration of those documents at its 206th meeting, held on 15 August 1974, the representative of the reporting State made a statement containing supplementary information which, at his request and in accordance with rule 64 A of its provisional rules of procedure, the Committee decided to consider an addendum to the third periodic report. At its 207th meeting, held on 16 August 1974, the Committee decided - at the request of the representative of the Syrian Arab Republic and in accordance with paragraph 2 of decision 1 (IX) of 12 April 1974 - that the document containing the statement made by that representative at the 206th meeting should be classified as a document for general distribution (CERD/C/1).

203. The Committee noted that a new Constitution had been promulgated in the Syrian Arab Republic in 1973 to replace the Provisional Constitution of 1969; that the new Constitution not only embodied all the provisions relevant to the Convention which had been included in the Provisional Constitution, but also guaranteed and textually included nearly all the rights listed under article 5 of the Convention; that the information contained in the third periodic report was intended to be illustrative and was not exhaustive of all the laws and regulations adopted or the administrative measures taken to give effect to the provisions of the Convention; that many other such measures had already been adopted; and that some other measures were currently in the process of being drafted or codified. The Committee took note also of the statement that no cases involving violations of the anti-discrimination provisions of Syrian law had been brought before the courts. The Committee welcomed the information that the Syrian Arab Republic had ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and had been the first Member State to sign the International Convention on the Suppression and Punishment of the Crime of Apartheid.

204. With regard to the information submitted in response to decision 3 (VII) of the Committee, it was observed that the provisions of article 307 of the Penal Code prohibited, and specified penalties for, inter alia, any act, writing or speech which purported to provoke racial prejudice or incited to strife among elements of the nation - in partial fulfilment of the requirements of article 4, paragraph (a), of the Convention. As for the provisions of paragraph (b) of that article, it was recalled that article 308 of the Penal Code - the text of which had been supplied in the second periodic report - prohibited and specified penalties for membership in organizations which committed the acts described in article 307 of the Penal Code, but did not contain provisions for declaring illegal and prohibiting such organizations.

205. The third periodic report contained information on the situation relating to the implementation of the provisions of the Convention in parts of Syrian territory

occupied by Israel. The opening statement of the representative of the Syrian Arab Republic, mentioned in paragraph 202 above, provided additional information on the subject, consisting mainly of information on the action taken by various international organizations, governmental and non-governmental, regarding that situation, information on developments affecting the occupied Syrian territories which had taken place since the submission of the third periodic report and, in particular, information on the total destruction of the city of Kunaitra prior to the withdrawal of the forces of occupation.

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

207. At the 206th and 207th meetings (tenth session), held on 15 and 16 August, all members of the Committee present at those meetings expressed their concern at the situation under consideration. There was general agreement that the Committee was competent to express its concern at the inability, for reasons beyond its control, of the Syrian Arab Republic to implement the provisions of the Convention in a part of its national territory. Differences of opinion relating to the competence of the Committee, which had appeared at the third, fourth and seventh sessions, had been considerably narrowed down at the tenth session - the only point at issue at the tenth session being the question of whether or not the Committee was competent to pass judgement on the facts of the situation. A working group composed of three members was set up to prepare a draft that would express the consensus of the Committee; and the draft prepared by the working group was adopted, by consensus, at the 215th meeting held on 22 August 1974. The text of the decision of the Committee appears in chapter VII, section B, decision 1 (X).

Haiti

208. The initial report submitted by Haiti was found to be incomplete. It consisted of the texts of three articles of the Constitution; there was no information about other legislative measures or about judicial, administrative or other measures, as required in accordance with article 9, paragraph 1, of the Convention. Nor did the report contain the information envisaged in the Committee's general recommendations III and IV and decision 3 (VII). The Committee was unanimously of the opinion that the report did not fulfil the requirements of article 9, paragraph 1, of the Convention; and 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. Because no representative of the reporting State participated in the Committee's consideration

of the report, it was decided that the Committee's decision should be conveyed to the Government of Haiti by means of a communication to be sent to that Government through the Secretary-General. At its 215th meeting, held on 22 August 1974, the Committee adopted the text of that communication, prepared by the Rapporteur. The text, as adopted, may be found in annex IV, section C, below.

209. During the discussion of the initial report of Haiti, concern was expressed at the provisions of article 16 of the Constitution, which stated in paragraph 1: "All Haitians are equal before the law, but certain privileges are reserved for native-born Haitians." The ambiguity of the term "native-born" was noted, as was the possible incompatibility of the reservation of unspecified privileges to some persons on the basis of their origin with the provisions of article 1, paragraph 1, of the Convention.

France

210. It will be recalled that, after a preliminary discussion of the initial report of France at the eighth session, the Committee took cognizance of the statement contained in that report, and reaffirmed by the representative of the reporting State, to the effect that that report was a preliminary one and that a more comprehensive report was under preparation. Accordingly, further consideration was postponed until the ninth session (A/9018, foot-note 13). The supplementary report of France was received after the close of the ninth session; it was considered, together with the initial report, at the tenth session.

211. The Committee welcomed the comprehensive and thorough information contained in the reports before it. It noted with appreciation that that information was not confined to legislative measures, but dealt with judicial, administrative and other measures as well; and that the texts of legislative provisions, as well as the texts of two court decisions, were appended to the supplementary report. Furthermore, the organization of the material in accordance with the guidelines laid down by the Committee was noted with appreciation, as was the analytical introduction to the supplementary report. The candour with which the report discussed some difficulties which existed, and the readiness of the Government of the reporting State to consider additional measures and perhaps new approaches in the future should the need for such consideration arise, were also welcomed by the Committee. On the other hand, the Committee regretted that information on the ethnic composition of the population, as envisaged in the Committee's general recommendation IV, was not supplied except with respect to the foreign population. While the Committee welcomed the assertion that France had always condemned the policy of apartheid and the explanations given in the supplementary report of the reasons for the votes cast by the French delegation with respect to relevant resolutions in the General Assembly, it noted with regret that no information was furnished on the actual state of the relations between the reporting State and the racist régimes in southern Africa, as envisaged in the Committee's general recommendation III.

212. With regard to the implementation of the provisions of part I of the Convention, the Committee found it gratifying that the Convention had become part of the body of French law and that the principle of direct application had been affirmed by the Court of Cassation, which had invoked articles 2 and 5 of the Convention in one of its decisions. It was also gratifying that the reporting

State had proceeded to a review of its laws following its ratification of the Convention and that Act No. 72-546 of 1 July 1972 Concerning Action Against Racism had been passed to fill certain gaps. The Committee took note of one of the premises of the policy of the reporting State regarding the elimination of racial discrimination: that it was social and educational measures, rather than repressive policies, that produced results in the field of combating prejudice and protecting minorities. The various measures described in the report, regarding foreign labour in France, were also noted, as was the role given to certain anti-racist organizations, under Act No. 72-546, enabling them to institute proceedings in the courts on behalf of victims of acts of racial discrimination.

213. With regard to the foreign population in France, it was asked whether there was any difference, de jure or de facto, in the situation of European and non-European workers, what the practical result had been of the measures taken by the Government following the troubles which had occurred in 1973 in the south of France, and whether there were any schools in which pupils of other nationalities could study in their own language. The Committee had been informed in the initial report of the Government's powers to dissolve organizations; it was observed, however, that article 4, paragraph (b), required that organizations which promoted or incited racial discrimination should be declared illegal and prohibited, and it was asked whether consideration had been given to the need for amending existing legislation with a view to bringing it into line with the requirements of the Convention.

214. Some members expressed the hope that the second periodic report of France would include further information on the implementation of article 7 of the Convention, and information on the structure of certain organizations mentioned in the report and described as taking advantage of the facilities provided under the law for the goals established in the Convention, and on the implementation of the provisions of the Convention in the overseas territories.

215. The representative of France commented on some of the observations made in the course of the discussion and replied to some specific questions which had been put to her, assuring the Committee that information on the remaining questions would be supplied in future reports.

German Democratic Republic

216. The initial report of the German Democratic Republic was praised by the Committee for the comprehensiveness and detailed information it contained. It was noted with gratification that the report supplied extensive information on the implementation of articles 2, 3, 4, 5, 6 and 7 of the Convention, as well as information on the status of the Sorb minority; and that the texts of relevant legislative provisions as well as other information relating to measures giving effect to the provisions of article 7 were annexed to the report. On the other hand, it was noted with regret that no information on judicial measures or on the ethnic composition of the population had been supplied.

217. The Committee welcomed the information, contained in the statement made by the representative of the reporting State, that his Government had ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly resolution 3068 (XXVIII), annex) and that a Committee for the Decade of the Struggle against Racism and Racial Discrimination had been established.

218. It was noted that, although article 91 (2) of the Penal Code satisfied the requirements of paragraph (a) of article 4 of the Convention, the provisions of paragraph (b) of that article had been applied less explicitly: article 92 (2) of the Penal Code concerned only physical persons who formed a racist organization or group, but it did not state that such an organization or group was illegal. It was observed also that the system giving effect to the provisions of article 6 of the Convention was not explained sufficiently and that it seemed to apply only to "citizens", whereas that article required that "States Parties shall assure to everyone within their jurisdiction effective protection and remedies". An inquiry was made about the condition of foreign workers in the reporting State.

219. The representative of the German Democratic Republic, in his statement before the Committee, stated, with regard to article 6 of the Convention, that the crimes of racial discrimination referred to in that article did not exist in his country, because the socialist system excluded them. With regard to foreign workers, he stated that they were not numerous in his country, that they worked on the basis of bilateral agreements between Governments, that they were treated in the same way as nationals of the reporting State, and that their situation did not raise any problem.

Democratic Yemen

220. The Committee noted with regret that the initial report of the People's Democratic Republic of Yemen did not provide sufficient information. The provisions of the Constitution of 1970 to which it referred, and the text of which was made available to members of the Committee, corresponded in part to the provisions of articles 5 and 6 of the Convention only. There was no information in the report on the implementation of the other articles of part I of the Convention, nor on other legislative measures; and administrative, judicial or other measures were not mentioned. Furthermore, the information envisaged in general recommendations III and IV of the Committee was not supplied.

221. At its 210th meeting, held on 19 August 1974, the Committee decided to request the Government of the reporting State to ensure that its next report was in conformity with the requirements of article 9, paragraph 1, of the Convention and was organized in accordance with the guidelines laid down by the Committee, and to urge it to supply the information envisaged in decision 3 (VII) and general recommendations III and IV of the Committee.

Nepal

222. The Committee welcomed the continuing attempt, made by the Government of Nepal, to supply the information requested at previous sessions; it noted regretfully, however, that the information contained in the second periodic report was not complete. The Committee was gratified by the information regarding the implementation of articles 2 and 3 of the Convention, as well as the information provided in response to general recommendation III; and it noted with appreciation the assurance that the Government of the reporting State was "considering the formulation of specific laws and regulations providing for severe punishment of offences against human rights and acts of racial discrimination".

Ivory Coast

223. The initial report of the Ivory Coast was considered together with the information submitted by that reporting State in response to decision 3 (VII) of the Committee. The Committee noted regretfully that the information contained in the two documents dealt only with some of the provisions of article 2, paragraph (1) (a), article 4, paragraph (a), and article 5, paragraph (f), of the Convention; that that information related solely to legislative measures, to the exclusion of judicial, administrative or other measures; and that the statements made in the documents were not always accompanied by the texts of the relevant legislative provisions. Nor did the documents contain any information on the relations, if any, between the reporting State and the racist régimes of southern Africa, or on the ethnic composition of the population, as envisaged in the Committee's general recommendations III and IV respectively. The Committee decided to request the Government of the reporting State to supply the information which was missing in the documents under consideration in its next report and expressed the hope that that report would be organized on the basis of the guidelines laid down by the Committee.

Spain

224. The third periodic report of Spain was considered by the Committee to be too general, containing much information that was of indirect relevance to the provisions of the Convention and too little information that was directly pertinent to those provisions. Not only was it silent about relevant measures, if any, adopted since the submission of the second periodic report: it was silent also about the questions which had been raised when that report was discussed at the eighth session of the Committee. It was recalled that, at that session, the representative of the reporting State had assured the Committee that existing legislation in his country satisfied the requirements of article 4 of the Convention and that detailed information on that subject would be provided in the third periodic report of Spain (A/9018, para. 267); but it was observed with regret that that report, currently under discussion, did not contain the information in question.

225. The Committee expressed the wish that the Government of Spain would include in its next report such statistical information about the composition of the population as might be available to it as well as information about the situation of minorities, such as the Basques and Catalans.

226. The representative of Spain gave extensive replies to many of the questions put to him during the discussion. With regard to the implementation of article 4 of the Convention, he referred to article 137 bis of the Spanish Civil Code, which was adopted after Spain's ratification of the Convention, and which provided for the punishment of acts connected with racial discrimination, pursuant to article 4 of the Convention; and to article 172 of the Spanish Penal Code, which outlawed associations contrary to public morality. The Committee welcomed the detailed information supplied by the representative of Spain in his statement, and expressed the hope that the Government of that country would incorporate that information into its next report.

Germany, Federal Republic of

227. The information contained in the third periodic report of the Federal Republic of Germany, concerning measures adopted since the submission of the second periodic report, was noted, as were the replies and comments made with regard to some of the concerns expressed by the Committee at its seventh session. The Committee noted with gratification that the reporting State had ratified the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and that, upon its admission to membership in the United Nations, it had reaffirmed its condemnation of racism and its devotion to the cause of the elimination of all forms of racial discrimination. The inclusion, in an annex, of the texts of the relevant legislative provisions mentioned in the body of the report was noted with appreciation. On the other hand, it was regretted that the report did not refer to the complaints against the reporting State pending before the courts of the Federal Republic of Germany, the European Commission, or the European Court of Human Rights, to which the previous reports had referred and about which some inquiries had been made by the Committee at the seventh session (A/9018, paras. 243-244), and did not provide any information about complaints filed since the end of 1970; that the information about the implementation of article 7 of the Convention was scanty; that no information about the ethnic composition of the population of the reporting State, apart from the foreign population, was supplied, as envisaged in the Committee's general recommendation IV; and that no information was furnished with regard to the relations of the reporting State with the racist régimes in southern Africa, as envisaged in general recommendation III. It was observed that information on those relations acquired particular significance after the admission of the reporting State into membership in the United Nations.

228. With regard to the question of compliance of the reporting State with the provisions of the articles contained in part I of the Convention, concern was expressed over certain measures which appeared to be not fully in conformity with the provisions of articles 1 and 4 of the Convention. Strong objection was expressed to the use of the noun "Germany", the adjective "German" and the words "German State" without qualification in the reports of the Federal Republic of Germany, in spite of the existence of two sovereign German States. The representative of the Federal Republic of Germany admitted that his Government's report had used the unqualified adjective "German" for the sake of brevity.

229. With regard to the application of article 1 of the Convention, several members of the Committee voiced their concern over the different treatment accorded to individuals of different nationalities and expressed the opinion that some aspects of the measures adopted by the reporting State in that regard were not in conformity with the provisions of article 1 of the Convention; one member, however, observed that all economic unions of States were ipso facto discriminatory towards non-members and that no legal objections could be derived from the Convention to policies adopted by economic unions in relation to non-member States or their nationals. Questions were raised, inter alia, with regard to the situation of the foreign labour force in the Federal Republic of Germany; some members were concerned that the integration of foreign workers might prove to be detrimental to their cultural and ethnic traditions, and that the guarantees that children of foreign workers received instruction in their mother tongue were not sufficiently firm. Some members said that it was unfair and discriminatory to reimburse foreign workers only 50 per cent of what they had paid into the statutory pension fund and

to grant less freedom of movement to foreign workers who did not come from European Economic Community (EEC) States. It was observed with regret that the statistical information on the foreign population in the Federal Republic of Germany, and on foreign workers in that country, was confined to European nationalities and that the report contained no information on the numbers of individuals of any non-European nationality. The representative of the reporting State, in his statement before the Committee, supplied some additional information about the number of Tunisians and Moroccans in his country, recalled that figures for nationals of some European countries had also not been given in the report, and assured the Committee that, in its next report, his Government would give a detailed breakdown of the entire foreign population. Referring to the doubts raised by members of the Committee concerning the possible incompatibility between certain provisions of the Treaty of Rome with the letter and spirit of the Convention, he reaffirmed his Government's position as described in the report and recalled that that problem concerned not only his country but all member countries of EEC.

230. With regard to the application of article 4 of the Convention, the discussion was focused on the failure of the Government of the reporting State to take steps with a view to the prohibition of the National Democratic Party, which was described by some members as a Fascist, neo-Nazi party. Several members expressed concern at the continued existence of a racist organization and its continued ability to operate freely on the territory of a State Party which was obligated - in accordance with article 4, paragraph (b), of the Convention - to declare illegal and prohibit such organizations and which additionally had the power, under its internal legislation recently amended in order to bring it into line with the requirements of the Convention, to take the necessary action. It was pointed out by several members that the explanation offered in the report for the decision of the Government of the reporting State to desist from applying to the Constitutional Court for a ban on the National Democratic Party did not absolve that Government from its mandatory obligation under the Convention; the argument that - because of the small and diminishing size of the membership of that party and its election defeats, because of the Government's trust in "the political understanding and judgements of the population", and because of the Government's belief that "the efforts of the National Democratic Party to influence the political thinking of the people ... have no prospect of success" - it was "neither necessary nor would it serve any purpose" to take measures with a view to prohibiting the National Democratic Party was viewed by several members as irrelevant to the issue at hand, being extraneous to the terms of the Convention and alien to the letter and spirit of its provisions. It was regretfully observed that the Committee was seized with the case of a State Party reporting that it had discharged its obligations under the Convention and taken the necessary steps to adopt the legislative measures necessary for implementing the provisions of article 4, paragraph (b), of the Convention but nevertheless refraining - for reasons neither envisaged in nor countenanced by the Convention - from applying the existing law in order to fulfil its obligations under those provisions. Some members thought that the Committee should bring its concern over this matter to the attention of the General Assembly. The representative of the reporting State, in his statement before the Committee, stated that the report before the Committee explained only the political reasons why his Government had desisted from applying to the Constitutional Court for a ban on the National Democratic Party, but that there were legal reasons as well for that decision; the party had been very reserved, not only in its programme but also in the activities of its members, with regard to racial questions, and the

Government had not had enough evidence to prove that that party had promoted or incited racial discrimination; under those circumstances, it would have been too hazardous to apply to the Constitutional Court for a ban on the National Democratic Party. He assured the Committee, however, that lack of proof was no pretext for his Government not to register carefully all actions and declarations made by that party and its responsible members and to take appropriate action if necessary.

231. At its 213th meeting, held on 21 August 1974, the Committee decided to request the Government of the Federal Republic of Germany to take note of the comments made and the concern expressed during the discussion and to provide, in its next report, information about the programmes and activities of the National Democratic Party.

Panama

232. It will be recalled that, during the Committee's consideration of the second periodic report of Panama at the seventh session, the representative of Panama had informed the Committee that, since the submission of that report, a new Constitution had been promulgated, which embodied considerable improvements with regard to human rights, and that a new Labour Code had also been enacted. He had also assured the Committee that the third periodic report of his Government would be fuller, would conform to the requirements of the Convention to the greatest possible extent, and would take into account the comments made by members of the Committee. It will be further recalled that several questions had been raised at that session and that the Committee had expressed the wish that, in the preparation of its third periodic report, the Government of Panama would take into account the guidelines laid down by the Committee and the comments made during the discussion (A/9018, paras. 216-218).

233. At the tenth session, the Committee noted with regret that the third periodic report of Panama contained very little of the information it had expected to find in it. Apart from the statements that it was not possible to report on the demographic composition of the country, that no special penal provision had been promulgated, that there was no problem of racial discrimination in the country, that the Panamanian nation had always rejected racial discrimination in the four Constitutions it had promulgated, and that the new Constitution of 1972 had reiterated that principle, the only concrete information contained in the report consisted of the text of article 19 of the new Constitution.

234. At its 212th meeting (tenth session), held on 20 August 1974, the Committee decided that its fifth annual report to the General Assembly should reflect its expectation that the Government of Panama would fulfil its obligations under article 9, paragraph 1, of the Convention as well as its pledge to provide fuller information.

235. Regarding the measures adopted by the reporting State in implementation of its obligations under the provisions of part I of the Convention, it was observed that the scope of the relevant part of article 19 of the new Panamanian Constitution of 1972 was narrower than that of article 1, paragraph 1, of the Convention, to which it corresponded: whereas the former referred to discrimination "because of race, birth" and certain other factors outside the framework of the Convention, the latter referred to discrimination based on "race, colour, descent, or national or ethnic origin". Moreover, with respect to the statement that no penal provision

had been promulgated in Panama, it was recalled that the obligations under article 4 of the Convention were mandatory; and it was suggested that the Government of Panama should be requested to specify the legal and penal provisions which corresponded to that article and the manner in which they could be invoked in order to implement its provisions.

236. In a statement he made before the Committee, the representative of Panama stated that, although no specific legal provision had been promulgated, manifestations of racial discrimination could be challenged in the courts as being unconstitutional. Referring to a question raised in the course of the discussion, he said that his country had no cultural, diplomatic or any other relations with the racist régimes in southern Africa.

237. The statement, made in the third periodic report of Panama, that there was no problem of racial discrimination in that country gave rise to the question whether that statement was compatible with the information supplied previously by the Government of Panama - to the effect that certain forms of racial discrimination had been, and were being, systematically practised in the Panama Canal Zone, which was under the control of the United States of America (A/8418, paras. 61-72 and A/9018, paras. 212-215).

238. The representative of Panama, in a statement he made before the Committee, said that racial discrimination had continued to be practised in the Panama Canal Zone, but that his Government had made no reference to that fact in the third periodic report because it had confined that report to information on the territory under its effective jurisdiction. He added, in a subsequent statement, that his Government did not feel able to include the question of racial discrimination in the Canal Zone in the report under consideration because negotiations on the question were being held between the Governments of the United States and Panama.

239. At its 212th meeting, held on 20 August 1974, the Committee decided to take note of the fact that the third periodic report of Panama referred only to the territory under the effective jurisdiction of the Government of the reporting State, and to express once again its continuing interest in and concern at the racial discrimination practised in a part of Panamanian territory, as well as its hope that the reporting State would be in a position in the future to report on improvements in that situation.

Bulgaria

240. The Committee considered the third periodic report of Bulgaria together with the information submitted by the Government of the reporting State in response to decision 3 (VII) of the Committee. It welcomed the statements that, since the submission of its second periodic report, the Government of Bulgaria had ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Committee also welcomed the statement that the reporting State had enacted new legislation (a law governing the sojourn of foreign subjects, a law governing elections, and a law on public health) which included provisions proclaiming and ensuring the equality of citizens in the various fields covered by those laws. It took note also of the statement that no case of violation of the laws prohibiting racial discrimination had arisen and no complaint alleging racial discrimination had ever been brought before the courts. On the other hand,

it was noted that the information before the Committee related only to legislative measures, and that no information has been provided on administrative or other measures giving effect to the provisions of the Convention. It was noted further that, apart from the information submitted in response to decision 3 (VII) and relating to article 4, paragraphs (a) and (b), of the Convention, the texts of the legislative provisions mentioned in the report had not been supplied. Moreover, it was observed that, while information had been submitted concerning the implementation of some of the provisions of articles 4 and 5 of the Convention, no information had been furnished relating to the implementation of the provisions of articles 6 and 7. The Committee noted with regret that information on the ethnic composition of the population, as envisaged in general recommendation IV, had not been provided. It was observed that large national minorities such as Turks and Macedonians lived in Bulgaria and that it would be important to have information on their situation with respect to the provisions of the Convention. Furthermore, as had been indicated by the representative of the reporting State during the consideration of his Government's second periodic report at the seventh session of the Committee, there were no relations between Bulgaria and the racist régimes in southern Africa, and the Government of Bulgaria had already confirmed that fact in a reply it had submitted to an inquiry made by the Secretary-General (A/9018, para. 150); nevertheless, it was regretted that that fact had not been formally presented to the Committee in the third periodic report (which was the first report submitted by the Government of Bulgaria since the adoption of the Committee's general recommendation III). Finally, the Committee noted with regret that some of the questions raised and comments made during the consideration of the second periodic report of Bulgaria at the seventh session (A/9018, paras. 147-149) had not elicited the required information.

Nigeria

241. The Committee took note of the information contained in the third periodic report of Nigeria, supplementing the information contained in the earlier reports submitted by that country. It noted with satisfaction that Nigeria had signed the International Convention on the Suppression and Punishment of the Crime of Apartheid. On the other hand, it was noted with regret that some of the questions raised during the consideration of the second periodic report of the reporting State at the seventh session of the Committee (A/9018, para. 175) had not been answered in the third periodic report.

242. The questions put to the representative of Nigeria related to the following: the High Court of Nigeria; the procedure for bringing cases to the High Court for redress, in accordance with section 32 (1) of the Constitution of Nigeria and article 6 of the Convention; the situation in Nigeria regarding the granting of citizenship after 1972; and the application of the definition of the words "seditious intention", contained in article 50 (2) (d) of the Nigerian Criminal Code, to non-Nigerians as well as Nigerians. The representative of Nigeria replied to all those questions.

Peru

243. The Committee noted with regret that the initial report of Peru did not fulfil the requirements of article 9, paragraph 1, of the Convention; in fact, doubt was expressed whether it should be considered a report at all. For it consisted of the

statement that, "since there does not exist, nor has there ever existed, any racial discrimination in Peru, no legal provisions exist on the subject and, obviously, no study or report is called for on racial discrimination in Peru". The Committee recalled that, in article 9, paragraph 1, of the Convention, every State Party had undertaken to submit reports at specified intervals; and a State Party's undertaking to submit such reports was not contingent upon the existence or non-existence of racial discrimination on its territory.

244. At its 214th meeting, held on 21 August 1974, the Committee unanimously decided to request the Government of Peru to submit its report as soon as possible but no later than the opening of the eleventh session, and, in the absence of a representative of that Government, to convey its decision to the Government of Peru by means of a communication to be sent through the Secretary-General. The text of the communication, prepared by the Rapporteur, was approved by the Committee at its 215th meeting, held on 22 August 1974, and may be found in annex IV, section D, below.

Poland

245. The Committee considered the third periodic report of Poland together with the information submitted by the Government of the reporting State in response to decision 3 (VII). It took note of the statements that, during the period covered by the report, no new legislative or administrative measures having direct reference to the implementation of the provisions of the Convention had been adopted; that the legal acts described in previous reports had continued to be in force; and that no cases concerning any form of racial discrimination had come before the courts. The Committee noted with appreciation that - although it had been informed by the representative of Poland at the seventh session (during the consideration of that country's second periodic report) that the Government of the reporting State had no relations with the Governments of any of the racist régimes in the world (A/9018, para. 186) - the Government of the reporting State had formally confirmed in its third periodic report, in response to the Committee's general recommendation III, that it did not maintain diplomatic, economic or any other relations with the racist régimes in southern Africa. On the other hand, it was noted with regret that the report currently under consideration did not respond to the wish expressed at the seventh session (A/9018, para. 185) to receive information on the progress achieved by the administrative and other measures which had been adopted in order to promote and develop the cultural activities of minority groups, and that the report contained no information on the implementation of article 7 of the Convention.

246. The information submitted by the Government of Poland in response to the Committee's decision 3 (VII) relating to the implementation of the provisions of article 4, paragraphs (a) and (b), of the Convention appeared to meet the requirements of those provisions. It was noted with regret, however, that whereas the texts of the legislative provisions satisfying the obligations of the reporting State under paragraph (a) of that article were supplied, no legislative texts corresponding to the requirements of paragraph (b) were furnished; and the hope was expressed that, in future reports, the Government of Poland would provide the Committee with the legislative texts on the basis of which the statement was made that "no community organization or political party of a racist nature can legally operate on the territory of the Polish State", which appeared to be in full conformity with the provisions of article 4, paragraph (b), of the Convention.

247. In connexion with the statement, contained in the third periodic report, that there had been "no cases concerning racial discrimination of any form in Polish courts", it was asked whether that statement meant that there had been no cases of racial discrimination at all or that there were other state agencies competent to deal with allegations of racial discrimination. In the event that there were such state agencies, information about them, about the procedures followed in filing complaints with them, and about their practices was requested.

248. The representative of Poland assured the Committee that his Government's next report would deal with all the points raised during the discussion.

C. CONSIDERATION OF COMMENTS RECEIVED FROM STATES PARTIES
ON GENERAL RECOMMENDATION IV

249. By the end of the tenth session, the Committee had received comments on general recommendation IV (A/9018, paras. 314-316 and chap. X, sect. B, decision 1 (VIII)), from the following States Parties: Holy See, Kuwait, Madagascar, New Zealand, Niger, United Kingdom of Great Britain and Northern Ireland and Yugoslavia.

250. The Committee noted with satisfaction at its ninth and tenth sessions that many of the reports submitted since the adoption of general recommendation IV contained the information envisaged in that recommendation.

251. At its 224th meeting (tenth session), held on 30 August 1974, the Committee decided to include in an annex to the present report the comments received from States Parties on general recommendation IV (see annex V below).

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

252. The Committee considered this item at its 197th meeting (ninth session), held on 11 April 1974, and at its 219th to 221st and 224th meetings (tenth session), held on 27-28 and 30 August 1974.

253. The action taken by the Trusteeship Council at its fortieth session in 1973 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 1972 session in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the fourth annual report of the Committee submitted to the General Assembly at its twenty-eighth session (A/9018, chap. VII). 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 of other information submitted to it by the Trusteeship Council and the Special Committee were contained in paragraph 335 of its report to the General Assembly (A/9018). In addition, the Committee's decision 2 (VIII), adopted on 21 August 1973, contained a request by the Committee to the General Assembly concerning specific information to be made available to the Committee by the Trusteeship Council and the Special Committee under article 15 of the Convention (A/9018, chap. X, sect. B, decision 2 (VIII)).

254. The General Assembly, in its resolution 3134 (XXVIII) of 14 December 1973, took note with appreciation of the report of the Committee on the Elimination of Racial Discrimination and, inter alia, endorsed the Committee's request in its decision 2 (VIII) of 21 August 1973 for specific information and drew the attention of the Trusteeship Council and the Special Committee to the conclusions and recommendations set out in the report of the Committee (A/9018, para. 335) concerning information submitted by them.

255. At its tenth session, the Committee was informed by the Secretary-General that the Trusteeship Council, at its 1428th meeting, on 14 June 1974, decided to draw the attention of the Administering Authorities to the requests and observations of the Committee on the Elimination of Racial Discrimination and to invite them to take account of those requests and observations in their forthcoming annual reports to the United Nations.

256. As regards action 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, the Secretary-General drew the attention of the Committee, at its ninth session, to the decisions taken by the Special Committee at its 942nd meeting, on 22 August 1973, and to the letter relating to them from the Chairman of the Special Committee dated 18 December 1973, which referred, inter alia, to the petitions which the Special Committee was transmitting, together with the records of discussion thereon. In connexion with Committee decision 3 (VI)

of 24 August 1972, the Special Committee invited the attention of the Secretary-General to the desire expressed by the Committee on the Elimination of Racial Discrimination concerning working papers on specific territories prepared annually for the Special Committee by the Secretariat. The Special Committee also took into account various recommendations of the Committee relating to specific territories.

257. At its 974th meeting, on 17 May 1974, the Chairman of the Special Committee drew the attention of the administering Powers to decision 2 (VIII) of the Committee and, where appropriate, to the Committee's conclusions and recommendations contained in paragraph 335 of its report to the General Assembly at its twenty-eighth session (A/9018). In addition, the Chairman of the Special Committee forwarded to the Committee on the Elimination of Racial Discrimination the replies received from the Governments of New Zealand and Spain in relation to the above-mentioned decision. In a note dated 11 June 1974, the Permanent Representative of New Zealand indicated that "since comprehensive information concerning the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the Territories of Niue and the Tokelau Islands was transmitted to the Secretary-General ..., 13/ no further reply was required from the Government of New Zealand". In a note dated 10 June 1974, the Permanent Representative of Spain indicated that "the specific information requested of Spain ... will be included in the report which /the/ Government will transmit shortly to the Secretary-General, as it has done each year since 1961, in accordance with Article 73 e of the Charter".

258. As a result of the decisions of the Trusteeship Council and the Special Committee, the Committee had before it at its ninth and tenth sessions the documents listed in annex VI below.

259. At the Committee's ninth session, the Chairman appointed four working groups to examine the material submitted to the Committee by the Trusteeship Council in 1974 and by the Special Committee in 1973 and 1974 and to report to the Committee on their findings as well as their opinions and recommendations. The four working groups consisted of the following members of the Committee:

(a) Pacific and Indian Ocean Territories

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

(b) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Dehlavi and Mr. Soler with Mr. Partsch as convener;

(c) Territories under Portuguese Administration

Mr. Čalovski, Mr. Kapteyn, Mrs. Warzazi with Mr. Dayal as convener;

(d) Other African Territories

Mr. Ancel, Mr. Ingles, Mr. Lamprey, Mr. Safronchuk with Mr. Ortiz-Martin as convener;

13/ Information relating to the territories of Niue and the Tokelau Islands was contained in the initial report of New Zealand, submitted to the Committee under article 9 of the Convention.

260. The Working Group on the Pacific and Indian Ocean Territories also considered the information relating to Niue and the Tokelau Islands contained in the initial report of New Zealand submitted to the Committee under article 9 of the Convention (see para. 257 above).

261. Following its past practice, the Committee agreed that the final text of the Committee's decision under article 15 of the Convention should be prefaced by the following observations: (1) that the Committee was submitting, in lieu of a "summary of the petitions and reports it had received from the United Nations bodies", as required by article 15, paragraph 3, of the Convention, a list of those documents, which may be found in annex VI below; and (2) that the "expressions of opinion and recommendations" which the Committee was required to submit to difficult United Nations bodies relating to the petitions and reports it received from them, in accordance with subparagraphs (a) and (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.

262. The reports of three of the working groups mentioned in paragraph 259 above, which were considered by the Committee at its 219th to 221st and 224th meetings, held on 27, 28 and 30 August 1974, were adopted paragraph by paragraph, with some amendments. The Committee regrets, however, that owing to technical difficulties and lack of time, it could not complete its work on the report of the Working Group on the Atlantic Ocean and the Caribbean Territories, including Gibraltar. The decisions adopted by the Committee, at its 219th to 221st and 224th meetings on 27, 28 and 30 August 1974, read as follows:

A. African Territories other than Territories under Portuguese administration 14/

The Committee on the Elimination of Racial Discrimination has examined the information contained in the documents relating to African Territories other than Territories under Portuguese administration submitted to it 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 in accordance with the provisions of paragraph 2 of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination. 15/ The Committee wishes to draw the attention of the General Assembly and the Special Committee to the following opinions and recommendations in conformity with its obligations under article 15 of the Convention:

14/ Adopted at the 219th meeting, on 27 August 1974.

15/ As regards these Territories, the following documents have been examined by the Committee on the Elimination of Racial Discrimination:

- A/9023/Add.4, chapter XIV (French Somaliland);
- A/AC.109/L.923 and Add.1 (Southern Rhodesia);
- A/AC.109/L.932 (Namibia);
- A/AC.109/L.941 and Corr.1 (Comoro Archipelago);
- A/AC.109/L.956 (Spanish Sahara);
- A/AC.109/PET.1244 (Petition concerning Territories in southern Africa);
- A/AC.109/PET.1246 (Petition concerning Southern Rhodesia).

1. Southern Rhodesia

1. The Committee considered the working paper relating to Southern Rhodesia (A/AC.109/L.923 and Add.1) and noted with regret that the persistent call for a change of attitude on the part of the illegal régime seems to have had no effect. Indeed it appears that brutality against the African people is increasing. The Committee noted in particular the attempt by the régime to attract massive white immigration into the country with the object of changing its demographic composition. The working paper refers to new measures to suppress freedom of speech, the forced resettlement of the African population in the north-eastern region, the closing of a number of African schools and the sealing off of a number of African areas, the stiffening of imprisonment terms against those aiding the freedom fighters or failing to report their presence, the continued operation of the influx control system against Africans in the urban areas, the intensification of the notorious provincialization and "separate development" policies, the imposition of death penalty for certain acts of "terrorism", the imposition of collective punishment, and new measures of a military nature against the rural African population. These are among the matters that should give grave concern to the administering Power and to the United Nations as a whole.

2. The Committee reaffirms its view that any help given to the illegal régime by a member State of the United Nations, whether political, economic or military, is contrary to the principles and purposes of the Charter, since its end result is to help perpetuate racism in Southern Rhodesia.

3. The Committee reiterates its support for stronger sanctions against the illegal régime and restates its call to all States parties, in furtherance of their obligations under the Convention, to take all necessary measures to eliminate racial segregation and apartheid by complying fully with all relevant General Assembly and Security Council resolutions.

2. Namibia

4. In considering the working paper on Namibia (A/AC.109/L.932) the Committee noted the absence of any progress towards South Africa's observance of its obligations under the Charter, and compliance with General Assembly resolutions, in particular paragraph 5 of resolution 3031 (XXVII) of 18 December 1972.

5. The Committee reiterates its call for positive measures, including sanctions against the Republic of South Africa, to force that Government to abandon the unjust "homelands" policies which lead to fragmentation and acute segregation.

6. The Committee noted that an upsurge in repression of all kinds against the African people on the part of the South African authorities was reported. Such measures of repression against those engaging in normal and desirable political activities, torture in the prisons and the inhuman conditions under which African prisoners live, the growing practice of corporal

punishment against these people, the restriction of movement placed on the African populace, the system of migrant labour resulting in the disruption of normal family life, and the notion held by the illegal occupation authorities that Namibia should possess a "white area", call for condemnation and action on the part of the United Nations.

7. The Committee reiterates the views it expressed in paragraphs 3, 4 and 5 of its report on Namibia contained in its fourth annual report to the General Assembly (A/9018, chap. VII, sect. 1.B).

3. French Somaliland 16/

8. Having considered the report on French Somaliland of the Special Committee (A/9023/Add.4), the Committee is of the view that the administering Power should do everything possible to remove the alleged fears of some of the ethnic groups that they are being discriminated against. The Committee recommends that the authorities in the Territory should be called upon to adopt measures that would prevent repetition of the unfortunate deaths allegedly caused by the existence of the barbed-wire barricade around Djibouti.

4. Comoro Archipelago

9. The Committee welcomes the steps being taken to usher Comoro Archipelago into full independence at the earliest possible moment (see A/AC.109/L.941 and Corr.1). The Committee wishes to stress, however, that nothing should be done, in the process of independence, likely to destroy national unity or create conditions for discrimination on a regional or ethnic basis.

5. Spanish Sahara

10. The Committee considered the report on the Spanish Sahara (A/AC.109/L.956) in addition to other information made available to it, and wishes to reiterate that the process of the exercise of the right to self-determination by the people of Spanish Sahara must be in full compliance with the provisions of relevant General Assembly resolutions.

6. Petitions

(a) Petition from Mr. Romesh Chandra

11. The Committee examined the information contained in the petition from Mr. Romesh Chandra, Secretary-General, World Peace Council, Helsinki, concerning Territories in southern Africa (A/AC.109/PET.1244). The Committee

^{16/} The new designation for the Territory formerly known as French Somaliland is the French Territory of the Afars and the Issas. See Terminology Bulletin No. 240, issued by the Secretariat on 15 April 1968 (ST/CS/SER.F/240).

condemns the violence used by the South African authorities against African workers exercising their inalienable rights and joins in the call for positive international action to secure equality and peace in southern Africa.

(b) Petition from Mr. Michael A. Mawema

12. Reacting to the information contained in the petition from Mr. Michael A. Mawema, National Organizing Secretary, African National Council of Zimbabwe, concerning Southern Rhodesia, and in particular the withdrawal of Bishop Abel Muzorewa's travel document (A/AC.109/PET.1246), the Committee viewed the action of the illegal racist régime as very inhuman since there appeared to be proven evidence that the Bishop, a moderate and a leader of African thought, needed specialist medical attention outside Rhodesia. The Committee expresses its condemnation of this action and recommends to the Special Committee to urge the administering Power to take necessary action to reverse the decision of the illegal régime.

B. Territories under Portuguese administration 17/

The Committee on the Elimination of Racial Discrimination has examined, in the light of its responsibilities under article 15 of the Convention on the Elimination of All Forms of Racial Discrimination, the information contained in the documents relating to Territories under Portuguese administration which it has received since its eighth session. 18/ In the course of that examination, the situation in those Territories has undergone a dramatic transformation as a result of the emergence in Portugal of a new Government pledged to follow totally new policies in regard to those Territories. In view of the rapid denouement of events, up-to-date and detailed information regarding the present situation in those Territories is lacking. However, there is no doubt that the developments are positive and are bound to effect a profound qualitative change in the over-all situation. The new policies proclaimed by the present Government of Portugal carry the promise of an early settlement of the problem in accordance with the purposes and principles of the United Nations.

1. The Committee notes with satisfaction that the Government of Portugal has affirmed its obligations under Chapter XI of the United Nations Charter and that, in conformity with General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, it has pledged to the United Nations its full co-operation in the implementation of the provisions of that Chapter, the Declaration and all other relevant resolutions in respect of Territories under Portuguese administration.

17/ Adopted at the 221st meeting, on 28 August 1974.

18/ As regards these Territories, the following documents were examined by the Committee on the Elimination of Racial Discrimination:

A/AC.109/L.921 and Add.1 (Colonial policy of Portugal);
A/AC.109/L.918 (Angola);
A/AC.109/L.919 and Add.1 (Mozambique);
A/AC.109/PET.1243 (Petition concerning Mozambique);
A/AC.109/PET.1249 (Petition concerning Mozambique);
A/AC.109/PET.1251 (Petition concerning Mozambique).

2. The Committee welcomes the declaration of the President of Portugal concerning the promulgation of a decree by the Council of State of Portugal recognizing the right of self-determination and independence of all overseas territories under its administration.
3. The Committee is glad to take note of the pledge of the Government of Portugal of full support for the territorial integrity and unity of each Territory and its opposition to any secessionist attempts or attempts at dismemberment from any quarter.
4. The Committee takes note of the declaration made by Mr. Mario Soares, the Minister for Foreign Affairs of Portugal, to the effect that the President of the Portuguese Republic has stated that, in conformity with the rules of the United Nations, Portugal will do everything possible to bring peace to Africa within a very short time, and will do so with absolute respect for the freely expressed wishes of the inhabitants, since acceptance of the principle of independence is one of the possible choices in the right of peoples to self-determination.
5. The Committee warmly welcomes the independence of the Republic of Guinea-Bissau, its forthcoming membership in the United Nations, and expresses the conviction that the new State will, as a Member of the United Nations, make a valuable contribution to its purposes and principles.
6. The Committee notes the undertaking of the Government of Portugal that, while fully recognizing the right of the people of the Cape Verde Islands to self-determination and independence, it is prepared to implement the decisions of the United Nations in this regard and to co-operate closely with the competent organs of the United Nations to accelerate the process of decolonization.
7. The Committee further notes that, as regards Mozambique, the Government of Portugal likewise fully recognizes the right of the people of that country to self-determination and independence and is prepared to implement the decisions of the United Nations in that regard and that, in furtherance of its intention, it has already established contact with the representatives of the Mozambique Liberation Front (FRELIMO), and would take immediate steps to enter into negotiations with them with a view to accelerating the process of independence.
8. The Committee notes that, as regards Angola, the Government of Portugal has made a similar solemn commitment, and that it intends to make early contacts with the liberation movements so that formal negotiations can commence as soon as possible. The same principles and policies are pledged in regard to São Tomé and Príncipe.
9. While offering its felicitations to the movements of national liberation on the success of their arduous struggles and expressing its profound relief at the prospect of the early ending of the sufferings of the people of these Territories, the Committee earnestly hopes that the Government of Portugal will speedily terminate all military and other activities there that are contrary to the principles and objectives of the Convention. The Committee further hopes that, in fulfilment of its solemn and repeated pledges, the

Government of Portugal will enter promptly into the promised negotiations with representatives of the liberation movements with a view to the orderly transfer of power as soon as possible and to the establishment of sovereign independent States based on the principles of racial equality and respect for the dignity of the human person.

C. Pacific and Indian Ocean Territories 19/

The Committee, having examined the material submitted to the Committee in accordance with the provisions of paragraph 2 of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination relating to the Pacific and Indian Ocean Territories, 20/ as well as the initial report of the Government of New Zealand submitted under article 9 of the Convention as far as it refers to certain dependent Territories in the region under consideration, agreed on the following opinions and recommendations:

1. Brunei

1. The Committee did not find any new elements relating to the principles and objectives of the Convention in the documents available to it concerning this Territory.

2. New Hebrides

2. The Committee did not have before it information regarding the concern expressed in its report to the General Assembly at its twenty-eighth session (A/9018, chap. III, sect. B) regarding the rapid multiplication of foreign economic investments "which are detrimental to the interests of the people of the Territory".

19/ Adopted at the 220th meeting, on 28 August 1974.

20/ As regards these Territories, the following documents were examined by the Committee on the Elimination of Racial Discrimination:

Report of the Administering Authority relating to Papua New Guinea for the year ending 30 June 1973 (T/1751)

Report of the Administering Authority relating to the Trust Territory of the Pacific Islands for the year ending 30 June 1973 (T/1752 and Add.1)

Outline of conditions in the Trust Territory of the Pacific Islands (T/1185 and Add.1)

Outline of conditions in the Trust Territory of Papua New Guinea (T/1186)

A/AC.101/L.922 and Add.1 (Gilbert and Ellice Islands, Pitcairn and the Solomon Islands)

A/AC.109/L.925 and Add.1 (Seychelles)

A/AC.109/L.928 (Tokelau Islands)

A/AC.109/L.929 and Add.1 (New Hebrides)

A/AC.109/L.943 (Brunei)

A/AC.109/L.947 and Add.1 (American Samoa)

A/AC.109/L.953 (Trust Territory of the Pacific Islands)

3. The Committee regrets that no further information has been made available to it as required and draws the attention 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 to the statement by Mr. Walter Lili, President of the New Hebrides National Party, before the Special Committee on 5 April 1974, to the effect that in the condominium, "senior positions were still held by expatriates; local people were not promoted to fill those posts". The Committee considers in this regard that the access of local persons to positions of responsibility constitutes one of the indispensable steps in the process of gaining independence.

3. Seychelles

4. The Committee did not have before it sufficient information on the basis of which to express an opinion on the situation in the Territory concerning the application of the principles of the Convention and felt that this was due to the negative attitude of the administering Power for not allowing the dispatch of a special United Nations mission as envisaged under the terms of General Assembly resolution 2866 (XXVI) of 20 December 1971. The Committee wishes to draw once again the attention of the General Assembly to this situation.

4. Papua New Guinea

5. The Committee noted that, while "all elements of the population are secure in the enjoyment of human rights and fundamental freedoms with no discrimination on grounds of race, sex, language or religion, ... it is still considered necessary by the Papua New Guinea Government, ... to retain certain legislative provisions in order to protect the interests of Papua New Guineans in such fields as land acquisition, business opportunities and employment. The latter being subject to the Native Employment Ordinance, 1958-1968". ^{21/} The Committee would welcome information as to whether any of these matters bear on the implementation of the objects and purposes of the Convention.

6. The Committee noted that, according to the report, the basic principles of the applicable law provide for equal treatment of all, irrespective of race or nationality; that this principle is observed throughout Papua New Guinea; and that legal aid is available for those who need it. The Committee would appreciate knowing whether the Land Titles Commission, which determines the land rights of the people of Papua New Guinea, has dealt with any allegations of racial discrimination.

7. The Committee noted that the Discriminatory Practices Ordinance, 1963-1969, requires the holder of any licence, permit or other authority which

^{21/} See "Annual report on the administration of Papua New Guinea for the period 1 July 1972 to 30 June 1973. Note by the Secretary-General" (T/1751) and "Supplementary report on the administration of Papua New Guinea for the period 1 July 1973 to 30 April 1974. Note by the Secretary-General" (T/1751/Add.1).

authorizes him to buy, sell or deal and trade in goods, not to carry out, or permit to be carried out, any discriminatory practice in connexion with or incidental to the business to which the licence relates. The Committee noted that the above-mentioned Ordinance also provides that no person shall, on licensed premises, act or incite another to act in an offensive or provocative manner towards a person of a different race or colour. The Committee would like to know whether the application of the Ordinance has at any time related to allegations of racial discrimination.

8. The Committee noted, according to the report, also that the right of petition has been exercised freely for several years and that petitions have been addressed to the Administering Authority, to the House of Assembly and to the United Nations. However, no petition relating to racial discrimination has thus far been brought to the attention of the Committee.

9. The Committee noted the statement that wage rates and conditions of employment for expatriate employees are generally based on Australian industrial wage rates and relate to conditions for comparable employment in Australia. The Committee would appreciate further information as to the application of the principle of equal pay for equal work in the Territory and its relation to any questions of racial discrimination.

5. Trust Territory of the Pacific Islands

10. The Committee noted the statement, in chapter II of part VII of the report of the Administering Authority to the Trusteeship Council, 22/ that the inhabitants of the Trust Territory are guaranteed basic rights and fundamental freedoms as set forth in the Trust Territory Code. The Committee noted further that, according to the report, the right of petition is used freely and that the inhabitants have petitioned the United Nations as well as the Administering Authority. However, no petition relating to racial discrimination has been brought to the attention of the Committee thus far.

11. The Committee noted that a special census was carried out in the Territory during 1973, and that the census is expected to be made public in the course of 1974. The Committee would welcome receipt of the results of this census revealing the demographic and ethnic composition of the population of the Territory.

12. The Committee noted with interest the information made in the documentation before it relating to the improvement of training opportunities for Micronesian judiciary personnel, the upgrading of the law libraries, the increased use of indigenous languages in court proceedings, and the provision of legal aid.

22/ "Report of the Government of the United States of America on the administration of the Trust Territory of the Pacific Islands for the period 1 July 1972 to 30 June 1973" (T/1752).

13. The Committee noted the statement about the land courts that operate under the Land Commission Act and would appreciate information as to whether the law courts deal with cases which have a bearing on the objectives of the Convention.

14. The Committee noted the statement that no segregation on the basis of race, religion or colour exists in either the public or the non-public schools of the Trust Territory.

15. While noting with appreciation the very comprehensive nature of the report submitted by the Administering Authority, the Committee nevertheless drew attention to the fact that it continues to lack information on specific points of interest to its work.

16. Although the Committee requested, in its decision of last year, information as to whether the absence of trade unions in the Territory is related in any fashion to racial discrimination, the information received merely reiterates the fact that trade unions are still non-existent although there is no prohibition against them.

6. Gilbert and Ellice Islands, Pitcairn and Solomon Islands

17. The Committee regrets that no information was made available to it, except in the case of Pitcairn Island, in spite of its repeated requests for specific information relating to the application in the Territory of the principles and objectives of the International Convention.

7. American Samoa and Guam and Niue and the Tokelau Islands

18. The Committee did not find any relevant information directly connected with the attainment of the principles and objectives of the Convention. It noted, however, the following:

(a) That on 6 November 1973, by a vote of 2,097 to 1,097, the population of the Territory rejected a proposed new Constitution which included a provision whereby the Governor and the Lieutenant Governor would have been elected locally in 1974, a vote which was substantially narrower than the one taken in a referendum held in November 1972, when a similar proposal was rejected by a nearly four-to-one margin;

(b) That following the 1972 referendum on the local election of a governor, Mr. John M. Haydon, the incumbent Governor, was charged with six counts of violating the Hatch Act for allegedly attempting to influence the vote. A 10-day trial by a three-member United States Civil Service Commission took place in September 1973 and, in March 1974,

Judge John J. McCarthy, a civil service administrative law judge, recommended that the Commission dismiss the charges. Although Judge McCarthy determined that the election in which the Governor was accused of having intervened was not covered by the Hatch Act, he nevertheless criticized Governor Haydon for "an unwarranted intrusion into the electoral process as the balloting was about to take place".

(c) That in 1973, it was reported that the Thirteenth Legislature had considered, inter alia, draft resolutions ... to oppose the employment of VISTA volunteers by the Government when qualified Samoans were available.

VI. MEETINGS OF THE COMMITTEE IN 1975 and 1976

263. The Committee considered this item of the agenda at the 196th and 197th meetings (ninth session), on 11 April 1974, and at the 217th and 221st meetings (tenth session), on 23 and 28 August 1974.

264. It may be recalled that in 1973, the Committee had considered the timing and venue of its future meetings and, in its decision 5 (VII) (A/9018, chap. X, sect. A), had requested the General Assembly to include the Committee amongst the bodies listed in subparagraphs (a) to (i) of paragraph 9 of General Assembly resolution 2609 (XXIV) of 16 December 1969, and reaffirmed in paragraph 2 of its resolution 2960 (XXVII) of 13 December 1972, and thereby provide for the Committee to hold one of its sessions every year in Geneva. The General Assembly, in paragraph 5 of its resolution 3134 (XXVIII) of 14 December 1973, had endorsed the request of the Committee concerning the holding of one of its sessions in 1974 at Geneva; however, no decision had been taken by the General Assembly concerning the venue of the Committee's sessions thereafter.

265. At the opening of the Committee's consideration of this item, at the 196th meeting, the representative of the Secretary-General drew the attention of the Committee to the fact that the Fourth Meeting of States Parties, held on 10 January 1974 for the purpose of electing nine members of the Committee, had also considered the question of the responsibility of the States Parties for the expenses of the members of the Committee under article 8, paragraph 6, of the Convention, and in this connexion had considered the advisability of the Committee's holding one extended session of up to five weeks a year and the use of economy class for the travel of the members of the Committee. ^{23/} The Committee considered these questions at its ninth session, in conjunction with its consideration of the timing and venue of its meetings in 1975 and 1976.

Number of sessions per year and duration of sessions

266. Mr. Safronchuk was of the opinion that a decision on the advisability of holding one session a year had already been taken by the Fourth Meeting of the States Parties; what the Committee was called upon to discuss was the implementation of that decision - how best to organize its work in a single annual session, and whether that session was to be of five weeks' duration or less. Messrs. Aboul-Nasr, Haastrup and Sayegh and Mrs. Warzazi were of the opinion that the States Parties had not adopted a "decision" but were merely seeking the Committee's opinions regarding their suggestion. Furthermore, Messrs. Lamphey, Ortiz-Martin and Sayegh maintained that the Convention entrusted to the Meeting of the States Parties only one power, namely, to elect the members of the Committee (in article 8, para. 4), while authorizing the Committee itself to adopt its own

^{23/} International Convention on the Elimination of All Forms of Racial Discrimination, Official Records: Fourth Meeting of States Parties (CERD/SP/6).

rules of procedure (in article 10, para. 1); and they recalled that the Committee had already decided, in rule 1 of its provisional rules of procedure, to "hold two regular sessions each year", concluding that it was up to the Committee, therefore, to decide whether or not to amend that rule. The Chairman ruled that, "in the light of article 10, paragraph 1, of the Convention, ... it was clear that the Fourth Meeting of States Parties had not taken a decision concerning the periodicity of the Committee's sessions and that the matter was open for discussion". The Chairman's ruling was described by Mr. Safronchuk as being "in violation of the Convention" but was supported by Mr. Sayegh. Mr. Safronchuk argued that "the Committee was not competent to decide whether or not the recommendations of Meetings of States Parties constituted decisions, since the Meetings of the States Parties themselves constituted the highest organ established under the Convention"; Mr. Sayegh argued that "there was no organ higher than the Committee under the Convention, in which the only reference to Meetings of States Parties concerned meetings to elect the members of the Committee". In the course of discussion other members expressed similar views. Mr. Ortiz-Martin stated that "the sole function of the States Parties, as far as the Committee was concerned, was to elect the members of the Committee. The Committee itself was autonomous; its terms of reference were derived exclusively from the Convention, and there was nothing in the Convention to suggest that the Meeting of States Parties was a body superior to the Committee. Mr. Daval was also of the view that "it was not for other organs to say whether the Committee should hold one or two sessions each year ... The Committee was the master of its own procedure and constituted an autonomous body within the United Nations system". The Chairman affirmed that, in the light of article 10, paragraph 1, of the Convention, "any decision of another body which affected the provisional rules of procedure of the Committee would be illegal".

267. The idea of holding one session a year was opposed by Messrs. Aboul-Nasr, Ancel, Čalovski, Dayal, Haastrup, Lamptey, Macdonald, Ortiz-Martin, Partsch, Sayegh, Soler and Valencia Rodríguez and Mrs. Warzazi; it was supported by Messrs. Ingles, Safronchuk and Tomko.

268. Opposition to the Committee's holding one session a year was based on the following reasons. First, the Committee's workload already heavy, was certain to become heavier as more States ratified the Convention and submitted reports under article 9, paragraph 1, for consideration by the Committee; one could foresee the day in which two three-week sessions a year would not provide the Committee with sufficient time for the proper discharge of its obligations; to reduce, instead of intensifying, the Committee's activities would run counter to the objectives of the Decade to Combat Racism and Racial Discrimination. Secondly, the decision taken at the Committee's first session to hold two sessions each year (A/8027, paras. 63-64) had not been taken lightly; one of the reasons for that decision had been the desire to allow States Parties that did not submit their reports on time, or whose reports omitted certain relevant information, to be sent reminders or inquiries in the hope that their reports and supplementary information could be considered at the later session, before the Committee submitted its annual report to the General Assembly. Thirdly, several Committee members, past and present, had indicated that they could not leave their posts for extended periods; an uninterrupted five-week session might therefore deprive the Committee of the presence of many of its members; and if too many members did not attend a given session, the Committee might be prevented from holding that session. At the current session, Messrs. Ancel, Kapteyn, Macdonald and Partsch had indicated that they had grave doubts that they would be able to attend a session for five or six weeks. Fourthly, since Committee members

served in their personal capacity and did not have the benefit of alternates and advisors, they would find it extremely difficult to concentrate on the examination of all the documents and reports which come before the Committee every year, and to participate in all the discussions, for a five-week or six-week period. It was the view of the majority of the members of the Committee, therefore, that the present meeting arrangements were best suited to the fulfilment of its duties under the Convention.

269. In support of the idea of the Committee's holding one extended session each year, the following reasons were advanced. First, the Committee should show respect for the preference expressed by the Meeting of the States Parties - whether that preference was deemed to have been expressed in the form of a "decision" or an "advisory opinion". Secondly, the fact that that arrangement might reduce costs to States Parties was an important consideration, which the Committee should take into account. Thirdly, other kindred bodies within the United Nations system held only one session each year. Fourthly, inasmuch as there was a period of inertia at the beginning of every session, a single five-week session might generate enough momentum to enable the Committee to complete its work for the year. Fifthly, unlike other members who had indicated their preference for the present arrangement, Mr. Ingles declared that he personally found it inconvenient to attend two sessions each year and would prefer one extended five-week session.

270. At the 196th meeting, the Committee decided by consensus to continue to hold two three-week sessions every year.

Travel arrangements and related financial questions

271. As for the question of use of economy class for the travel of Committee members, most members emphasized that they had no personal preference, but that the Committee should not be singled out for special treatment; some suggested that such special treatment might be tantamount to discrimination against the Committee. It was pointed out that, under the "Rules governing payment of travel expenses and subsistence allowances in respect of members of organs or subsidiary organs of the United Nations" (ST/SGB/107/Rev.4), all persons who served in their individual capacities on organs or subsidiary organs of the United Nations were entitled to travel by first class. That rule applied to several United Nations bodies composed of experts serving in a personal capacity. Members of the Committee should continue to receive treatment similar to that received by members of those other bodies. These views were expressed by Messrs. Aboul-Nasr, Ancel, Čalovski, Dayal, Haastrup, Kapteyn, Lamptey, Ortiz-Martin, Sayegh, Soler and Valencia Rodríguez, and Mrs. Warzazi.

272. Mr. Ingles recalled that only the General Assembly was competent to decide on the travel expenses of the members of expert bodies, and expressed his confidence that the General Assembly would not have any intention of discriminating against the members of the Committee in that regard.

273. Recalling that the prestige of the Committee or of its members did not depend on the class of travel used, Mr. Safronchuk hoped that the Committee would agree that members should travel by economy class. Mr. Tomko said that, in view of the rising costs of the Committee's work, he was prepared to accommodate the wishes of the States Parties.

274. At its 196th meeting, the Committee decided by consensus that members should continue to travel by first class.

275. In connexion with this subject, Mrs. Warzazi stated that the States Parties should be informed that, in view of the fact that the daily subsistence allowance paid to members of the Committee was not enough to enable them to maintain a decent level of living in New York, many members of the Committee found themselves compelled to supplement those allowances with their own funds. Mr. Soler agreed with this view. Messrs. Aboul-Nasr and Dayal observed that many members voluntarily made great personal sacrifices in order to participate in the work of the Committee. Mr. Haastrup noted that the subsistence allowance of members of the Committee of ambassadorial rank was lower than that appropriate to their status, and had to be supplemented in order for them to maintain their dignity.

276. Another related question which was raised by Mr. Dayal during the discussion was whether members of other United Nations bodies, such as the International Law Commission, received higher daily subsistence allowances than the members of the Committee, and other allowances as well. The representative of the Secretary-General informed the Committee that the daily subsistence allowance received by members of the Committee was the maximum allowance paid by the United Nations to persons serving as experts. As for other allowances, they were governed by the provisions of General Assembly resolution 2489 (XXIII) of 21 December 1968, the annex to which specified the organs whose officers and members were paid honoraria as well as the amounts of the honoraria. Mr. Aboul-Nasr observed that that resolution showed that the members of the Committee were receiving the minimum amount.

277. Upon the suggestion of Messrs. Aboul-Nasr and Čalovski, the Committee decided at its 197th meeting that reference to these questions should be made in any communications from the Committee to the States Parties concerning expenses.

Time and place of the Committee's sessions in 1975 and 1976

278. During the preliminary consideration of this question at the Committee's ninth session, some members observed that, in view of the transfer of the Division of Human Rights - which provided the secretariat of the Committee - to Geneva, the Committee should reiterate its request to the General Assembly, contained in its decision 5 (VII) of 4 May 1973, to hold one of its sessions every year at Geneva. Some other members, on the other hand, stated that it would be extremely useful - as part of the Decade for Action to Combat Racism and Racial Discrimination - for the Committee to hold a session elsewhere than in New York or Geneva. Reference was made in this regard to the headquarters of the regional economic commissions in general, and to the headquarters of the Economic Commission for Africa in particular.

279. At the 197th meeting, the Committee decided to propose that its twelfth session should be held in New York from 11 to 29 August 1975 or, if that was not possible, at Geneva on the same dates. It also decided to request the Secretary-General to study the feasibility of meetings away from Headquarters, particularly at Addis Ababa, and to take a decision on the matter (in the light of the information it would receive from the Secretary-General) at its tenth session.

280. At the 217th meeting on 23 August 1974 (tenth session), the Committee decided that its eleventh session would be held in New York from 31 March to 18 April 1975, that its twelfth session would also be held in New York from 4 to 22 August 1975 and, further, that the thirteenth session would be held in New York from 29 March to 16 April 1976.

281. At the 221st meeting (tenth session), on 28 August 1974, the Committee considered the feasibility of holding its fourteenth session during the summer of 1976 at the headquarters of the Economic Commission for Africa, Addis Ababa. In accordance with the request of the Committee at its ninth session, the Secretary-General made available to the Committee the administrative and financial implications, for the United Nations, of holding the proposed session at Addis Ababa, in accordance with rule 25 of the Committee's provisional rules of procedure (A/8027, annex II). In the light of the discussions, however, the Committee agreed that it would not hold its fourteenth session at the headquarters of the Economic Commission for Africa and postponed to its eleventh session the consideration of other alternative locations for its fourteenth session.

VII. DECISIONS ADOPTED BY THE COMMITTEE AT ITS NINTH
AND TENTH SESSIONS

A. Ninth session

1 (IX). Distribution of final summary records of public meetings of the Committee and of reports and other information submitted by States Parties under article 9 of the Convention 24/

1. The summary records of the public meetings of the Committee in their final form will be classified as documents for general distribution beginning with the tenth session.
2. Reports and other information submitted by States Parties under article 9 of the Convention will be classified as documents for general distribution if the States Parties so request.

B. Tenth session

1 (X). Information supplied by the Syrian Arab Republic relating to the situation in the Golan Heights 25/

The Committee on the Elimination of Racial Discrimination,

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

Noting that, according to the report and additional information (CERD/C/1) laid before the Committee by the representative of that Government, the situation has not only persisted but substantially deteriorated,

1. Expresses its concern:

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

(b) That this unacceptable state of affairs has lasted for more than seven years;

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

3. Asks the General Assembly to take the necessary steps in order to enable the Government of the Syrian Arab Republic to take over full responsibility for the implementation of its obligations under the Convention on its whole national territory.

24/ Adopted at the 198th meeting, on 12 April 1974 (see chap. II, para. 30 above).

25/ Adopted at the 215th meeting, on 22 August 1974 (see chap. IV, para. 207 above).

2 (X). Decade for Action to Combat Racism and Racial Discrimination 26/

The Committee on the Elimination of Racial Discrimination,

Having examined General Assembly resolution 3057 (XXVIII) of 2 November 1973 and Economic and Social Council resolution 1863 (LVI) of 17 May 1974,

Having studied the information contained in the report of the Secretary-General of the United Nations (E/5474) and in his note (E/5475),

Attaching great importance to the Programme for the Decade for Action to Combat Racism and Racial Discrimination,

Aware of the fact that its successes would not be measured by what was said but by what was done in the elimination of all forms of discrimination based on race, colour, descent, national or ethnical origin,

Noting with appreciation the high value placed on the role and activities of the Committee in General Assembly resolution 3134 (XXVIII) of 14 December 1973 and Economic and Social Council resolution 1863 (LVI),

Resolved 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, in accordance with 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 yoke of racist régimes and those under colonial or foreign domination,

Noting the need for continuous international action against all forms of racial discrimination and, in particular, against apartheid,

1. Recommends to the General Assembly:

(a) To make an appeal to all States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to co-operate without exception to the fullest possible extent with the Committee on the Elimination of Racial Discrimination, in particular with regard to compliance with the requirements of article 9 of the Convention;

(b) To make an urgent appeal to States which have not yet become parties to the Convention to accede thereto;

(c) To make a further appeal to States which for any reason have not yet adhered to the Convention to be guided by the basic provisions of the Convention in their internal and foreign policies;

(d) To draw the attention of States Parties to the Convention to the usefulness of the implementation of article 14 as a means of promoting the effectiveness of the Convention;

26/ Adopted at the 221st meeting, on 28 August 1974 (see chap. III, para. 61 above).

2. Considers it necessary in accordance with articles 3, 9 and 15 of the Convention to concentrate its efforts 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;

3. Expresses its readiness to take an active part in the preparations for and conduct of the international conference on combating racial discrimination;

4. Expresses its readiness to take an active part in a world-wide information campaign with the aim of eliminating racial prejudices and educating society in the spirit of struggle against all manifestations of racism and racial discrimination; to these ends, members of the Committee might:

(a) Assist in publishing a brochure explaining in popular form the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the work of the Committee;

(b) Speak on United Nations radio broadcasts to popularize the provisions of the Convention;

(c) Take part in the seminars provided for in paragraph 15 (b) of the Programme for the Decade;

(d) Take part in preparing the pilot studies provided for in paragraph 15 (d) of the Programme for the Decade;

5. Endorses the recommendation made by the Special Committee on Apartheid in its report to the General Assembly (A/9022) 27/ that the General Assembly continue to decline to accept the credentials of the representatives of the Republic of South Africa, which practises apartheid as a State policy in flagrant violation of many United Nations decisions and the Committee's recommendations.

27/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 22.

ANNEX I

States Parties to the International Convention on the Elimination
of All Forms of Racial Discrimination as at 30 August 1974

<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
Barbados	8 November 1972 <u>a/</u>	8 December 1972
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 <u>a/</u>	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Byelorussian Soviet Socialist Republic	8 April 1969	8 May 1969
Canada	14 October 1970	13 November 1970
Central African 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	4 January 1969
Democratic Yemen	18 October 1972 <u>a/</u>	17 November 1972
Denmark	9 December 1971	8 January 1972
Ecuador	22 September 1966 <u>a/</u>	4 January 1969
Egypt	1 May 1967	4 January 1969
Fiji	11 January 1973 <u>b/</u>	11 January 1973 <u>b/</u>
Finland	14 July 1970	13 August 1970
France	28 July 1971 <u>a/</u>	27 August 1971
German Democratic Republic	27 March 1973 <u>a/</u>	26 April 1973
Germany, Federal Republic of	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	1 June 1969
Hungary	4 May 1967	4 January 1969

a/ Accession.

b/ Notification of succession.

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
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 <u>a/</u>	3 February 1973
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 <u>a/</u>	29 June 1974
Kuwait	15 October 1968 <u>a/</u>	4 January 1969
Laos	22 February 1974 <u>a/</u>	24 March 1974
Lebanon	12 November 1971 <u>a/</u>	12 December 1971
Lesotho	4 November 1971 <u>a/</u>	4 December 1971
Libyan Arab Republic	3 July 1968 <u>a/</u>	4 January 1969
Madagascar	7 February 1969	9 March 1969
Mali	16 July 1974 <u>a/</u>	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritius	30 May 1972 <u>a/</u>	29 June 1972
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Nepal	30 January 1971 <u>a/</u>	1 March 1971
Netherlands	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 <u>a/</u>	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 <u>a/</u>	15 October 1970
Senegal	19 April 1972	19 May 1972
Sierra Leone	2 August 1967	4 January 1969
Spain	13 September 1968 <u>a/</u>	4 January 1969
Swaziland	7 April 1969 <u>a/</u>	7 May 1969
Sweden	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 <u>a/</u>	21 May 1969
Togo	1 September 1972 <u>a/</u>	1 October 1972
Tonga	16 February 1972 <u>a/</u>	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Ukrainian Soviet Socialist Republic	7 March 1969	6 April 1969
Union of Soviet Socialist Republics	4 February 1969	6 March 1969
United Arab Emirates	20 June 1974 <u>a/</u>	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Cameroon	24 June 1971	24 July 1971
United Republic of Tanzania	27 October 1972 <u>a/</u>	26 November 1972
Upper Volta	18 July 1974 <u>a/</u>	17 August 1974
Uruguay	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

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

(25 August 1973 to 30 August 1974)

A. Initial reports

<u>State Party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Algeria	15 March 1973	31 December 1973	(1) 15 May 1973 (2) 7 September 1973
Barbados	10 December 1973	14 May 1974	30 April 1974
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
Cuba	16 March 1973	6 August 1973	
Democratic Yemen	19 November 1973	5 June 1974	30 April 1974
Fiji	11 January 1974	25 October 1973	
France (supplement to the initial report)		12 April 1974	
German Democratic Republic	26 April 1974	25 June 1974	
Haiti	18 January 1974	20 May 1974	25 April 1974
Ivory Coast	4 February 1974	23 July 1974	25 April 1974
Lesotho <u>a/</u>	4 December 1972	Not yet received	(1) 15 May 1973 (2) 7 September 1973 (3) 25 April 1974
New Zealand	22 December 1973	22 December 1973	

a/ At its tenth session, the Committee decided to send a fifth reminder to the Central African Republic, fourth reminders to Lesotho and Zambia, a third reminder to Senegal and second reminders to Togo and the United Republic of Tanzania, requesting them to submit their initial reports by 1 January 1975 (see paras. 63-65 above).

<u>State Party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Peru	30 October 1972	24 July 1974	(1) 15 May 1973 (2) 7 September 1973 (3) 25 April 1974
Senegal <u>a/</u>	18 May 1973	Not yet received	(1) 7 September 1973 (2) 25 April 1974
Togo <u>a/</u>	1 October 1973	Not yet received	30 April 1974
Tonga (supplement to the initial report)		28 March 1974	
United Republic of Cameroon	24 July 1972	29 March 1974	(1) 26 September 1972 (2) 15 May 1973 (3) 7 September 1973
United Republic of Tanzania <u>a/</u>	26 November 1973	Not yet received	30 April 1974
Zambia <u>a/</u>	5 March 1973	Not yet received	(1) 15 May 1973 (2) 7 September 1973 (3) 25 April 1974

B. Second periodic reports

<u>State Party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Bolivia	21 October 1973	20 March 1974	
Canada	12 November 1973	14 February 1974	
Central African Republic <u>b/</u>	14 April 1974	Not yet received	
France <u>c/</u>	28 August 1974	Not yet received	
Greece	19 July 1973	17 December 1973	7 September 1973
Jamaica <u>d/</u>	5 July 1974	Not yet received	
Malta <u>d/</u>	26 June 1974	Not yet received	

b/ See section A, foot-note a above.

c/ See chapter IV, section A, paragraph 68 above.

d/ At its tenth session, the Committee decided to send reminders to the States Parties whose second periodic reports were overdue, requesting them to submit their reports by 1 January 1975 (see paragraphs 67-68 above).

<u>State Party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s), if any</u>
Morocco	17 January 1974	7 February 1974	
Nepal	1 March 1974	19 June 1974	30 April 1974
Norway	6 September 1973	26 February 1974	
Romania	14 October 1973	26 October 1973	
Sierra Leone (supplement)		29 April 1974	
United Republic of Cameroon <u>d/</u>	24 July 1974	Not yet received	

C. Third periodic reports

<u>States Parties</u>	<u>Date due</u>	<u>Date received</u>	<u>Date of reminder(s), if any</u>
Argentina	5 January 1974	21 June 1974	25 April 1974
Brazil	5 January 1974	15 March 1974	
Bulgaria	5 January 1974	18 July 1974	25 April 1974
Byelorussian Soviet Socialist Republic	7 May 1974	24 April 1974	
Costa Rica	5 January 1974	30 January 1974	
Cyprus	5 January 1974	14 June 1974	25 April 1974
Czechoslovakia <u>e/</u>	5 January 1974	Not yet received	25 April 1974
Ecuador	5 January 1974	24 December 1973	
Ecuador (supplement)		12 March 1974	
Egypt	5 January 1974	1 April 1974	
Germany, Federal Republic of	14 June 1974	22 July 1974	
Ghana	5 January 1974	18 March 1974	

e/ At its tenth session, the Committee decided to send second reminders to the States Parties whose third periodic reports were overdue, requesting them to submit their reports by 1 January 1975.

<u>States Parties</u>	<u>Date due</u>	<u>Date received</u>	<u>Date of reminder(s), if any</u>
Holy See <u>f/</u>	1 June 1974	Not yet received	
Hungary	5 January 1974	12 March 1974	
Iceland	5 January 1974	17 January 1974	
India <u>g/</u>	5 January 1974	Not yet received	
Iran	5 January 1974	7 December 1973	
Kuwait	5 January 1974	16 January 1974	
Libyan Arab Republic <u>e/</u>	5 January 1974	Not yet received	25 April 1974
Madagascar	8 March 1974	14 December 1973	
Niger <u>e/</u>	5 January 1974	Not yet received	25 April 1974
Nigeria	5 January 1974	19 July 1974	
Pakistan	5 January 1974	6 March 1974	
Panama	5 January 1974	16 July 1974	25 April 1974
Philippines	5 January 1974	25 February 1974	
Philippines (supplement)		13 March 1974	
Poland	5 January 1974	23 January 1974	
Sierra Leone	5 January 1974	21 June 1974	
Spain	5 January 1974	2 July 1974	
Swaziland	6 May 1974	21 May 1974	
Syrian Arab Republic	20 May 1974	20 May 1974	
Tunisia	5 January 1974	Not yet received	25 April 1974
Ukrainian Soviet Socialist Republic	5 April 1974	16 May 1974	25 April 1974

f/ At its tenth session, the Committee decided to send a first reminder to the States Parties whose second periodic reports were overdue, requesting them to submit their reports by 1 January 1975.

g/ See chapter IV, section A, paragraph 70.

<u>States Parties</u>	<u>Date due</u>	<u>Date received</u>	<u>Date of reminder(s), if any</u>
Union of Soviet Socialist Republics	5 March 1974	18 March 1974	
United Kingdom <u>h/</u>	5 April 1974	Not yet received	25 April 1974
Uruguay <u>e/</u>	5 January 1974	Not yet received	25 April 1974
Venezuela <u>e/</u>	5 January 1974	Not yet received	25 April 1974
Yugoslavia <u>i/</u>	5 January 1974	20 August 1974	25 April 1974

D. Additional information requested
by the Committee

<u>States Parties to which request for additional information was sent</u>	<u>Request by the Committee at its:</u>	<u>Date on which requested additional information was submitted</u>
Tonga	Eighth session	28 March 1974
Mauritius	Ninth session	Not yet received
Tonga	Ninth session	Not yet received

h/ See chapter IV, section A, paragraph 70.

i/ This report was received in New York and it was not possible to distribute it during the tenth session of the Committee at Geneva.

ANNEX III

Consideration by the Committee at its ninth and tenth 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			
Jamaica	X					178-179	28 March 1974
Ghana		X		X	X	179	28 March 1974
Iran		X	X	X		179	28 March 1974
Mauritius*	X					180	29 March 1974
Cuba*	X					180	29 March 1974
New Zealand	X				X	181	1 April 1974
Algeria	X					182	1 April 1974
Iraq		X			X	182	1 April 1974
Finland		X				183	2 April 1974
Romania		X			X	183	2 April 1974
Greece		X				184	2 April 1974
Norway		X			X	185	3 April 1974
Fiji	X				X	185-186	3 April 1974
Ecuador			X	X	X	186	3 April 1974
Austria	X				X	187-189	4-5 April 1974
Canada		X				188	4 April 1974
Morocco		X				188	4 April 1974
Madagascar			X		X	189	5 April 1974
Iceland			X			190	5 April 1974
Kuwait			X		X	190	5 April 1974
Philippines			X	X		191	8 April 1974
Pakistan			X		X	191-192	8 April 1974
Hungary			X		X	192	8 April 1974
Brazil			X		X	193	9 April 1974
Union of Soviet Socialist Republics			X		X	193	9 April 1974
Tonga*	X			X		194	10 April 1974

State Party	Type of report				Information in article 4 in reply to decision 3 (VII)	Meeting(s) at which considered	Date of meeting(s)
	Initial	Second	Third	Supplementary			
United Republic of Cameroon	X					194	10 April 1974
Costa Rica			X			195	10 April 1974
Bolivia		X				201	13 August 1974
Ghana			X		X	201-202	13 August 1974
Egypt			X			202	13 August 1974
Byelorussian SSR			X		X	203	14 August 1974
Sierra Leone*		X	X	X		204 and 215	14 and 22 August 1974
Barbados*	X				X	204	14 August 1974
Ukrainian SSR			X		X	205	15 August 1974
Swaziland*			X			205	15 August 1974
Syrian Arab Republic			X		X	206-207 and 215	15-16 and 22 August 1974
Haiti*	X					207 and 215	16 and 22 August 1974
France	X			X		207-208	16 August 1974
German Democratic Republic	X					209	19 August 1974
Democratic Yemen	X					210	19 August 1974
Nepal*		X				210	19 August 1974
Ivory Coast*	X				X	210-211	19-20 August 1974
Spain			X			211	20 August 1974
Germany, Federal Republic of			X			211-213	20-21 August 1974
Panama			X			212	20 August 1974
Bulgaria*			X		X	213	21 August 1974
Nigeria			X			213-214	21 August 1974
Peru*	X					214 and 215	21 and 22 August 1974
Poland			X		X	214	21 August 1974

* Asterisk indicates that there was no representative of the State Party present at the meeting, as envisaged under rule 64 A of the provisional rules of procedure, when the Committee considered the report and information.

ANNEX IV

Texts of communications sent through the Secretary-General to States Parties whose representatives did not participate in the consideration by the Committee of their respective reports, submitted in accordance with article 9, paragraph 1, of the convention, at the ninth and tenth sessions of the Committee

A. Communication to the Government of Tonga a/

At the 194th meeting (ninth session), held on 10 April 1974, the Committee on the Elimination of Racial Discrimination considered the report submitted by the Government of Tonga on 28 March 1974. A summary of the discussion appears in document CERD/C/SR.194.

The Committee has asked the Secretary-General to inform the Government of Tonga of its decision to consider the report incomplete and to request the Government of Tonga to furnish it, through the Secretary-General, with additional information in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, taking into account the Committee's communication of 28 January 1970, its general recommendations I, II, III and IV and its discussion at the 156th and 194th meetings, held on 14 August 1973 and 10 April 1974, respectively. Accordingly, the Secretary-General forwards herewith a copy of document CERD/C/R.60 and Add.1 containing the guidelines laid down in the Committee's communication of 28 January 1970 and the texts of general recommendations I to IV and a copy of the summary record of the 156th meeting. A copy of the summary record of the 194th meeting will be forwarded as soon as its final version is available

B. Communication to the Government of Sierra Leone b/

At its 204th meeting (tenth session), held on 14 August 1974, the Committee on the Elimination of Racial Discrimination resumed its consideration of the second periodic report of Sierra Leone which it had suspended at its eighth session at the request of the Government of the Republic of Sierra Leone, without the benefit of the participation of a representative of the Government of Sierra Leone. At the same time, it considered the supplementary report, submitted on 29 April 1974, which contained some additional information as well as some observations on the statements made during the Committee's preliminary consideration of the second periodic report at the eighth session.

The Committee unanimously decided that the two reports under consideration did

a/ Adopted at the 194th meeting, on 10 April 1974.

b/ Adopted at the 215th meeting, on 22 August 1974.

not fulfil the requirements of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination; did not contain all the information required under article 9, paragraph 1, of the Convention, as emphasized also in the Committee's general recommendation I; did not contain the additional information envisaged in the Committee's general recommendations III and IV; and did not contain the texts of the relevant Constitutional provisions to which they made reference, particularly Sections 1-12 and 14 of the Constitution.

The Committee has therefore unanimously decided to request the Government of Sierra Leone to submit a report satisfying the requirements of article 9, paragraph 1, of the Convention as soon as possible, but not later than the opening date of the eleventh session of the Committee, and to urge it to ensure that the guidelines laid down by the Committee and the relevant general recommendations adopted by it are taken into account in the preparation of that report. Copies of documents CERD/C/R.60 and Add.1, which contain the relevant texts under reference, are attached hereto.

The Committee earnestly hopes that it will be possible for a representative of the Government of the Republic of Sierra Leone to participate in the Committee's forthcoming consideration of the requested new report during the eleventh session, which will be held at United Nations Headquarters from 31 March 1975 to 18 April 1975. The exact date on which the Committee will consider that report will be communicated to the Government of Sierra Leone immediately after the opening of that session.

In the course of its consideration of the second periodic report and the supplementary report submitted by the Government of Sierra Leone, the Committee discussed at some length a question which it had already considered at its eighth session and with respect to which the Government of Sierra Leone made some observations in its supplementary report, namely, whether or not the provisions of section 13 (4) (g) of the Constitution Act, No. 6 of 1971, are compatible with the provisions of article 1, paragraph 3, of the International Convention on the Elimination of All Forms of Racial Discrimination. The views expressed during that discussion may be found in the summary records of the 204th meeting (document CERD/C/SR.204), a copy of which will be forwarded as soon as it is available in final form, and will also be reflected in the fifth annual report of the Committee, which will be submitted to the General Assembly at its twenty-ninth session.

C. Communication to the Government of Haiti c/

The Committee on the Elimination of Racial Discrimination considered the initial report submitted by the Government of Haiti on 20 May 1974 in accordance with article 9, paragraph 1, of the International Convention on the Elimination of Racial Discrimination at its 207th meeting (tenth session), held on 16 August 1974, without the benefit of the participation of a representative of the Government of Haiti.

c/ Adopted at the 215th meeting, on 22 August 1974.

The Committee was unanimously of the opinion that the report in question did not fulfil the requirements of the article under reference, for the following reasons: it did not contain information on administrative, judicial and other measures; and the information it provided on legislative measures was confined to statements paraphrasing three articles of the Constitution of Haiti. Furthermore, the report was not organized in accordance with the guidelines laid down by the Committee at its first session. Nor did it take into account general recommendations I-IV or decision 3 (VIII) adopted by the Committee.

The Committee has therefore unanimously decided to request the Government of Haiti to submit a report as soon as possible, but not later than the opening date of the eleventh session of the Committee, satisfying the requirements of article 9, paragraph 1, of the Convention, and to urge it to ensure that the guidelines laid down by the Committee and the relevant general recommendations adopted by it are taken into account in the preparation of that report. Copies of documents CERD/C/R.60 and Add.1, which contain the relevant texts under reference, are attached hereto.

The Committee earnestly hopes that it will be possible for a representative of the Government of Haiti to participate in the Committee's forthcoming consideration of the requested report during the eleventh session, which will be held at United Nations Headquarters in New York from 31 March 1975 to 18 April 1975. The exact date on which the Committee will consider that report will be communicated to the Government of Haiti immediately after the opening of that session.

The views expressed during the Committee's discussion of the initial report of Haiti may be found in the summary records of the 207th meeting (document CERD/C/SR.207), a copy of which will be sent when the final text is issued, and will also be reflected in the fifth Annual report of the Committee, which will be submitted to the General Assembly at its twenty-ninth session.

D. Communication to the Government of Peru d/

At its 214th meeting, held on 21 August 1974, the Committee on the Elimination of Racial Discrimination considered the initial report submitted by the Government of Peru in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, without the benefit of the participation of a representative of the Government of Peru.

The Committee was unanimously of the opinion that the report did not meet the requirements of the article of the Convention under reference.

Under that article, States Parties undertake, inter alia, to submit initial reports and subsequent biennial reports for consideration by the Committee regardless of whether or not racial discrimination exists on their territories and whether any special legislative, judicial, administrative or other measures have been adopted.

The Committee has also decided to request the Government of Peru to submit its report as soon as possible, but not later than the opening date of the eleventh

d/ Adopted at the 215th meeting, on 22 August 1974.

session of the Committee. It expresses the hope that, in the preparation of that report, the Government of Peru will take into account, besides the provisions of article 9, paragraph 1, of the Convention, the guidelines laid down by the Committee on its first session, the four general recommendations adopted by it since then, and its decision 3 (VII). Documents CERD/C/R.60 and Add.1, containing all the texts under reference, are attached.

The Committee hopes that the Government of Peru will take into account also the Committee's discussion, at its 21⁴th meeting, of the report submitted by the Government of Peru. The summary records of that meeting (CERD/C/SR.214) will be forwarded as soon as it is available in final form.

The Committee earnestly hopes that it will be possible for a representative of the Government of Peru to participate in the Committee's forthcoming consideration of the requested report during the eleventh session, which will be held at United Nations Headquarters from 31 March 1975 to 18 April 1975. The exact date on which the Committee will consider that report will be communicated to the Government of Peru immediately after the opening of that session.

E. Communication to the Governments of Barbados, Bulgaria
Cuba, Democratic Yemen, The Ivory Coast, Mauritius,
Nepal and Swaziland e/

The Committee on the Elimination of Racial Discrimination considered the report submitted by the Government of _____ at its _____ meeting (_____ session), held on _____ 1974, without the benefit of the participation of a representative of the Government of _____.

The views expressed by members of the Committee during the discussion, and the decision adopted by the Committee, may be found in the summary records of the meeting (document CERD/C/SR.____, to be sent as soon as the final version is available) and will also be reflected in the fifth annual report, which will be submitted by the Committee to the General Assembly at its twenty-ninth session.

The Committee hopes that the views and decision in question, as well as the documents included in CERD/C/R.60 and Add.1, will be taken into account by the Government of _____ during the preparation of its next report in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination.

e/ Adopted at the 215th meeting, on 22 August 1974.

ANNEX V

Texts of comments of States Parties to general recommendation IV, adopted by the Committee at its eighth session, received up to the end of the tenth session in accordance with article 9, paragraph 2, of the Convention a/

KUWAIT

/21 September 1973/

The Government of the State of Kuwait believes that to the extent that States Parties have responded to questionnaires of the Secretary-General addressed to States Members of the United Nations regarding the demographic composition of their population, such information is already available to the Secretariat and is contained in the documents published by the Secretariat on world population. The competent authorities in the State of Kuwait therefore take the view that it may be easier to obtain the demographic information needed from the statistical information available to the Secretariat rather than from the States Parties to the Convention.

HOLY SEE

/5 November 1973/

With regard to recommendation IV, which invites States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination to include in their periodic reports information on the demographic composition of their population, the Vatican Secretariat of State considers that this recommendation does not apply to the Holy See, since, in view of its special character, the Holy See possesses a territory solely for the purpose of guaranteeing the free exercise of its religious mission, and its population is in fact limited to a certain number of officials.

MADAGASCAR

/The comments of the Government of Madagascar on general recommendation IV were included by the Government in its third periodic report, submitted under article 9 of the Convention, which was received on 14 December 1973./

a/ For the text of general recommendation IV, see Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 18 (A/9018), chap. X, sect. B, decision 1 (VIII).

NEW ZEALAND

/30 October 1973/

As New Zealand has only recently become a Party to the Convention, the New Zealand authorities have no comments to offer at this stage.

NIGER

/11 October 1973/

Niger, a country in which the different ethnic groups live in perfect harmony, is strictly opposed to all forms of racial discrimination. It would like the United Nations to take firm and vigorous action to put an end to this vile practice wherever it still exists.

Niger wishes to assure the Committee on the Elimination of Racial Discrimination that it will support any resolutions which the Committee may adopt.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

/14 February 1974/

The United Kingdom authorities consider that this recommendation is a constructive proposal and intend to comply with it to the maximum extent feasible when submitting future reports under article 9 of the Convention.

YUGOSLAVIA

/4 January 1974/

....

Data on the demographic composition of the population of the Socialist Federal Republic of Yugoslavia, according to the 1971 census, are as follows:

Total of persons participating in the census: 20,522,972. They declared their nationality as follows: Montenegrins - 508,843; Croats - 4,526,782; Macedonians - 1,194,784; Moslems (in the meaning of nationality, as such a nationality is recognized in Yugoslavia) - 1,729,932; Slovenians - 1,678,032; Serbians - 8,143,246; Albanians - 1,309,523; Bulgarians - 58,627; Czechs - 24,620; Italians - 21,791; Hungarians - 477,374; Romanians - 58,570; Ruthenians - 24,640; Slovaks - 83,656; Turks - 127,920; Austrians - 852; Greeks - 1,564; Jews - 4,811; Germans - 12,785; Poles - 3,033; Romanies - 78,485; Russians - 7,427; Ukrainians - 13,972; Wallachians - 21,990; and others - 21,722.

ANNEX VI

Documents received by the Committee on the Elimination of Racial Discrimination at its ninth and tenth 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-first session (1974)
1. Reports of the Administering Authorities relating to the Pacific Islands and Papua New Guinea:

Trust Territory of the Pacific Islands (United States of America) T/1752
For the year ending 30 June 1973

Papua New Guinea (Australia) T/1751
For the year ending 30 June 1973
T/1751/Add.1
For the period 1 July 1973 to 30 April 1974
 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.1185 and Add.1) and in Papua New Guinea (T/L.1186)):

Official Records of the Security Council, Twenty-ninth Year, Special Supplement No. 1 (S/11415)

Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 4 (A/9604)
- 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 942nd meeting, on 22 August 1973, and forwarded by the letter of the Chairman of the Special Committee, dated 18 December 1973:

a/ See chapter V, paragraph 262, above.

<u>Petitions concerning</u>	<u>Document symbol</u>
Belize	A/AC.109/PET.1237 and Add.1
Mozambique	A/AC.109/PET.1243 A/AC.109/PET.1249 A/AC.109/PET.1251
Territories in southern Africa	A/AC.109/PET.1244
Southern Rhodesia	A/AC.109/PET.1246

2. Working papers submitted by the Special Committee

	<u>1973</u>	<u>1974</u>
Southern Rhodesia		A/AC.109/L.923 and Add.1
Namibia		A/AC.109/L.932
Territories under Portuguese administration		
Colonial policy of Portugal		A/AC.109/L.921 and Add.1
Angola		A/AC.109/L.918
Mozambique		A/AC.109/L.919 and Add.1
Seychelles and St. Helena		A/AC.109/L.925 and Add.1
Spanish Sahara		A/AC.109/L.956
Gibraltar	A/9023/Add.4, chap. XIII	
French Somaliland <u>b/</u>	A/9023/Add.4, chap. XIV	
Gilbert and Ellice Islands Pitcairn and the Solomon Islands		A/AC.109/L.922 and Add.1
Tokelau Islands		A/AC.109/L.928
New Hebrides		A/AC.109/L.929 and Add.1
American Samoa and Guam		A/AC.109/L.947 and Add.1
Trust Territory of the Pacific Islands <u>c/</u>		A/AC.109/L.953

b/ The new designation of 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).

c/ See also section A above for the documents submitted by the Trusteeship Council.

	<u>1973</u>	<u>1974</u>
Brunei		A/AC.109/L.943
United States Virgin Islands		A/AC.109/L.930
Bermuda		A/AC.109/L.927 and Corr.1
Turks and Caicos Islands		A/AC.109/L.931 and Add.1
Cayman Islands		A/AC.109/L.936
Montserrat		A/AC.109/L.944
British Virgin Islands		A/AC.109/L.940
Belize	A/9023/Add.6, chap. XXVIII	
Comoro Archipelago		A/AC.109/L.941 and Corr.1

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