

390th meeting

Thursday, 27 July 1978
at 10.50 a.m.

Chairman: Mr. LAMPTEY

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 2) (continued)

Second periodic report of the United Arab Emirates (CERD/C/27) (concluded)

1. At the invitation of the Chairman, Mr. Hammad (United Arab Emirates) took a place at the Committee table.

2. Mr. HAMMAD (United Arab Emirates), replying to questions raised at the preceding meeting of the Committee, said that his country had found no need to pass specific legislation in order to comply with the requirements of the Convention. Under the Provisional Constitution of the United Arab Emirates, the Koran and the four Usūl, or origins of Islamic law, lay at the heart of the country's policies. The first of the Usūl, the Shari'a, integrated the observance of the law and of religion: the two concepts were intertwined in the Koran, and the connexion between them, established by Mohammed, had been observed throughout the centuries. Thus the establishment of law in the United Arab Emirates was tantamount to interpreting the provisions of the Koran.

3. Many sections of the Koran advocated equality between human beings, without any distinction according to sex or on other grounds. The Hadith, or sayings, traditionally ascribed to the Prophet, contained a wealth of examples condemning discrimination between people on the basis of ethnic origin. Under Islam, the cardinal yardstick of a man's worth was his righteousness and good behaviour.

4. The Ijmā, or consensus, provided that, when there was doubt concerning the applicability of any doctrine, a group of knowledgeable people and jurists could pass judgement on the applicability of that doctrine to the case in question. Finally, the Ijtihād, or interpretation, established that where a lacuna in Islamic

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(Mr. Hammad, United Arab Emirates)

law was revealed by the circumstances of a particular case, that case could be interpreted in the light of previous decisions and common sense. There were, however, no lacunae in Islamic law concerning the principle of the equality of men.

5. Racial discrimination was not a problem in his country. The Government had chosen to devote its attention to the more pressing problems it had to face in the wake of the British colonial era, rather than to pass legislation to prohibit behaviour which was simply not to be found in the United Arab Emirates.

6. Under the terms of article 1, paragraph 2, the Convention did not apply to distinctions, exclusions, restrictions or preferences made by a State party between citizens and non-citizens. Nevertheless, the treatment extended to aliens in the United Arab Emirates was as good as could be found anywhere in the world. The report gave many examples of rights and privileges extended to all persons living in the country. The draft Act regulating labour relations, mentioned in section 5 of the report, had now become law.

7. Moreover, under article 40 of the Constitution, aliens were guaranteed all the rights laid down in the international conventions and treaties to which the United Arab Emirates was a party, including the right to seek justice through the courts. And under article 41, all persons had the right to submit complaints concerning violations of their rights to the competent authorities, including judicial authorities.

8. In answer to specific questions, he could state that a law on trade union rights had now been passed by his Government. He could not supply information on the minority populations in the country, but hoped that such information could be made available in the following report. There had been no slaves in the country before the adoption of the Constitution.

9. The bill under which property could be confiscated had not yet been passed by the parliament. In any case, it should be pointed out that the bill provided for the full compensation of persons dispossessed of their property, and any person affected would have five years' grace in which to dispose of his goods. Similar provisions, restricting the right of non-citizens to own property, especially land, were in force in many countries.

10. The right of freedom of worship was enjoyed by all persons in the United Arab Emirates, Muslims and non-Muslims alike. That right was guaranteed by the Constitution.

11 Mr. Hammad (United Arab Emirates) withdrew.

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Initial and second periodic reports of the Lao People's Democratic Republic (CERD/C/28)

12. At the invitation of the Chairman, Mr. Southichak (Lao People's Democratic Republic) took a place at the Committee table.

13. Mr. VALENCIA RODRIGUEZ commented that, although the report of the Lao People's Democratic Republic did not follow the guidelines laid down by the Committee, it none the less contained much valuable information.

14. In view of the country's extreme youth, it was hardly surprising that no legislation had yet been promulgated, and that a constitution was still in preparation. Meanwhile, it was quite acceptable that practice in the Republic should be based on revolutionary ideology and the universally recognized principles of human rights.

15. It would be desirable to have more information concerning the 68 minority ethnic groups in the country. Similarly, more information should be provided on the means by which the country intended to fulfil its obligations under articles 4, 5, 6 and 7 of the Convention. The next report of the Lao People's Democratic Republic should, in addition, give more detail on the country's relations with the racist régimes of southern Africa.

16. Mr. DEVETAK said it appeared that the Lao people was implementing the provisions of the Convention by changing the very fabric of its society.

17. He asked whether the various ethnic groups mentioned in the third paragraph of the report had the right to education in their own languages; how easy was it for them to obtain employment in the public service and the administration; whether they had access to the courts; whether all were equally eligible for party membership; and what opportunities each group had to maintain and express its own culture.

18. The Nationalities Committee interested him. How was it composed, and did the ethnic groups have as much influence in that Committee as the three majority groups of the population? Was it simply a conciliation body, or did it have the power to take decisions affecting the rights of the ethnic groups?

19. In connexion with the statement in the report that measures taken against any incitement to distrust among ethnic groups were highly political, he asked whether, in the acknowledged absence of legislation, the penalties for that offence were also of a political nature.

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(Mr. Devetak)

20. The Government of the Lao People's Democratic Republic should be urged to crown its revolutionary achievements by adopting the legislation required under articles 4 and 5 of the Convention.

21. Mr. PARTSCH said it was astonishing that, as indicated in the report, two years after its foundation, the Lao People's Democratic Republic had not yet promulgated any legislative measures. He assumed that what the Government meant was that no specific measures had been adopted to apply the provisions of the Convention.

22. With regard to the ethnic composition of the country, he requested further information regarding the relative sizes of the 68 ethnic groups mentioned in the third paragraph of the report. He noted with interest that there were plans to establish regional services of the Nationalities Committee at all administrative levels, which seemed to imply that that Committee had not been built from the ground up but rather had been established by the central Government. He wished to know whether the representatives of the ethnic groups on the Nationalities Committee were elected by the groups themselves or appointed by the central Government, whether there were regional or local representative bodies in addition to the Nationalities Committee and, if so, whether the various ethnic groups were represented in them.

23. In considering the information provided in the report, it must be borne in mind that the reorganization of the country was being carried out on a step-by-step basis. It was to be hoped, however, that the third periodic report would be submitted on time and would contain sufficient information regarding the Government's efforts to fulfil its obligations under articles 4, 6 and 7 of the Convention.

24. Mr. TENEKIDES said that the willingness of the Lao People's Democratic Republic to co-operate effectively with the Committee was apparent. As a young country, it was deserving of the Committee's full confidence. He would welcome the additional information requested by Mr. Devetak and Mr. Partsch, in particular with regard to the ethnic composition of the country. In the third paragraph of the report, it was indicated that there were 68 ethnic groups in the country totalling 1 million inhabitants out of a total population of 3,400,000. He wished to know whether the remaining 2,400,000 inhabitants were members of a single majority group or of several groups distinct from the 68 ethnic groups mentioned separately.

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(Mr. Tenekides)

25. It was not clear from the report what type of State had been established by the Government, although it seemed that, despite the existence of various ethnic groups, a unitary rather than a federal structure had been chosen. The existence of the Nationalities Committee implied that there was official recognition of all ethnic groups. In that connexion, he requested further information regarding the functions of that Committee and how it protected the fundamental rights of ethnic groups or national minorities, although the latter term was not used in the report.

26. With regard to the statement that no form of racial discrimination had occurred in the Lao People's Democratic Republic, he said that it was not sufficient for a Government simply to state that racial discrimination was not a problem in its country; States parties were under an obligation to adopt specific measures to apply the provisions of the Convention.

27. He noted that in the past, foreigners had taken advantage of discord among ethnic groups and that the Nationalities Committee was currently working to strengthen national unity. He asked how the Government intended to eliminate such discord and achieve the goal of national unity.

28. Mr. BRIN MARTINEZ said it was necessary to be understanding of the special situation of the Lao People's Democratic Republic, which had made great efforts in its revolutionary struggle for national liberation. He welcomed the fundamental attitude of the Government towards discrimination and human rights in general, as set out in the first paragraph of the report. He hoped that the representative of the Lao People's Democratic Republic would be able to provide the Committee with further information regarding the various ethnic groups in the country and the social, economic and educational programmes which the Government had undertaken in order to strengthen those groups, while at the same time pursuing the goal of national integration.

29. He would also welcome information regarding the Government's policies relating to the strengthening of international peace and security. He wished to know whether it had ratified or signed the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and whether it had applied in its domestic labour laws the provisions of relevant ILO conventions. With regard to education, he wondered what measures had been taken

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(Mr. Brin Martinez)

to inculcate in the population an abhorrence of all forms of racial discrimination and apartheid. Lastly, he asked whether the Government had signed or ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and, if not, whether it intended to do so.

30. Mr. DECHEZELLES said that, in the light of the recent turbulent history of the Lao People's Democratic Republic, it was not surprising that the Government had been unable to adopt legislation to apply the provisions of the Convention. The country had only recently emerged from a terrible war and its revolutionary Government was facing the difficult task of reconstruction in extremely adverse circumstances. Much of its attention would be occupied by the task of instilling a sense of national identity in its diverse population, and it was always wise to proceed slowly with the drafting of a new constitution. He noted with satisfaction the Government's manifest willingness to combat racial discrimination, and hoped that the next periodic report would contain positive information regarding the specific measures adopted to that end.

31. Mr. DAYAL said that the report of the Lao People's Democratic Republic should be viewed as an expression of the Government's earnest desire to fulfil its responsibilities under the Convention rather than as an account of the specific measures it had adopted to that end, since the revolutionary Government had been in power for only two years and the country was obviously still passing through a period of sweeping change in the political, economic and social spheres. Nevertheless, the report contained a number of statements regarding the Government's attitude and policies which whetted the appetite for more information. He wished to know, for example, what was meant by the statement in the second paragraph that the State's policy was to consolidate national unity in diversity. What measures had been taken by the Government to make any ideas or acts which might endanger the rights and dignity of the people of different ethnic groups "unthinkable"? With regard to the assertion that no ethnic group was abandoned, isolated or completely turned in on itself, he requested information regarding the measures adopted by the Government to prevent the isolation or abandonment of ethnic groups. It was also stated in the report that the fraternal coexistence which prevailed in the country resulted from the application of a policy of fair and equitable national unity, and he sought further information regarding how such a policy was being implemented by the Government.

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(Mr. Dayal)

32. The questions put by earlier speakers regarding the Nationalities Committee were quite pertinent, and he looked forward to receiving the replies of the Lao Government to them.

33. He was intrigued by the statement in the report that measures taken against any attempt at racial discrimination and any incitement to distrust among ethnic groups were highly political, and he wished to know what specific measures were being taken by the Government in the administrative, judicial and other fields.

34. Mr. NETTEL said that the discussion so far showed that the Committee was sympathetic towards the special situation of the Lao People's Democratic Republic. It was only normal, however, to expect that a country which intended to accede to an international instrument should first adopt legislation to enable it to fulfil its obligations under the instrument. Ideally, the purpose of the Committee should, therefore, be to examine the racial situation in States parties with a view to pointing out flaws or gaps in their legislation rather than to urge them to fulfil obligations which they had already assumed by acceding to the Convention.

35. Mr. BAHNEV said that the presence of the representative of the Lao People's Democratic Republic indicated that the Government of that State intended to enter into a constructive dialogue with the Committee. The Lao People's Democratic Republic recognized the fundamental principles of human rights and attached great importance to the full integration and development of ethnic groups. He therefore heartily endorsed the general policy being followed by the Government of the Lao People's Democratic Republic, a policy which corresponded to the basic objectives of the Convention. Mr. Tenekides had pointed out that the report made no reference to national minorities, but that was perfectly understandable. The term in question was not used in the report of the Lao People's Democratic Republic, where the process of establishing a nation and forging national unity was still going on. It would also be wrong to use European concepts when discussing countries in other regions of the world. Finally, it must be pointed out that the concept of national minorities was not referred to in the Convention itself. It was to be hoped that future reports would provide more detailed information on the Constitution of the Lao People's Democratic Republic and on legislative or administrative measures taken with a view to implementing the Convention.

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36. Mr. GOUNDIAM pointed out that the Lao People's Democratic Republic was a new State faced with the problems of reconstruction and that fact must be taken into account. The report before the Committee indicated that the Constitution of the Lao People's Democratic Republic was still in the process of preparation. He wished to know whether the constitution and laws that had existed prior to the revolution had been discarded, and if so, what rules had been established to assist tribunals in the settlement of disputes.

37. The CHAIRMAN said that the Committee was very sympathetic with regard to the special circumstances facing the Lao People's Democratic Republic but felt that additional information should be provided in the next report. The Committee also believed that certain legislation must be enacted, since some of the obligations incurred by States parties to the Convention were obligatory in nature.

38. Mr. SOUTHICHAK (Lao People's Democratic Republic) said that his country continued to abide by the provisions of the Convention despite the profound internal changes that had occurred since it had ratified the Convention. As pointed out by the report, the Constitution of the Lao People's Democratic Republic was still in the process of preparation, but the drafting of such an important text took time. It was vital to ensure that the Constitution met the aspirations of the multinational Lao people. The Party and the Government of the Lao People's Democratic Republic acted on the basis of principles that guaranteed equal political, economic, social and cultural rights to minority peoples. Those principles provided guidance to jurists in the preparation of legislative texts and were based on political reports prepared each year by the Prime Minister and adopted by the Congress of People's Representatives. During its consideration of the report before it, the Committee had made many comments and requested much information, and he would inform his Government of those comments and requests.

39. Mr. Southichak (Lao People's Democratic Republic) withdrew.

Fifth periodic report of Argentina (CERD/C/20/Add.7 and Corr.1)

40. At the invitation of the Chairman, Ms. Richter (Argentina) took a place at the Committee table.

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41. Ms. RICHTER (Argentina), introducing the report of Argentina, said that, with respect to paragraph 5 of the report, a commission presided over by Mr. Soler, a former member of the Committee on the Elimination of Racial Discrimination, had been established to prepare a reform of the Criminal Code. The commission was considering a text based on article 4 of the Convention, and it was hoped that the text would be completed in time for inclusion in the next Argentine report. However, the matters dealt with in the text in question were already covered by various legal provisions, such as article 1655 of the Civil Code, which stipulated that companies must have a lawful purpose, articles 209 and 210 of the Criminal Code, which made incitement to crime and illegal association punishable by imprisonment, and the texts referred to in annex I of the report. With regard to paragraph 11 of the report, it had become necessary to issue a corrigendum (CERD/C/20/Add.7/Corr.1) because Act No. 21,795 on nationality and citizenship, which replaced Act No. 346, had entered into force in June 1978. Finally, with regard to the second sentence of paragraph 7, in the Spanish text the word "no" should be inserted between the words "país" and "incluyen".

42. Mr. NETTEL, referring to paragraphs 13 and 14 of the report, said that it would be useful for the Committee to see the texts of directives related to the promotion and development of aboriginal communities, and he requested the Government of Argentina to submit the texts in its next report.

43. Mr. NABAVI said that the table following paragraph 12 of the report referred to ethnic groups but also stated that the census was based on the criterion of language. Since the census must be based either on ethnic origin or on language, but not both, he requested clarification. With regard to paragraphs 13 and 14 of the report, he requested additional information on future or past programmes related to the development of the aboriginal population and on special measures taken to enable indigenous communities to retain their cultural identity, and in particular their language. In that connexion, he wished to know whether the study programmes for aboriginal communities were conducted in Spanish or in the language of the communities.

44. Mr. VALENCIA RODRIGUEZ said that, according to the report before the Committee, the Convention had the force of national law in Argentina, but legislation must be enacted to cover those provisions of the Convention that were declaratory in nature. With regard to paragraph 9, he requested additional information on the rights of migrant workers, and in particular their rights with regard to trade unions, housing and social benefits. He wished to know whether any legislation had been enacted in that field. The provisions of article 15 of the Labour Convention between Argentina and Chile were to be welcomed. With regard to paragraphs 13 and 14 of the report, it was important to emphasize that voluntary integration must be a gradual process in order to ensure that aboriginal communities retained their cultural identity. With regard to paragraph 15, he asked for additional information on the use of radio and television programmes. Finally, with regard to paragraph 16, he asked for additional information on relations between Argentina and the Government of South Africa.

The meeting rose at 1 p.m.

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