

SUMMARY RECORD OF THE ONE HUNDRED AND TWELFTH MEETING

Held on Friday, 18 August 1972, at 10.55 a.m.

Chairman:

Mr. VALENCIA RODRIGUEZ

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (CERD/C/R.33/Add.1, 2 and 3, CERD/C/R.12; Conference Room Paper No. 37) (continued)

The CHAIRMAN reminded the Committee that at its previous meeting it had completed its consideration of initial reports of States Parties due in 1972. It now had to decide how it wished to classify each of the three reports it had considered and whether or not it wished to request additional information from the States Parties concerned. He suggested that the Committee should deal with the three reports in the order in which they had been submitted, deciding on each one of them individually. Accordingly, he called first for comments on the report submitted by the Government of Morocco in document CERD/C/R.33/Add.1.

Mr. INGLES, supported by Mrs. OWUSU-ADDO, Mr. TOMKO and Mr. ANCEL, proposed that the Committee should consider the report submitted by the Government of Morocco as satisfactory.

It was so decided.

Mr. PARTSCH proposed that since a number of members had been of the view that the report submitted by the Government of Nepal in document CERD/C/R.33/Add.2 did not contain all the information requested in the guidelines laid down in document CERD/C/R.12, the Committee should consider that report to be unsatisfactory.

Mr. ABOUL-NASR said he agreed with the proposal made by Mr. Partsch and felt that the same decision should be taken with regard to the report submitted by the Government of Malta (CERD/C/R.33/Add.3).

The CHAIRMAN said that if there were no objections, he would consider that the Committee wished to adopt the proposal made by Mr. Partsch.

It was so decided.

The CHAIRMAN said that since the Committee had decided that the report submitted by the Government of Nepal was unsatisfactory, it should now consider whether it wished to request additional information from the Government of Nepal. He pointed out that the representative of Nepal, in his intervention the previous

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day, had assured the Committee that his Government's next report would include the information lacking in its first report.

Mr. INGLES said he thought the Committee should decide to request additional information from the Government of Nepal and also from the Government of Malta.

Mr. SAYEGH pointed out that the Committee had devised a formula for requesting Governments whose reports were considered to be unsatisfactory to supply the information needed to meet the requirements of the guidelines in document CERD/C/R.12. He wondered whether the Committee could request the Secretariat to follow that formula in preparing a communication to be sent to the Government of Nepal.

Mr. DAYAL said that, as the Chairman had already pointed out, the representative of Nepal had agreed that his Government's report was not in accordance with the requirements laid down in documents CERD/C/R.12 and R.41 and had assured the Committee that the gaps in the first report would be filled in the second report. It might be courteous to heed those assurances by making a few minor changes in the formula used in the past for communications to States Parties whose reports were considered to be unsatisfactory. Accordingly, the communication sent to the Government of Nepal might note the assurances given to the Committee by the representative of Nepal, draw attention to documents CERD/C/R.12 and R.41 and express the hope that the Government of Nepal would supply additional information in its next report.

Mr. PARTSCH said he favoured the procedure suggested by Mr. Dayal. The Committee should not request supplementary information from the Government of Nepal prior to its second report because it might not be in a position to consider such information since it already had a backlog of some 30 reports to be considered.

Mr. SAFRONCHUK said he shared the views expressed by Mr. Dayal and Mr. Partsch.

Mr. SAYEGH said he agreed that the communication ordinarily sent to States Parties whose reports were considered to be unsatisfactory could be

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improved, and he would support a new formula based on the one suggested by Mr. Dayal. However, the question of the time allowed States Parties for the submission of additional information was an important one. He pointed out that the next report from the Government of Nepal was not due until 1 March 1974. Considering the average time lag between the date on which the reports were due and the date on which they were actually submitted, the next report from the Government of Nepal would not be received before the summer of 1974. Consequently, the Committee would not know what impact its inquiries had had until the summer session of 1974. That seemed too long a delay. He therefore suggested that in the communication sent to the Government of Nepal, a date should be set for submission of a supplementary report in advance of the second periodic report.

Mr. INGLES pointed out that it had always been the Committee's procedure to request that information omitted from a regular report should be submitted in a supplementary report. The Committee should adhere to that procedure in the case of Nepal. The communication sent to the Government of Nepal could acknowledge the offer made by the representative of Nepal to supply additional information in his Government's next report, adding that the Committee felt that that next report should be submitted in advance of the two years ordinarily allowed.

Mr. ABUL-NASR said he was aware that the Committee was **faced** with certain practical problems such as those referred to by Mr. Partsch. However, it should bear in mind that the report submitted by the Government of Nepal was one of the briefest reports it had ever received. It had received other reports of the same type, and, as far as he could remember, it had followed a uniform procedure in dealing with them all. It might be dangerous to deviate from that procedure in connexion with the report submitted by the Government of Nepal. By merely expressing the hope that the Government of Nepal would supply fuller information in its next report, the Committee might be setting a precedent which it might not always wish to follow in dealing with reports as incomplete as the one contained in document CERD/C/R.33/Add.2.

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Mr. DAYAL said that in view of its new procedure under which representatives of States Parties were able to participate in its discussions, the Committee might wish to take a second look at its procedures for dealing with unsatisfactory reports. In doing so, it should bear in mind that the experience of the past few meetings seemed to show that the participation of representatives of States Parties resulted in a more detailed examination of each report, which meant that in future the Committee would probably be proceeding at a slower pace. The Committee should also remember that it had a considerable backlog of reports still to be considered, as Mr. Partsch had pointed out. Finally, there was no urgency about receiving additional information on the report submitted by the Government of Nepal. Under article 9 of the Convention, the States Parties were required to submit a report within one year after the entry into force of the Convention for the State concerned and thereafter every two years. He saw no reason for making an exception in the case of Nepal or, for that matter, Malta.

Mr. SAYECH pointed out that prior to its fourth session, the Committee had followed the same procedure with regard to all reports considered to be unsatisfactory. It had always asked the Governments concerned to submit additional information in a special supplementary report. At its fourth session, the Committee had been confronted with four unsatisfactory reports submitted by States Parties where second reports had been due only a few months later. In dealing with those cases, the Committee had deviated from its normal procedure and asked that supplementary information be submitted in the second report.

It had been argued that if supplementary information was received from the Government of Nepal before 1974, the Committee would not be in a position to consider it. However, following the same line of argument, the Committee would not be able to discuss information received in 1974 before 1975. In deciding the matter, the Committee should consider how long it wished to wait before being seized of information submitted in response to its inquiries.

Finally, he pointed out that the Committee would not be making a special case of Nepal by asking its Government to submit a supplementary report. Conversely, Nepal would be treated as a special case if it did not request a supplementary report.

Mr. INGLES said he thought the time had come for the Committee to revise its rules of procedure in order to bring them into line with its new rule 64 A. However, he pointed out that in adopting rule 64 A providing for the participation of representatives of States Parties in its debates, the Committee had hoped that those representatives would provide clarification on the reports under consideration. During the consideration of the report submitted by the Government of Nepal, some members of the Committee had expressed the wish that the Committee might be provided with texts of the Constitution and Civil Rights Act of Nepal and certain other relevant documents. The representative of Nepal had stated, during his intervention, that it would be impossible for him to supply the documents requested while the report of his Government was under consideration. In the circumstances, the Committee was justified in reverting to its original procedure whereby information it needed was requested in the form of a supplementary report. In requesting such a report, the Committee would not be doing a discourtesy to the representative of Nepal since he himself had acknowledged that his Government had not complied with the guidelines laid down in document CERD/C/R.12.

Mr. SAFRONCHUK pointed out that the Committee's consideration of the reports submitted by the Governments of Nepal and Malta had differed from its consideration of other unsatisfactory reports in that the representatives of the States Parties concerned had been present. He therefore felt that the Committee would be justified in deviating from past procedure by asking the Governments of Nepal and Malta to submit additional information in their next regular reports.

Mr. DEHLAVI said the Committee's experience of the past few days had proven the value of the new procedure under which States Parties were able to send representatives to the Committee's meetings. Those representatives who had participated had provided clarification of a generally satisfactory nature. Moreover, the representatives of Nepal and Malta had themselves volunteered to prepare supplementary information. The question before the Committee was one of principle. The Committee should not forget that representatives of sovereign States had attended its meetings on a voluntary basis and had submitted to questioning. That being the case, the Committee should take care not to be too demanding. In requesting additional information, an attempt should be made to

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meet the convenience of the Governments concerned. They should not be pressed into submitting supplementary information on a particular date; however, it should be made clear in the communication sent to them that the Committee would appreciate receiving information prior to the date of their second report.

Mr. DAYAL said he wished to make it clear that the procedure he was advocating was based on practical considerations. His arguments, unlike those of Mr. Dehlavi, were not based on principle. In the past, the Committee had been building up a body of information and had therefore been anxious to have additional information as soon as it could obtain it. The situation had since changed, and, so far as most of the States Parties were concerned, an adequate amount of information was being submitted. It was not at all certain that if supplementary information were provided by the Government of Nepal within the next six months, the Committee would be in a position to consider it. There was therefore no urgency about receiving it. He was not suggesting that new rules of procedure should be established to cover the new procedure introduced at the current session; the Committee could adapt its old procedures to present circumstances.

Mr. SAFRONCHUK said he felt that the Committee's needs in respect of additional information from the Governments of Nepal and Malta would be met if those Governments included the required information in their second periodic reports. Although their initial reports were incomplete, all the members of the Committee were satisfied that there was no racial discrimination either in Nepal or in Malta. Both Governments had referred in their reports to relevant articles of their Constitutions and to other relevant legislation providing guarantees against racial discrimination. Since the Committee had no reason to doubt the assertions made by the two Governments, there was no urgency about the receipt of additional information. The situation would have been different if the Committee had had cause to suspect the existence of racial discrimination in the two countries concerned. In that case, he would have supported the proposal for a supplementary report.

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Mr. HAASTRUP, supported by Mr. MACDONALD and Mr. CALOVSKI, said that since the representatives of Nepal and Malta had indicated that their Governments would be prepared to supply more detailed information in the future and since the Committee already had a large number of reports to consider at its next session, it would be sufficient for the Committee to request the States Parties concerned to include the necessary information in their next periodic reports.

Mr. SAYEGH thought that what certain members of the Committee were in effect saying was that the Committee should discontinue the practice it had followed in the past because it was now considering the reports in the presence of representatives of States Parties. One of the reasons which had been advanced in favour of that new procedure had been that it would enable the Committee to obtain information more quickly, but now it was being used as an excuse to slow down the Committee's work. If the Committee felt that the new procedure justified a change in its practice, it should at least be consistent and decide never to request further information in future. There was no reason to make a special case of the reports of Nepal and Malta, particularly since neither of the representatives of those two countries had envisaged any problem in supplying the Committee with further information. The reason why the Committee was now receiving so many reports was that it had made a point of requesting further information whenever necessary at its past five sessions. If it relaxed its procedure now, he was afraid that States Parties would follow the line of least resistance and make no effort to supply it with all the information it sought.

Mr. PARTSCH said, that when he had proposed earlier in the meeting that the Committee should not ask the Governments of Nepal and Malta to submit special reports containing the necessary additional information, he had been guided only by the pragmatic considerations outlined by Mr. Dayal. He was, however, totally opposed to introducing a new practice which would be followed in all cases. He did not agree with Mr. Safronchuk that additional reports were necessary only when the Committee suspected that racial discrimination existed in a particular country whose report did not mention it. When confronted by extremely brief reports, the

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Committee should follow the general practice of requesting a supplementary report containing further information and only make an exception when the next periodic report was to be submitted in the near future. As he now saw the danger that the new procedure might slow down the Committee's work, he agreed with Mr. Sayegh that further information should be requested within a specified period.

Mr. HAASTRUP felt that the reports should be considered on their individual merits. When the representatives of States Parties gave reasons for the brevity of their Government's reports and assured the Committee that the missing information would be provided in the next periodic reports, he did not see why the Committee needed to insist on setting an earlier deadline for the submission of that information. Indeed, it should be the general practice, when reports were considered in the presence of representatives of the States Parties, not to press for supplementary reports since those representatives were able to supply further information on the spot.

Mr. MACDONALD said that he too had originally been influenced by practical considerations, namely, the fact that the Committee was unlikely to be able to consider any additional information immediately even if it decided to request it. However, in view of the divergence of the views expressed and the very important arguments advanced by Mr. Sayegh, he felt that the best course at present would be for the Committee to continue to follow its established practice.

Mrs. OWUSU-ADDO agreed that all the reports should be treated equally. However, as Mr. Dayal had said, even if the Committee decided to request further information, it would probably not be able to consider it before it considered the second periodic reports. The Governments in question should therefore not be hurried. That would also give them time to take account of the views expressed by members of the Committee.

Mr. TOMKO said that in the past the Committee had requested further information from almost all States Parties. It was therefore unfair to make exceptions at present. Perhaps the Committee could decide to say that it expected to receive further information from Nepal and Malta no later than the date on which the second periodic reports were due.

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The CHAIRMAN suggested that, since there seemed to be no agreement within the Committee, Mr. Sayegh's proposal should be put to the vote. In order to implement the proposal, it would be necessary to make appropriate amendments to the communication contained in annex III B to document A/8027. He suggested that the deadline for the submission of the information requested should be 1 June 1973. He also suggested that the communication to be sent to the Government of Nepal should express appreciation that a representative of the Government had attended the meeting at which the report was considered.

Mr. Sayegh's proposal was adopted by 9 votes to none, with 7 abstentions.

The CHAIRMAN requested the Rapporteur to make the necessary amendments to the text of the communication (A/8027, annex III B). He then invited suggestions on the procedure to be followed with regard to the report submitted by Malta (CERD/C/R.33/Add.3).

Mr. HAASTRUP, supported by Mrs. OWUSU-ADDO, felt that the decision which had just been taken with regard to the Maltese report should also apply to the Nepalese report since they were both in the same category.

Mr. PARTSCH did not agree that the two reports were the same. The Maltese report was longer and contained more substantive information. However, the differences were not so great that they justified different treatment, and, even though the Committee should be aware of the considerable difference in the quality of the two reports, it would be justified in requesting further information from Malta as well.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to follow the procedure it had adopted with regard to Nepal in the case of Malta also.

It was so decided.

The CHAIRMAN drew attention to section 3 (c) of the annotated provisional agenda (CERD/C/R.43). Since the reports of Cameroon the Central African Republic and Jamaica had not been received on time, he suggested that the established practice should be followed and that, under rule 66 of the rules of procedure, the Secretary-General should be requested to send the three States the reminder

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contained in annex III C to document A/8027. Since the reports in question were due before the current session, he suggested that the new deadline should be set at 1 January 1973. If he heard no objection, he would take it that the Committee agreed to that procedure.

It was so decided.

The CHAIRMAN, referring to section 3 (d) of document CERD/C/R.43, pointed out that despite the fact that reminders had been sent to them, Cyprus, Egypt, Sierra Leone and Spain had not yet submitted their second periodic reports. If he heard no objection, he would take it that the Committee agreed to send them a second reminder (A/8418, annex III), setting 1 January 1973 as the deadline for the submission of the reports.

It was so decided.

The CHAIRMAN said that reports had not yet been received from the Holy See or Swaziland. If he heard no objection, he would take it that the Committee agreed to send them the reminder contained in annex III C to document A/8027, setting the deadline of 1 January 1973.

It was so decided.

The CHAIRMAN said that, when it had considered, at the fourth session, the first periodic report submitted by Sierra Leone, the Committee had decided to request further information. Since neither that information nor the second periodic report had yet been received, he would take it that the Committee agreed to request Sierra Leone to include the information in question in its second periodic report.

It was so decided.

The CHAIRMAN said that Uruguay had not yet submitted the additional information requested by the Committee at its fifth session. If he heard no objection, he would take it that the Committee agreed to send a special reminder drawing Uruguay's attention to the request which had already been sent to it.

It was so decided.

The CHAIRMAN said that, in addition to sending the necessary reminders to States Parties, the Secretary-General also made a practice of informing

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Permanent Missions of States Parties of the date on which reports should be submitted to the Committee.

Mr. MACDONALD recalled that at the previous meeting Mr. Tomko had suggested that a comparative study of the penal provisions adopted by various countries to punish racial discrimination would be useful to the Committee, States Parties and States Members of the United Nations. Since the suggestion had been supported by other members of the Committee and since such an undertaking would perhaps be of value to the Moroccan Government in the studies it was now making, he wondered whether that proposal was still before the Committee.

The CHAIRMAN said that it was his impression that Mr. Tomko had only made an informal suggestion. However, he could submit a draft recommendation in writing if he wished the Committee to discuss his proposal.

Mr. TOMKO said that his proposal had indeed been informal but that he would be willing to prepare a text if the Committee so wished.

The CHAIRMAN invited the Committee to consider the draft general recommendation contained in Conference Room Paper No. 37.

Mr. SAYEGH said that the draft contained four preambular paragraphs and two operative paragraphs. The first preambular paragraph was merely a statement of fact and the other three preambular paragraphs reproduced passages from the Convention and General Assembly resolution 2784 III (XXVI). The operative part of the recommendation was made up of a general principle (fifth paragraph) its practical corollary (sixth paragraph). The general principle should meet with the Committee's approval since many members had expressed similar ideas at previous meetings. In the sixth paragraph, he had used the words "welcomes" and "by any State Party which chooses to do so" in order to emphasize the voluntary nature of compliance with the recommendation. During the consideration of certain reports some members of the Committee, including himself, had asked the question contained in the last paragraph and there had been no objection either by other members of the Committee or by States Parties. He therefore suggested that the recommendation should be adopted and, in accordance with the normal procedure, transmitted to States Parties for their comments, if any. If the recommendation

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was adopted, he would also make a procedural motion, namely, that the Committee's previous decision on the matter should be amended so that the Secretary-General would transmit to States Parties not only document CERD/C/R.12 (A/8027, annex III A) but also document CERD/C/R.41, the recommendation contained in Conference Room Paper No. 37 and any other recommendation adopted in future without requiring the Committee to take a specific decision to that effect on each occasion.

Mr. HAASTRUP supported the draft general recommendation proposed by Mr. Sayegh and contained in Conference Room Paper No. 37. As Mr. Sayegh had already said, some members of the Committee had put questions to the representatives of Governments submitting reports concerning the measures they had adopted to combat racial discrimination on the international level. He therefore suggested that the phrase "by any State Party which chooses to do so" should be omitted from the last paragraph of the draft general recommendation.

Mr. DAYAL said that he had no hesitation in supporting the proposals contained in the draft general recommendation. He agreed that States Parties, in adhering to the Convention, accepted not only a duty to eliminate racial discrimination in their territory but also international obligations in that regard. The second paragraph of the draft general recommendation submitted by Mr. Sayegh contained a reference to paragraph 10 of the preamble to the Convention. He wished to point out that paragraphs 5, 8 and 9 of the preamble to the Convention also alluded to the international obligations incumbent on States Parties in the struggle against racial discrimination.

As had already been observed, several States Parties, in submitting their reports, had provided information on the status of their relationship with the racist régimes of southern Africa, and there had been no objection to questions on that subject put by members of the Committee.

If the preambular portion of the draft general recommendation, based on the Convention and General Assembly resolutions, was acceptable, he suggested that the last paragraph of the draft general recommendation might be amended to read "The Committee would therefore welcome the inclusion in the report submitted under article 9, paragraph 1 of the Convention, by States Parties of any information regarding...". The word "welcome" indicated the voluntary nature of the suggestion; the words "which chooses to do so" were therefore unnecessary.

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Mr. ABOUL-NASR said that he had given his views in support of the draft general recommendation at the previous meeting. He agreed with Mr. Haastrup's proposal to delete the words "by any State Party which chooses to do so".

Mr. INGLES said that at the previous session, he had taken the view that article 3 of the Convention, mentioned in the preambular part of the draft general recommendation, referred only to the condemnation of racial segregation and apartheid in the territory under the jurisdiction of the State Party.

After considering the rest of the preambular part of the draft general recommendation, he had reconsidered his position and took a broader view.

He supported Mr. Dayal's view that the international obligations of States Parties were referred to in other paragraphs of the preamble to the Convention. They were also covered by the provision of other relevant documents, particularly the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, upon which the Convention was based. The idea that States Parties should take action to eliminate racial discrimination not only in their own territories but throughout the world was also found in article 2, paragraph 1 and paragraph 1 (b), of the Convention. He supported the proposal by Mr. Haastrup to eliminate the phrase "by any State Party which chooses to do so" in the last paragraph of the general draft recommendation.

Mr. CALOVSKI supported Mr. Sayegh's proposal and agreed that information regarding the international relations of States Parties with the racist régimes of southern Africa had been welcomed by members of the Committee. For example, Canada had been commended for the information it had provided in its report in that respect. The draft general recommendation was in line with the spirit of Conference Room Paper No. 39 and it was fitting that the Committee should make such a recommendation. He welcomed any proposal which would strengthen the draft general recommendation and agreed with Mr. Haastrup and Mr. Ingles that the phrase "by any State Party which chooses to do so" was not necessary, since it was quite clear that the information would be provided voluntarily. It should be made clear to States Parties that such information, though voluntarily given, was important to the Committee's work and would assist it in discharging its functions.

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Mr. ANCEL supported by Mr. SOLER and Mr. PARTSCH, said that although he endorsed the principle of Mr. Sayegh's proposal, it constituted a modification of document CERD/C/R.12 and should be incorporated in that document, which laid down guidelines for States Parties concerning the information they were expected to furnish to the Committee.

If the phrase "by any State Party which chooses to do so" was eliminated, the last paragraph of the draft general recommendation would imply that the Committee was demanding information on the diplomatic and other relations of States Parties with South Africa rather than asking them to provide the information voluntarily. In the case of certain countries, that would give rise to political problems beyond the sphere of racial discrimination and some States would not be willing to furnish such information. He hoped, therefore that the phrase in question would be maintained. If it was not, he would have to abstain in the vote on the draft general recommendation.

Mr. SAYEGH thanked all those who had expressed support for his draft general recommendation.

With regard to Mr. Haastrup's proposal to eliminate the phrase "by any State Party which chooses to do so", he would be happy to accept any modification which would strengthen his text. If there was a consensus on the deletion of that phrase, he would be happy to delete it, but the last three speakers had spoken against deletion. If the members of the Committee were agreed on the fifth paragraph of his draft general recommendation and on the interpretation of the tenth paragraph of the preamble to the Convention, as well as the paragraphs referred to by Mr. Dayal and Mr. Ingles, it was implicit in article 9, paragraph 1, of the Convention that the information referred to in the sixth paragraph of Conference Room Paper No. 37 should be provided. However, in order to decide whether or not the phrase should be deleted, he suggested that the Committee should put it to the vote separately. He welcomed Mr. Dayal's proposal to reword the beginning of the sixth paragraph to read "The Committee would therefore welcome...".

He wished to know whether the proposal by Mr. Dayal and Mr. Ingles to add new elements to the preamble of his draft general recommendation was a formal

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proposal or whether they had merely been pointing out that there were other foundations for his recommendation. In either case he would be happy to accept the proposal.

Mr. PARTSCH recalled that Mr. Dayal had proposed the wording "by States Parties" not "by any State Party". In his view, Mr. Dayal's wording would clarify the voluntary nature of the information requested.

Mr. DAYAL said that if the Committee as a whole was prepared to accept the general sense of Mr. Sayegh's draft general recommendation, there would be a psychological advantage in adopting it unanimously and he would therefore not insist on the deletion he had suggested. If not, he would maintain his proposed amendment to the sixth paragraph.

Mr. MACDONALD supported the draft general recommendation and agreed with Mr. Dayal that the Committee's authority would be enhanced if it adopted it unanimously.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee unanimously adopted the draft general recommendation contained in Conference Room Paper No. 37 as it stood.

It was so decided.

Mr. SAYEGH asked whether the acceptance of his draft implied acceptance of the procedural motion he had proposed earlier or whether the Committee would take a separate vote on the procedural motion.

Mr. DAS (Representative of the Secretary-General) said that the Secretary-General would be glad to include not only document CERD/C/R.12 but all general recommendations adopted by the Committee thus far in the communication sent to State Parties whose initial reports were due. The Committee could decide at a later stage on the procedure for transmitting any subsequent general recommendations it adopted. If the Committee was to adhere to rule 67 of its provisional rules of procedure, the Secretary-General would have to send the general recommendation it had just adopted to States Parties for their comments. The Committee would therefore have to take a decision on the time-limit for submission of such

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comments and the procedure the Secretary-General should adopt in dealing with them, particularly since the Committee's sixth session would have closed by the time the comments were received.

Mr. SAYEGH said that the question whether or not the Committee had to wait for the comments of States Parties before submitting a general recommendation to the General Assembly had arisen previously. In his view only those comments from States Parties which the Committee had considered should be included in its report to the General Assembly; any comments received after closure of the session should be included in the Committee's next report to the General Assembly.

Mr. HAASTRUP said that he did not think the members of the Committee would encounter any difficulty in accepting Mr. Sayegh's procedural proposal.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee approved the procedural motion proposed by Mr. Sayegh.

It was so decided.

Mr. DAS (Representative of the Secretary-General) said that he wanted to make sure that he had correctly understood exactly what action the Secretary-General was required to take. As he understood it, the Committee had agreed that it would include the recently adopted general recommendation and comments from Governments thereon in its report to the General Assembly. Any comments not submitted to the Committee at its session would not be submitted to the General Assembly by the Secretary-General but brought to the attention of the Committee at its next session. If the Committee did not wish to establish any time-limit for receipt of comments on the general recommendation adopted at the current session, the Secretary-General would indicate to States Parties that they should submit their comments in time for circulation before the next session of the Committee.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee accepted Mr. Das's suggestion that the Secretary-General should request States Parties to submit their comments on the general recommendation in time for circulation for the next session of the Committee.

It was so decided.

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The CHAIRMAN said that he understood that the Committee wished to defer consideration of the 31 second periodic reports of States Parties due in 1972 until the next session.

It was so decided.

The CHAIRMAN said, that if he heard no objection, he would consider discussion of item 4 of the agenda closed.

It was so decided.

The CHAIRMAN said that the Bureau had met to consider the guidelines to be given to the Rapporteur for preparation of the Committee's report to the General Assembly. The reports considered during the fifth session of the Committee would be included in the Committee's report to the General Assembly, as in the past and those considered during the current session in the presence of representatives of States Parties would also be included. Reference would be made in the Committee's report to questions put by members to representatives of States Parties and a summary of the replies to those questions would also be included. If he heard no objections, he would take it that those would be the Committee's instructions to the Rapporteur for drawing up its report to the General Assembly.

It was so decided.

The CHAIRMAN suggested that, in accordance with article 9, paragraph 2, of the Convention, the comments received from States Parties on the general recommendations adopted by the Committee at its fifth session (CERD/C/R.41) should be summarized in the Committee's report to the General Assembly. These comments were contained in document CERD/C/R.44 and addenda. The suggestion was made in an effort to avoid, as far as possible, any duplication of documentation.

Mr. MACDONALD said that although he had great confidence in the judgement of the Bureau, he wondered whether it was necessary to annex all the material that had already been screened by the Committee to the report. He believed the Committee should try to reduce its documentation.

The CHAIRMAN said that that was why the Bureau had suggested that the comments of States Parties should be summarized. If the Committee agreed with the suggestion, the Rapporteur would be instructed to prepare the Committee's report along those lines.

It was so decided.

The meeting rose at 1 p.m.