

SUMMARY RECORD OF THE FIFTY-SIXTH MEETING

Held on Thursday, 22 April 1971, at 3.40 p.m.

Chairman:

Mr. DAYAL

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (continued)

The CHAIRMAN, recalling that the Committee had decided to classify the reports according to how complete they were, suggested that it should first list the States Parties which had not submitted reports and then consider each of the reports submitted, classifying it as "satisfactory" or "unsatisfactory". The Committee could then decide what action should be taken on the reports which it considered incomplete.

Mr. SAYEGH explained a "satisfactory" report was one which covered practically all the categories of information requested. In classifying the reports, the Committee would of course be concerned solely with form and would not make any judgement on the substance.

Mr. NASR felt that a "satisfactory" report was not necessarily a complete report; it was a document which provided the minimum information required. The States Parties whose reports would be placed in that category would still be requested to consult the summary records and provide more information in their next report.

Mr. HAASTRUP felt that there should be no further discussion of the definition of the word "satisfactory".

The CHAIRMAN said that the four States Parties which had not submitted their initial reports, despite the reminder addressed to them in the communication adopted by the Committee on 18 September 1970, were: Hungary, Sierra Leone, Tunisia and Uruguay. Two other countries had not submitted reports, but they had not received the reminder sent to the other four.

Mr. HAASTRUP proposed that a communication should be sent to the first four countries pointing out that they had already been sent a reminder and requesting them to submit the report called for in the communication of 28 January 1970 (CERD/C/R.12), by a time-limit to be determined by the Committee. He also proposed that the other two States Parties should be sent a reminder, together with the communication of 28 January 1970, and that they should be requested to submit their reports by a specific date.

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Mr. PARTSCH proposed that the communication should emphasize that the Committee attached great importance to those reports because they would enable it to submit to the General Assembly a complete picture of the situation in the various States Parties.

Mr. SAYEGH recalled that the first four States had actually received more than one reminder. The Secretary-General had sent them a note verbale three months before their reports were due; then, once the time-limit had passed, they had received the Committee's reminder. He proposed that that fact should be mentioned in the communication to be sent to those States.

The CHAIRMAN said that the Committee now had to decide how the communications should be worded. In the case of the two States which had not yet received a reminder, the Committee could use the communication adopted at its second session on 18 September 1970 for transmittal to States Parties whose reports had not been submitted within the prescribed time-limit, in which it stressed the great importance it attached to those reports.

He invited the Committee to proceed to classify the reports received. A list of the reports was contained in paragraph 5 of document CERD/C/R.20. He suggested that the Committee should take a decision on them one by one, in English alphabetical order.

Mr. HAASTRUP proposed, in order to speed up the proceedings, that those members of the Committee who had prepared a list of the reports which they considered satisfactory should transmit that list to the Committee. If no one objected to the classification thus established, it could be adopted. For his part, he considered the reports of the following countries satisfactory: Byelorussian SSR, Federal Republic of Germany, India, Libyan Arab Republic, Nigeria, Philippines, Poland, Swaziland, Syrian Arab Republic, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and Yugoslavia. He wished to point out that he had found those reports satisfactory even though they were not really complete and that the list was not restrictive.

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Mr. SAYEGH recalled that the Committee had already agreed to determine at the current meeting which reports were satisfactory and then to examine at its meetings on Friday, 23 April, those points on which some members of the Committee might wish to request information from the States Parties.

He therefore proposed that the Chairman should take each report in turn and ask the Committee whether it considered it satisfactory. If no member desired further information, the report would be classified as satisfactory; should the opposite be the case, it would be classified as unsatisfactory pending consideration by the Committee of questions of substance at its Friday meetings at which time it could decide whether the report's shortcomings justified its classification in that category.

Mr. NASR, supported by Mrs. OWUSU-ADDU and Mr. VALENCIA RODRIGUEZ acknowledged that the procedure proposed by Mr. Haastrup had some merit. He could not, however, unreservedly endorse the list which Mr. Haastrup had proposed; he recalled, for example, that most members of the Committee had agreed that the Syrian Government should be asked for additional information.

He therefore preferred the procedure suggested by Mr. Sayegh. He proposed that the reports should be considered in turn and that a vote should be taken to determine in which of the two categories they should be placed.

Mr. PARTSCH said that he had also prepared a list of the reports which he considered satisfactory. It was the same on the whole as the one drawn up by Mr. Haastrup. However, he agreed with Mr. Nasr that the Committee should reserve the right to request further information from the Syrian Government. Moreover, his own list differed from Mr. Haastrup's in that he had also classified the report of the Holy See as satisfactory.

Mr. HAASTRUP proposed that to save time the Committee should use the list he had prepared and begin immediately by taking a decision on the first report on that list.

Mr. TARASSOV said that he would prefer the procedure proposed by Mr. Sayegh. For the time being, the Committee should avoid making any comments on the substance of the reports and should simply decide whether it wished to be provided with further information on any of them.

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(Mr. Tarassov)

Although he had no serious objection to the list submitted by Mr. Haastrup, he felt that since other members might also have drawn up lists, the Committee would make more rapid progress if it examined the reports one by one in alphabetical order, as listed in the note by the Secretary-General (CERD/C/R.20).

Mr. NASR said that he was prepared to work from Mr. Haastrup's list. However, as he had written his comments on the documents, he would like a few minutes to put them in order.

Mr. SAYEGH, supported by Mr. TOMKO, urged the Committee not to lose any more time and, for the sake of efficiency, recommended the method he had already outlined.

Sir Herbert MARCHANT shared Mr. Sayegh's view. As a compromise, however, he proposed that the Committee should take the list proposed by Mr. Haastrup as a basis for its work, and complete it, if necessary, at a later stage.

The CHAIRMAN considered that the simplest procedure would be to ask the Committee if it considered each individual report satisfactory or not.

Argentina (CERD/C/R.3/Add.1 and 19)

Mr. PARTSCH said that the report contained answers to only three of the questions put by the Committee in communication CERD/C/R.12. He therefore considered the report incomplete and thought that it should be classified as unsatisfactory.

The CHAIRMAN agreed that that was the conclusion to be drawn from the discussion on that report.

Mr. NASR, for his part, considered the report satisfactory.

Since there were no objections, the Committee agreed to classify the report as unsatisfactory.

Brazil (CERD/C/R.3/Add.11) and Bulgaria (CERD/C/R.3/Add.7)

The CHAIRMAN recalled that members of the Committee had wanted some further information on those two reports. Hence they did not come within the category of entirely satisfactory reports.

The Committee agreed to classify the two reports as unsatisfactory.

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Byelorussian Soviet Socialist Republic (CERD/C/R.3/Add.31)

Mr. TARASSOV proposed that the report should be classified as satisfactory.

Since there were no objections, the Committee agreed to classify the report as satisfactory.

Costa Rica (CERD/C/R.3/Add.5 and 20), Cyprus (CERD/C/R.3/Add.21), Czechoslovakia (CERD/C/R.3/Add.2) and Ecuador (CERD/C/R.3/Add.25)

The CHAIRMAN recalled that when the Committee had been considering those reports, several members had considered it necessary to request further information.

The Committee agreed to classify those reports as unsatisfactory.

Federal Republic of Germany (CERD/C/R.3/Add.29 and 41)

Mr. TARASSOV recalled that, during the preliminary debate, he had asked for fuller details on the situation described in the report.

Mr. PARTSCH said he had understood that the Committee had agreed that the report was complete in the sense given to "complete" by Mr. Nasr.

Mr. NASR considered that in actual fact the report of the Federal Republic of Germany was complete.

Mr. HAASTRUP pointed out that Mr. Tarassov had requested information on a specific point. Was that point sufficiently important for the Committee to classify the report as unsatisfactory?

Mr. SAYEGH suggested that when one member of the Committee thought that a report raised specific questions, the Committee might temporarily classify it as unsatisfactory and take a final decision when its contents had been examined more closely.

Mr. TOMKO recalled that the report of the Federal Republic of Germany had given rise to a number of questions. He would classify it temporarily as unsatisfactory.

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Mrs. CWUSU-ADDO requested a vote on that report.

Mr. HAASTRUP considered that the Committee's decision should depend on the importance each member attached to the questions which had been raised. For his part, he considered that the report of the Federal Republic of Germany was satisfactory, and that it could be so decided immediately by a majority vote without deferring a decision until a later stage as Mr. Sayegh had suggested.

The CHAIRMAN suggested that when members had divergent views on a report, the Committee should temporarily defer taking a decision and revert to the controversial document at a later stage.

Mr. PARTSCH pointed out that strictly on the basis of whether the reports were in conformity with the guidelines given in document CERD/C/R.12, he considered the report of the Federal Republic of Germany satisfactory.

Mr. TARASSOV proposed that the Committee should follow the procedure suggested by the Rapporteur. Furthermore, he recalled that he had not been the only member who had raised questions concerning the report of the Federal Republic of Germany and that Mr. Valencia Rodriguez had also wanted to know exactly what the twenty-one banned organizations were. He personally intended to submit specific questions when the report of the Federal Republic of Germany was being re-examined. In the light of those questions, the Committee could take a final decision.

Mr. HAASTRUP said that he was afraid that the proposed procedure would delay the work of the Committee unnecessarily. He suggested that a vote should be taken immediately and the report should be classified in accordance with the majority view. Clearly none of the reports received were perfect and, even in the case of reports classified as satisfactory, the Committee should draw the attention of States to the comments which had been made during the discussion and request them to take them into account in preparing their next report.

The CHAIRMAN, supported by Mr. SAYEGH, suggested that the Committee should defer its consideration of the controversial reports and revert to them at a later stage.

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Mr. ROSSIDES supported the Chairman's suggestion. Nevertheless, he considered that the word "satisfactory" was ambiguous. He would prefer reports to be classified as "requiring further information" or "not requiring further information".

The CHAIRMAN pointed out that the word "satisfactory" was being used in a broad sense to save time, but that the classification actually consisted of the categories described by Mr. Rossides.

Mr. RESICH recalled that, when the report of the Federal Republic of Germany had been considered, he had requested additional information which, in his view, was important. Consequently, he considered that the Committee should defer its decision on that report.

The Committee agreed to defer its decision on the report of the Federal Republic of Germany.

Ghana (CERD/C/R.3/Add.18)

The CHAIRMAN pointed out that in the light of the statements made during the preliminary consideration of the reports, the Ghanaian report should be classified as unsatisfactory.

Mr. NASR considered the report satisfactory. He requested the Committee to decide by a vote.

Mrs. OWUSU-ADDO said that she did not remember any statement to the effect that the Ghanaian report was not satisfactory.

The CHAIRMAN recalled that some members of the Committee had requested more information concerning the report and had said that they were fully satisfied with the clarification given by Mrs. Owusu-Addo.

Mr. TARASSOV and Mr. HAASTRUP confirmed that that was what had occurred.

The CHAIRMAN pointed out that Ghana's report was not included in the list which Mr. Haastrup had read out at the beginning of the meeting. The explanations provided by the members of the Committee, who served in their personal capacity, did not relieve their Governments of the responsibility for providing complete information.

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Mr. HAASTRUP said he had indicated that his list was not exhaustive. The question of the importance to be attached to the explanations given by members of the Committee should be seen in the proper perspective: although such explanations could not serve as a substitute for the report, they did cast light on some obscure points and the Committee could therefore classify the report in question as satisfactory.

Mr. TARASSOV suggested that the Chairman might ask whether any members of the Committee wanted further information on the report by Ghana. If not, then there was no reason why the Committee should postpone taking a decision.

Mr. NASR asked the Committee to vote on each of the reports. That simple and expeditious procedure would clarify the situation.

Mr. HAASTRUP formally proposed that the report by Ghana should be classified as satisfactory and requested that his proposal should be put to the vote.

Mr. ROSSIDES wondered what the situation would be if the vote was not unanimous.

The CHAIRMAN said that, failing a consensus, the Committee took its decisions by majority vote.

Mr. HAASTRUP felt that if the majority was of the opinion that the report should be classified as satisfactory that indicated that the questions raised during the preliminary consideration were not of major importance. Governments could find out from the summary records what observations had been made regarding their reports.

Mrs. OWUSU-ADDU said she understood that, when even one member of the Committee had objections to a report, a decision on it was deferred and the debate was resumed when the report again came up for consideration.

Mr. NASR said that Governments had to deal with the Committee as a whole, not with each of its members. The Committee should decide whether or not to request further information in the light of a decision taken by the majority.

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Mr. HAASTRUP, speaking on a point of order, recalled that he had formally proposed that the report by Ghana should be considered satisfactory and that his proposal had been supported by Mr. Nasr.

Mr. ROSSIDES suggested that the Committee should follow the procedure it had adopted in the case of the report by the Federal Republic of Germany. A decision taken by majority vote should not prevent members from stating what questions they would like to ask. It would therefore be better to postpone a decision for the time being until the questions relating to the report had been submitted to the Committee.

Mr. HAASTRUP, speaking on a point of order, said that, unless there were objections to his proposal, it should be put to the vote immediately.

Mr. TOMKO wondered what would happen if, at its current meeting, the Committee decided to classify the report as satisfactory and one member of the Committee raised questions on it at a later stage.

Mr. PARTSCH recalled that, during the preliminary consideration of the report by Ghana, Mr. Tarassov had requested further information on article 25 (4) of the Constitution.

Mr. TARASSOV said that his request for further information had been fully satisfied by Mrs. Owusu-Addo's explanations. He supported Mr. Haastrup's proposal and requested that it be put to the vote.

Mr. SAYEGH said that he would vote against that proposal, because, for reasons of principle, he could not agree that a majority vote could decide that a report called for no further information. That position should not be interpreted as representing his delegation's stand on the report itself.

The CHAIRMAN invited the Committee to vote on Mr. Haastrup's proposal that the report by Ghana should be classified as satisfactory.

Mr. Haastrup's proposal was adopted by 9 votes to 1, with 5 abstentions.

Mr. PARTSCH, Mr. ROSSIDES, Mr. VALENCIA RODRIGUEZ and Sir Herbert MARCHANT, speaking in explanation of their votes, said that they had abstained because the procedure followed differed from that adopted in the case of other reports. Their votes in no way represented their position on the content of the report by Ghana.

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Mr. NASR said that he had voted in favour of the proposal on the understanding that the word "satisfactory" meant "not calling for any further information".

The CHAIRMAN said that he had abstained because he felt that explanations should be given by Governments rather than by members of the Committee serving as experts.

Mr. TARASSOV, Mr. HAASTRUP and Mr. GETMANETS said that they had voted in favour of the proposal because no member of the Committee had expressed any intention of requesting further information.

Holy See (CERD/C/R.3/Add.28)

On the proposal of Mr. Partsch, supported by Mr. Haastrup, the Committee decided to classify the report by the Holy See as not calling for further information.

Mr. NASR said that he had supported the general view on the understanding that the questions raised during the preliminary consideration would be answered in subsequent reports.

Iceland (CERD/C/R.3/Add.35)

Mr. TARASSOV said that, although he had no specific questions to raise with respect to the report by Iceland, he nevertheless felt that the information provided was insufficient.

Mr. SAYEGH said that he intended to ask specific questions about the report by Iceland.

The Committee decided to classify the report by Iceland as calling for further information.

India (CERD/C/R.3/Add.3/Rev.1 and Add.39)

On the proposal by Mr. Nasr, supported by Mr. Haastrup and Mr. Tarassov, the Committee decided to classify the report by India as satisfactory.

Iran (CERD/C/R.3/Add.1)

Mr. SAYEGH recalled that, at the previous session, the Committee had considered the report to be incomplete.

The Committee decided to classify the report by Iran as not satisfactory.

Kuwait (CERD/C/R.3/Add.24 and 36)

On the proposal of Mr. Sayegh, supported by Mr. Haastrup, the Committee decided to classify the report by Kuwait as not satisfactory.

Libya (CERD/C/R.3/Add.30)

Sir Herbert MARCHANT said that, as he remembered it, the report by Libya had been considered satisfactory.

Mr. PARTSCH recalled that in view of the changes that had recently taken place in Libya the members of the Committee had agreed that the present report should be considered satisfactory but that it was hoped that the Libyan Government would be in a position to submit more substantial information later.

The Committee agreed to classify the report as satisfactory.

Madagascar (CERD/C/R.3/Add.16)

Mr. NASR said that he thought additional information was necessary.

The Committee agreed to classify the report as incomplete.

Niger (CERD/C/R.3/Add.8 and 15)

Mr. NASR said that the report did not contain sufficient information.

The Committee agreed to classify the report as incomplete.

Nigeria (CERD/C/R.3/Add.32 and 40)

Mr. GETMANETS, supported by Mr. NASR and Mrs. OWUSU-ADDO, recalled that the report had been considered satisfactory and consistent with the guidelines.

The Committee agreed to classify the report as satisfactory.

Pakistan (CERD/C/R.3/Add.10)

Mr. HAASTRUP noted that at the previous session the report had given rise to questions to which the additional information did not give an adequate reply.

The CHAIRMAN, speaking as a member of the Committee, agreed that additional information was required.

The Committee agreed to classify the report as incomplete.

Panama (CERD/C/R.3/Add.9)

Mr. GETMANETS observed that the report had already been considered incomplete at the second session.

The Committee agreed to classify the report as incomplete.

Philippines (CERD/C/R.3/Add.13)

Mr. NASR, supported by Mr. HAASTRUP, said that additional information was not necessary.

The Committee agreed to classify the report as complete.

Poland (CERD/C/R.3/Add.4 and 23)

Mr. VALENCIA RODRIGUEZ supported by Mrs. OWUSU-ADDU, proposed that the Committee should consider that the report was complete.

The Committee agreed to classify the report as satisfactory.

Spain (CERD/C/R.3/Add.6 and 22)

Mr. HAASTRUP noted that at the previous session the report submitted by Spain had been considered incomplete and that no additional information had been received since then.

The Committee agreed to classify the report as incomplete.

Swaziland (CERD/C/R.3/Add.33)

Sir Herbert MARCHANT, supported by Mr. GETMANETS and Mrs. OWUSU-ADDU, recalled that the report had been considered satisfactory.

The Committee agreed to classify the report as satisfactory.

Syria (CERD/C/R.3/Add.38)

Mr. SAYEGH, supported by Mr. NASR and Mrs. OWUSU-ADDU, noted that information was lacking on one whole area in Syrian territory.

The Committee agreed to classify the report as incomplete.

Ukrainian SSR (CERD/C/R.3/Add.26 and 37)

Mr. NASR said that he thought the report submitted by the Ukrainian SSR was complete.

The Committee agreed to classify the report as complete.

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Union of Soviet Socialist Republics (CERD/C/R.3/Add.12)

Mr. HAASTRUP, supported by Mrs. OWUSU-ADDO and Mr. TOMKO, recalled that the Committee had considered the report satisfactory.

The Committee agreed to classify the report as satisfactory.

United Arab Republic (CERD/C/R.3/Add.34)

Mr. HAASTRUP, supported by Mrs. OWUSU-ADDO and Mr. TARASSOV, proposed that the report of the United Arab Republic should be considered satisfactory.

The Committee agreed to classify the report as satisfactory.

United Kingdom (CERD/C/R.3/Add.14 and Corr.1)

Mr. NASR, supported by Mr. HAASTRUP, said with reference to the report that he thought no additional information was required.

Mr. GETMANETS said it was his impression that information was lacking on entire areas.

Mr. HAASTRUP said it was a question of reservations expressed by the United Kingdom with regard to Southern Rhodesia. The Committee had decided no additional information should be requested on that question.

Mr. TARASSOV recalled that certain members of the Committee had felt that the part concerning legislative measures was incomplete, since it did not indicate what measures might be taken to prevent racial propaganda, and ban organizations engaging in discriminatory activities. Moreover, the information on immigration regulations were not very clear and the report did not indicate what measures the United Kingdom was contemplating for the elimination of racial discrimination in Southern Rhodesia.

Mr. PARTSCH observed that the United Kingdom had responsibilities not only within its own territory but also in territories situated on other continents. It could be said that with regard to the United Kingdom proper the report was satisfactory but that additional information was required on the dependent territories.

Mr. HAASTRUP said that although certain measures, in particular those concerning immigration, had been criticized by some members of the Committee, it had been recognized that the Government of the United Kingdom was attempting to solve its problems and to provide education for the children of immigrants. The report should therefore be classified as satisfactory.

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Mr. NASR praised the frankness and sincerity of the United Kingdom report, in which the Government had described in detail its problems and the way in which it was trying to solve them. The Committee did not need any additional information at that stage and the report could be considered complete.

Mr. TARASSOV said that his questions remained unanswered.

Mr. RESICH recalled that the Committee had felt the report did not contain sufficient information regarding international action.

Mrs. OWUSU-ADDU said that she thought the report was one of the most complete and sincere of those that had been submitted. The United Kingdom Government had taken positive measures and the Committee should accept the report in the expectation that the next one would provide more specific information.

The CHAIRMAN suggested that since members had expressed differing opinions on the United Kingdom report the Committee might postpone taking a decision, as it had done in the case of the report of the Federal Republic of Germany.

Mr. SAYEGH supported that suggestion.

Venezuela (CERD/C/R.3/Add.17)

Mrs. OWUSU-ADDU recalled the Committee's view that the report was, on the whole, insufficient.

The Committee agreed to classify the report as incomplete.

Yugoslavia (CERD/C/R.3/Add.27)

Mr. HAASTRUP noted that the report had been considered satisfactory.

The Committee agreed to classify the report as satisfactory.

PROCEDURAL QUESTIONS

Mr. ORTIZ-MARTIN observed that the Committee had changed its procedure when it had taken up the report submitted by Ghana and that it was for that reason that he had decided not to take part in any further discussion.

Moreover, when the Committee had taken up the preliminary examination of the Costa Rican report, he had given such a detailed explanation that he had been reproached for speaking as a representative of Costa Rica and not as an independent expert. One member of the Committee had even suggested that those explanations should not be reproduced in the summary record. Following its adherence to the Convention Costa Rica had amended its Constitution to bring it into conformity with the Convention. Since he had already spoken in detail on the subject, he wondered what questions would be asked of the Costa Rican Government. /...

Mr. TARASSOV explained with regard to the Costa Rican report that an error of translation in the Russian text had given rise to a misunderstanding. The report could therefore be reclassified as satisfactory.

Mr. HAASTRUP, speaking on a point of order, said that the report had already been classified, the Committee had taken a decision on it, and to go back on that decision would be to create a dangerous precedent.

Mr. SAYEGH pointed out that if at the next meeting no question was raised regarding the Costa Rican report, its classification would automatically be changed.

He wondered whether the reports of the Federal Republic of Germany and the United Kingdom would be among those examined at the next meeting.

Mr. HAASTRUP said that not even the reports that had been classified as satisfactory were perfect. Accordingly, the Governments whose reports had been considered satisfactory would receive the relevant summary records in order that they might take note of them and bear them in mind when preparing their next reports.

Mr. NASR observed that the Committee had taken a decision on all the reports except two. Even if the Committee members did not find questions to ask the Governments whose reports had been considered incomplete, the classification of those reports would not be revised. The two reports on which a decision had been postponed would be classified as satisfactory if no questions were raised with regard to them.

Mr. SAYEGH said the Committee must bear in mind the context in which its decisions had been taken. The system of classification it had adopted was merely a procedure that enabled it to decide to which Governments it would or would not submit further questions.

Mr. HAASTRUP proposed that the Committee should again send the communication contained in document CERD/C/R.12 to the Governments whose reports had been classified as unsatisfactory.

Mr. PARTSCH observed that the members of the Committee were impartial experts and that, as such, they must decide with complete objectivity whether their instructions had been followed.

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Mr. NASR proposed that the Committee should begin its next meeting with the examination of the reports submitted by the Federal Republic of Germany and the United Kingdom, after which it should take up the reports which had been classified as unsatisfactory. He added that in his opinion it was not essential for the Committee to complete that phase of its work during the current session.

Mr. TARASSOV asked what procedure would be followed in the case of reports which consisted of no more than two or three paragraphs.

Mr. SAYEGH said the Committee could send the communication contained in document CERD/C/R.12 to the Governments that had presented such reports, with the request that they should comply with the terms of that communication.

Mr. PARTSCH suggested that, in the interests of clarity more precise information, the Committee should indicate to those Governments the specific points on which their reports did not meet the Committee's requirements. That would encourage them to give more careful consideration to the Committee's observations.

The meeting rose at 6.15 p.m.