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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Thirty-ninth session

SUMMARY RECORD OF THE 902nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 March 1991, at 3 p.m.

Chairman: Mr. SHAHI

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Tenth periodic report of Sweden (CERD/C/209/Add.1) (concluded)

At the invitation of the Chairman, Mr. Corell and Mrs. Orlov-Baumann (Sweden) took seats at the Committee table.

1. Mr. CORELL (Sweden), replying to the questions asked by Mr. Wolfrum, said that the 1987 Natural Resources Act had been devised partly in order to improve the status of the Samis. The Act was described in a report, of which a summary in English had been handed to the Chairman of the Committee; members might usefully consult that summary.

2. Sweden had never officially appointed an ombudsman for Sami affairs. Admittedly, the representative of the national Sami organization had always called himself an ombudsman, but that organization was private in character. It was possible that a post of ombudsman might be created at the Nordic level, but it would be premature to discuss the matter at the present stage.

3. With regard to the Kitok case, which Mr. Banton, too, had mentioned, asking why Sweden had not referred to it in its report, he explained that the report had been drawn up in cooperation with six or seven different ministries and that the omission might have been an oversight. Recapitulating the case, he said that Ivan Kitok was a Swedish Sami whom a Sami village, an economic entity, had refused to accept as a member of the community, also denying him grazing rights on the lands allotted to the village. In Sweden there was a distinction between Sami reindeer breeders and the much larger number of Samis who did not belong to that group. The reason was that the surface area of Sweden was insufficient to allocate the necessary grazing land to every Sami. The problem was being studied by the Government, but there seemed to be no other way of settling the issue. In the circumstances, Mr. Kitok had nevertheless been able to graze his herds on lands belonging to members of the Sami village.

4. Referring to the status and sources of income of Samis who did not belong to the reindeer-breeding group, he explained that they were able to engage in handicrafts and cultural or artistic activities. Many teaching posts were also open to them. However, many of them chose to integrate themselves into Swedish society, with the result that they had jobs similar to those of any other Swede.

5. Mr. Wolfrum had asked about the possibility of establishing a representative organ for the Samis that would be common to Sweden, Finland and Norway. There was a Sami Parliament in Finland and in Norway, and the question was under study in Sweden. Meanwhile, the Samis maintained cross-frontier relations and moved freely from one country to another with their herds. An Institute for Sami Affairs operating under the auspices of the Council of Ministers of the Nordic Countries allocated funds to the Sami community.

6. With reference to the Ombudsman against Ethnic Discrimination mentioned in paragraph 29 of the report, whose status Mr. Wolfrum had described as "inferior" to that of the parliamentary ombudsman, he wished to point out that Sweden had no obligation to establish such a mechanism under the Convention. The Ombudsman against Ethnic Discrimination had deliberately been given powers that fell short of those of the parliamentary ombudsman, whose office was a traditional institution that had existed for two centuries. On behalf of his Government, he objected to the word "inferior" since he considered that States that applied stricter rules than those laid down in the Convention were entitled to select the arrangement that appeared to them to be the most effective.

7. In reply to Mr. Wolfrum's question whether the referendum in the municipality of Sjöbo, in which 67.5 per cent of the population had voted against accepting new refugees, had been an isolated case or whether there had been other initiatives of that kind, he said that in Sweden research had been carried out on the forces that gave rise to xenophobia or hostility towards refugees. The phenomenon seemed to occur in rather remote locations, where the possibility of meeting persons from other places were rare. Furthermore, Swedish municipalities were autonomous in many matters; they themselves determined the number of refugees they were willing to accept, because of the related social services which they had to provide. At Sjöbo, the outcome would have been different if those concerned had been made aware of the problems faced by refugees and instructed how to behave towards them. The referendum which had taken place there was consequently an exception, and the initiative had been sharply criticized.

8. He did not have any accurate information regarding cases of aggression against refugees in Sweden. In future crime statistics, however, race-related offences were to be entered separately from ordinary offences. His experience as a judge in a small Swedish community had taught him that race-related offences were often committed by individuals or groups at the lower end of the social ladder, with the result that such incidents seemed to be connected with ordinary crime. The Swedish authorities were, however, determined to combat the kind of outbreaks that had occurred in the various places mentioned.

9. He then referred to the statements made by other members of the Committee. In reply to a question asked by Mr. Lechuga Hevia, he said that the information on the Bill of February 1990 given in the report and in his introductory statement was the most recent at his disposal. With regard to the question as to whether other offences relating to freedom of expression committed in local radio broadcasts had been punished, reference should be made to the previous reply. Mr. Lechuga Hevia had also requested further information regarding the health and mortality of the Samis. In that connection, too, the figures for the Sami population group should be the same as those for all other Swedes. The Samis, who practised animal husbandry with ultramodern equipment, had a reasonably satisfactory standard of living.

10. With reference to Mr. Song Shuhua's request for further information on progress made in reviewing the Act to Counteract Ethnic Discrimination mentioned in paragraph 36 of the report, he drew attention to the reply given earlier to Mr. Lechuga Hevia's question. As to the question regarding Sami

representation in the Swedish Parliament, he explained that in order to be elected any candidate must receive at least 20,000 votes and the Sami population amounted to less than that figure.

11. There was absolutely no question of approving abusive practices in the use of force by the police. In Sweden, the police were the only body authorized by law to use force. It was thus inconceivable that the army could be used to keep order in Swedish society. Nevertheless, the quid pro quo for the right to use force was the principle of proportionality. In other words, a police officer who exceeded his powers was prosecuted. The question whether it was possible for the police to use force in a democratic society therefore called for an affirmative answer, in so far as any democratic society had to defend its values as well as the interests of others. In a broader perspective, the same principle applied to the United Nations, which was empowered, under Article 42 of its Charter, to resort to force in order to defend the principles underlying the Charter.

12. He was not in a position to supply statistics on the growth of the Swedish population as compared with that of other "races", as Mr. Song Shuhua had requested. It was difficult to provide that kind of information because of the population mix and because in Sweden, where one inhabitant out of eight was an immigrant or the descendant of an immigrant, it might no longer be possible to draw a distinction between different Swedes on an ethnic basis.

13. Replying to the questions asked by Mr. Vidas, he pointed out that two summaries in English of the results of the work done by the Commission to Study Measures against Ethnic Discrimination had been distributed to the Committee. Furthermore, although there were no statistics available on the matter, children of immigrants were apparently more likely to be placed in the custody of the welfare services than children of Swedish citizens. Immigrants who were not in a position to take care of their children apparently preferred that arrangement to having their children placed in a family, in which the child might become attached to the foster parents. Nevertheless, all available statistics would be included in the next report.

14. Turning to the questions asked by Mr. Banton, he said that many projects to combat segregation in housing were under way. In the circumstances it often happened that, on their arrival in an unknown country, foreigners preferred to gather together and to have a chance of meeting one another frequently. The problem was therefore one of finding places where they could meet, and in that respect there was no justification for concluding that segregation was necessarily a bad thing. In addition, Mr. Banton, in comparing the Swedish Constitution with that of the United States, had affirmed that the latter was a living instrument, being taught in schools. However, apart from the fact that the United States Constitution was relatively short, the important point was not that the population should read it sedulously, but that Parliament, the Government, the authorities and the courts should abide by its provisions. Sweden, for its part, took particular care to respect the principles of its Constitution, which were often based on international instruments to which it had become a party.

15. Immigrant organizations, mentioned in paragraph 36 of the report, could make their views known either as members of the Commission to Study Measures against Ethnic Discrimination or when bills submitted by the Commission to parliament were considered.

16. Mr. Banton had requested further information on the implementation of the principles set forth in the brochure entitled "Immigrant Issues at Company Level" (para. 39). The relevant information was not available at the moment, but the question had been carefully noted.

17. Referring to Mr. Reshetov's statement, and particularly his question whether the Supreme Court had ruled in the case mentioned in paragraph 33 of the report, he said that the case was proceeding normally and that the Committee would be informed of the judgement as soon as it had been handed down. No other case of that kind had occurred.

18. With reference to paragraph 38 of the report, Mr. Reshetov had stressed the need to adopt a humanitarian rather than a legal approach in immigration matters. In that connection it should be borne in mind that the ordinance referred to had been in force for less than a year; information on its implementation would be supplied in the next periodic report.

19. Mr. Reshetov had expressed the view that the Swedish Government had taken a somewhat paternalistic approach towards the Samis. In that connection it should be pointed out that the international community had originally advocated the assimilation of minorities, whereas the modern approach, which was certainly that of the Committee, stressed the need to preserve their identity. Consequently, there was nothing paternalistic about establishing a commission for Sami affairs, about wanting the Sami minority to be represented in it, or about proposing the establishment of an independent Sami parliament.

20. In reply to the question whether racist organizations existed in Sweden (para. 76), he explained that various amendments to Swedish legislation had had the effect of paralysing such organizations.

21. Foreigners were able to participate in municipal elections if they had lived in Sweden for at least three years.

22. Lastly, taking up Mr. Reshetov's comment that Sweden should, when observing what happened beyond its frontiers, bear in mind the need to respect the commitments which Sweden itself had entered into under international instruments, he replied that Sweden had never claimed to be above all criticism and that it had accepted comprehensive international controls in human rights matters. Consequently, the Swedish Government was justified in stating its views before international authorities since it endeavoured to abide by its international commitments to the best of its ability and did not seek to avoid being scrutinized by those authorities.

23. Mr. RESHETOV explained that his question had been concerned not with the way in which Sweden discharged its obligations, but with the way in which it reacted to situations that occurred elsewhere in the world.

24. Mr. CORELL (Sweden) replied that, in various international forums, his country extensively expressed the concern it felt at certain situations in the world.

25. Replying to Mr. Yutzis, he explained that Swedish legislation referred to "unlawful" discrimination, whereas the Convention, notably in article 1, was concerned with racial discrimination. Unlawful discrimination must be taken to mean discrimination that was punishable under the Swedish Penal Code. With regard to Mr. Yutzis' comment on paragraph 32 of the report, he admitted that the paragraph could have been better drafted. The intention in the report had been to say that, while strengthening freedom of expression, Sweden wished to make it possible for the supervisory authorities to react quickly in cases where that freedom was abused.

26. The explanation given in paragraphs 101 and 102 of the report would perhaps be better understood if it were realized that parents had the right to refuse to allow their children to attend compulsory courses of instruction not only in Christianity but also in other religions such as Judaism, Islam and Buddhism. He personally regretted that parents should adopt that position, but it must be made clear that when that happened, the headmaster arranged for the pupils to receive religious instruction in a church or body approved by the parents.

27. In reply to a question asked by Mr. Aboul-Nasr concerning paragraph 34 of the report, he said that persons who came to Sweden as tourists could not work there unless they obtained the necessary residence and work permits. When they had obtained a work permit, the pensions to which they contributed were paid at the appropriate time.

28. Lastly, commenting in general on his delegation's replies, he said that it would be difficult to answer all the questions asked by members of the Committee, whose workload would also be increased as a result. A delegation should therefore not be reproached too hastily for having left some questions unanswered, and there was even less reason to conclude that by doing so the State party concerned was not adequately complying with its obligations. Moreover, when the Committee acknowledged that a State party was discharging its obligations in a particularly effective manner, it was paradoxical to ask it even more questions; fairer treatment would be desirable. He hoped that there would be an exchange of views on those points.

29. Mr. ABOUL-NASR acknowledged that Sweden's tenth periodic report was a good report, submitted by a State party which was recognized as paying the highest attention to human rights. If many questions had been put to the Swedish representative, that was simply because members of the Committee wished to know more about Sweden; it implied no criticism. Admittedly, the Committee sometimes asked fewer questions regarding reports which reflected less satisfactory situations, but its questions should not be misinterpreted.

30. For example, in order to answer the question he had asked concerning paragraph 33 of the report, it was not absolutely necessary to wait for the Supreme Court's decision. Moreover, in the reply which he had given on the subject of the Samis, the swedish representative had appeared to presume that non-Samis could not vote for a Sami candidate; on the basis of that

supposition, he had seemed to consider it obvious that the Samis, of whom there were only 20,000, were not sufficient in number to elect a representative. It had also been surprising to hear it stated that the Scandinavian languages were one and the same language. Could the same thing then be said of Spanish, French and Italian because they were descended from Latin?

31. The comparison made by the Swedish representative between the Committee on the Elimination of Racial Discrimination and other committees did not seem to be relevant. The mandates of the various committees varied according to the instruments with which they dealt: for example, freedom of expression was not approached in the same way in the Covenants and in the International Convention on the Elimination of All Forms of Racial Discrimination. And he had been surprised to hear, in substance, that segregation was not always an evil. He had to go back a long way to recall having heard such an affirmation at a United Nations meeting; on that occasion it had been made by a representative of South Africa.

32. Despite the observations he had just made, he reiterated his respect for Sweden's human rights record; he for his part would continue to pursue with interest the dialogue with that country's representatives.

33. Mr. RESHETOV noted that the Swedish representative had stated that his country's legislation was based on international instruments, including the European Convention on Human Rights. Was it also based on the International Covenants, whose compatibility with the European Convention had long been recognized? With regard to the Samis, he pointed out that the Sami nation was represented in the Supreme Soviet, even though in the Soviet Union it comprised only a few thousand persons. Referring to article 5 (c) of the Convention, he stressed that the Samis, as Swedes, should participate in the consideration of national questions and not only of questions of particular concern to Samis.

34. Mr. WOLFRUM noted that the Swedish representative's concluding remarks called for a further exchange of views, even though that was unusual in the Committee's deliberations. He explained to the Swedish representative that in his own observations on freedom of opinion he had not implied any criticism, but had wished to stress the balance that must be preserved between respect for the rights set forth in article 5 of the Convention and the prohibition of racial discrimination. On the question of the Ombudsman against Ethnic Discrimination, he welcomed the fact that such an arrangement, which was typically Swedish in origin, had been exported to other countries; at its present session the Committee had learned, for instance, that it had been incorporated into Portuguese legislation. Nevertheless, it had to be stated that the Ombudsman against Ethnic Discrimination had less competencies than the other Ombudsman and thus the unqualified reference thereto gave an incorrect impression. Concerning the racist incidents mentioned, he would like to know whether the offenders had been prosecuted. That information would be particularly interesting since Sweden had a developed judicial system for dealing with minors; it would therefore be helpful if some information on the subject could be given in the next report.

35. Lastly, since all members of the Committee had been impressed by Sweden's tenth periodic report, he suggested that it should be distributed in Sweden; other countries had already taken such an initiative.

36. Mr. YUTZIS said the reason why the experts on the Committee asked many specific questions was that States parties had given them a mandate to supervise observance of the Convention. States parties could always improve the tools available to them for implementing the Convention, particularly by engaging in a dialogue with the Committee.

37. The Committee was not, of course, a court, although its members were led, by force of circumstances, to make value judgements which they then tried to explain to the best of their ability.

38. The religious instruction courses mentioned by the Swedish representative could be called "courses in comparative religion" and it was regrettable that parents should request that their children be exempted from them, since they provided children with an opportunity to enrich their knowledge of the different religions of the world.

39. He wondered whether the Swedish representative's reference to unlawful discrimination meant that there could also be forms of discrimination that were lawful.

40. Paragraph 32 of the report showed that, for the Swedish authorities, freedom of expression took precedence over the prohibition of acts of racial discrimination. He would prefer it if the reverse were the case.

41. Mr. BANTON said that by stating that segregation was not necessarily a bad thing, the Swedish representative had undoubtedly meant that he saw nothing wrong in the fact that immigrants chose to settle in the same district.

42. Such a decision, however, could have harmful consequences for children - a problem to which the State should give some thought.

43. Mr. LAMPTEY said he fully agreed with Mr. Banton; the fact that people chose of their own accord to live together in the same area could not be described as segregation. For segregation to exist, it would be necessary for the persons concerned to be discriminated against.

44. Mr. de GOUTTES said that only bad reports elicited silence; he expressed satisfaction at the dialogue that had been established between the Committee and the Swedish representative.

45. He would like to know whether the organs responsible for combating racial discrimination were not too many in number, whether there were conflicts of competence between them, and whether efforts were being made to coordinate their activities.

46. The CHAIRMAN paid tribute to Sweden for the efforts it was making to combat racial discrimination and, speaking in a personal capacity, asked the Swedish representative whether the Ombudsman against Ethnic Discrimination

had, as in Pakistan, competence to settle promptly certain conflicts between employers and employees which, if they were brought before the courts, would take a long time to be resolved.

47. Mr. CORELL (Sweden) assured members of the Committee that he held them in high esteem and that his country attached the greatest importance to their work.

48. He thanked Mr. Banton and Mr. Lamptey for having dispelled the misunderstanding which had arisen as a result of his having used, perhaps wrongly, the word "segregation". Replying to Mr. Banton's point, he recognized that the children of immigrants who had decided of their own accord to settle in the same area might experience problems of integration and informed the Committee that the Swedish Government was currently examining the question.

49. In stating that the Samis were only 20,000 in number and could not therefore be represented in the Swedish Parliament, he had merely been supplying the Committee with information. A public opinion poll would probably find that their electoral behaviour was no different from that of other Swedish citizens. The establishment of a Sami parliament would enable the Sami population to safeguard its interests more effectively vis-à-vis the Swedish authorities.

50. In reply to Mr. Wolfrum, he said that only censorship could prevent racist remarks from being made on local radio broadcasts, and that would be contrary to Swedish legislation. Criminal proceedings could be instituted only after offences had been committed.

51. The questions asked by Mr. Yutzis, Mr. de Gouttes and the Chairman would be answered in the next report.

52. In conclusion, he expressed satisfaction at the fruitful dialogue which he had had with members of the Committee and assured them that Sweden would always be willing to assist them in their efforts to combat racial discrimination.

Mr. Corell and Mrs. Orlov-Baumann (Sweden) withdrew.

53. Mr. WOLFRUM, making the final assessment of the report of Sweden, welcomed the fact that that country was continuing a frank and constructive dialogue with the Committee and that it attached great importance to efforts to combat racial discrimination, whether it be in Sweden or on an international scale.

54. The Committee also appreciated the fact that Sweden had accepted many refugees and immigrants, whom it was endeavouring to integrate into Swedish society.

55. It was nevertheless disturbing that Sweden should have recently limited the number of immigrants and the resources devoted to their integration. The Committee should call on Sweden to redouble its efforts to combat the feelings of hostility towards refugees which had recently become apparent.

56. Rather than trying to integrate the Samis into Swedish society, the Government should endeavour to preserve their specific cultural identity. In that connection, it was gratifying that the Swedish Government was now contemplating to follow the Norwegian example and to establish a Sami parliament.

57. Mr. FERRERO COSTA observed that once again the question arose of the relationship between freedom of expression and prohibition of racial discrimination. He hoped that the Committee would devote a thoroughgoing debate to that fundamental problem.

SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 7) (continued)* (General Assembly resolution 45/105; E/CN.4/1991/43; A/45/525)

58. Mr. BANTON said that in addition to documents E/CN.4/1991/43 and A/45/525 and General Assembly resolution 45/105, account should be taken under that item of the report of the Secretary-General (A/45/443) which, in paragraphs 30-33, contained the views of the Committee on the questions under consideration and of the report of the Committee to the General Assembly (A/45/18), which in paragraphs 323-333 contained somewhat more detailed information on the same subject.

59. At the present meeting, the Committee could resume its exchange of views on the efforts that might be made to bring about the universal implementation of the Convention. In that connection, he drew the Committee's attention to a request by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the Secretary-General to prepare an outline of possible activities for increasing the effectiveness of United Nations action to combat racism and racial discrimination (A/45/443, end of para. 19). From the standpoint of the Committee, the major obstacle to increasing the effectiveness of such action was the lateness with which several States parties to the Convention submitted their reports. For that reason, he had prepared a draft resolution, which had been distributed to members of the Committee, and requested them to make known any amendments they might wish to propose.

60. If the Committee decided to adopt a resolution which enabled it to envisage the implementation of the Convention in States parties which, for no valid reason, were considerably behind in submitting their reports, it might mention a few States in that situation, such as Belgium, Greece, Guyana, Sierra Leone and Swaziland, for example, and then appoint rapporteurs for two or three of those States parties and make an announcement to that effect. That might encourage the States in question to submit their reports, for if there was a possibility that the Committee might consider the implementation of the Convention in those States parties, those States might conclude that it would be much better for the Committee to do so on the basis of their own reports. If that initial measure proved unavailing, the Committee would have to proceed with great caution, so as not to leave itself open to criticism.

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* Resumed from the 899th meeting (second part).

In the case of some - if not all - of the States mentioned by way of example, the rapporteur would have a sufficient volume of information to enable the Committee to hold a brief debate on which to base its report.

61. In his opinion, that was an initiative which the Committee might take in order to ensure that the Convention was more effectively and more widely implemented than was the case at the present time.

62. Mr. LAMPTEY said that on the agenda item under consideration the Committee should reiterate some of the decisions it had taken at the end of the previous session. The question of joint meetings with the Sub-Commission had been considered at the previous meeting, when several members had described the contributions they were prepared to make.

63. He had very strong reservations about the draft resolution submitted by Mr. Banton and did not believe that it was likely to assist the Committee in promoting the universal implementation of the Convention.

64. The adoption of the draft resolution would have two consequences. First, when a State party had, for a considerable period, failed to discharge its obligation to submit reports, the Committee would appoint a rapporteur who, drawing on other sources of information, would prepare a report on the implementation of the Convention by that State party; that report would then be considered by the Committee prior to its submission to the General Assembly. Secondly, since the principle of non-discrimination was incumbent on all Members of the United Nations, the Committee might also wish to report on the situation with regard to racial discrimination in countries which had not acceded to the Convention.

65. Since its inception, the Committee had already had occasion to express an opinion on possible information sources and had decided to confine itself to information supplied by States parties in their reports; that was in fact consistent with the Convention, article 9 of which stipulated that States parties should submit reports for consideration by the Committee and that the Committee should make recommendations and observations based on the examination of those reports. Admittedly, any knowledge the experts might have of the history, geography, etc. of a particular State party might be useful on the occasion of the Committee's consideration of that State party's report, but the Committee had not allowed the experts to use newspaper articles or reports originating from other organizations. Before reconsidering that practice, members of the Committee must clearly realize that the Committee itself had helped to create the climate of trust thanks to which it had been possible to establish other treaty-monitoring bodies, operating in much the same way as the Committee itself. They must also clearly realize that the questions of racial discrimination with which it dealt were extremely political in nature and were often used for propaganda purposes, in the face of which the various States were not all of equal strength.

66. The new procedures which the Committee proposed to adopt raised difficulties both with regard to the States parties to the Convention and with regard to other States.

67. Mr. BANTON said that the last two operative paragraphs of the draft resolution which he had proposed concerned only States parties to the Convention. However, the first operative paragraph also concerned States that were not parties to the Convention. Given the difficulties which the passage in question might create for certain members of the Committee, he was prepared to delete it.

68. Mr. LAMPTEY said that he would accordingly confine his comments to the situation which would result from the adoption of the draft resolution proposed by Mr. Banton with regard only to States parties. First, if the Committee decided that when a State party had, for a considerable period, failed to discharge its reporting obligation, the Committee would be able to have recourse to other sources of documentation and information, it must decide what those sources should be, and that procedure would have to be deemed acceptable by the States parties, since it deviated from that provided for in article 9 of the Convention. Secondly, if the Committee decided to use material other than State party reports when States parties had not submitted their reports, it must not, in the case of States which had discharged their obligations, content itself with their reports but must, out of fairness, also refer to those sources. On that point too, therefore, the Committee must take a decision. And thirdly, he did not consider that the draft resolution proposed by Mr. Banton was likely to contribute to the universal implementation of the Convention; it was not the role of the Committee to exert "pressure" on States parties.

69. The CHAIRMAN reminded the Committee that at their third Meeting the chairpersons of the human rights treaty bodies had discussed the question of information sources other than the reports submitted by States parties (A/45/636, paras. 38, 40 and 42). Those sources were at the disposal of the Committee when it assessed the reports submitted by States parties. What, however, was the situation in the case of a State party which had not submitted a report?

70. Mr. GARVALOV, speaking on a point of order, said that before continuing the discussion the Committee should decide a preliminary question: was it competent to consider the implementation of the Convention by a State party in the absence of a report by that State party? The answer to that question depended on the interpretation given to article 9, paragraph 2, of the Convention. According to a narrow interpretation, the Committee was competent to make suggestions and recommendations based on the examination of the reports of States parties. According to a broad interpretation of the same paragraph, since the Committee reported on its activities, that could include consideration of the implementation of the Convention by a State party based on information sources other than the report.

71. Mr. BANTON said he did not think there was much difference between Mr. Lamptey's view and his own view. If, in the absence of reports from the State party, the Committee used other information sources, it would have to exercise infinitely more caution that if it used those same sources when the State party had submitted a report. Citing the case of Belgium by way of example, he said that it would be possible to find information on that country in documents available to the Centre for Human Rights, in reports and statistics originating from Belgian authorities, and in the report of the

working group of the European Parliament. Replying to Mr. Garvalov, he said that if the draft resolution he had proposed was approved by the Third Committee, under implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, it seemed to him that the Committee would be competent to report on its activities other than the consideration of reports submitted by States parties.

72. Mr. ABOUL-NASR emphasized the legal aspects of the question under consideration. He did not see how the Committee could be competent to report on the existing situation with regard to racial discrimination in a State party on the basis of anything other than the reports submitted by that State party itself. To use other material would be to go against the Convention, and only States parties could authorize procedures different from those provided for in the Convention. Not even the General Assembly could do that. And moreover, what would those other information sources be? If the Committee requested the Secretary-General to make available to it the confidential complaints and other documents he received, even documents relating to the Committee's sphere of competence, he could not, legally speaking, accede to such a request, which was contrary to the Convention. Books, newspaper articles and various reports could admittedly help the Committee in its task of examining a report submitted by a State party, but the Committee could not, on the basis of the study of such sources, report on a State party which had not itself submitted a report. There were limits to what the Committee could do, and the Committee must bear them in mind.

73. The Committee's functions were not confined to those provided for in article 9 of the Convention. Article 15, paragraph 2, provided that the Committee should receive copies of petitions from the United Nations bodies which dealt with matters directly related to the principles and objectives of the Convention, and that it should express an opinion and make recommendations on those petitions. However, the Committee now received hardly any documentation under article 15, contrary to what had occurred during the early years of its existence. It could therefore make a recommendation requesting the Secretary-General, on the occasion of the Second Decade to Combat Racism and Racial Discrimination, to pay greater attention to the work of the Committee in the areas covered by article 15 of the Convention and to communicate to it a greater volume of relevant documentation.

74. Mr. SHERIFIS said that, in his opinion, the question being discussed by the Committee came under item 3 (submission of reports by States parties) and not item 7 of the agenda.

75. The purpose of the draft resolution proposed by Mr. Banton was to promote universality of implementation of the Convention. He (Mr. Sherifis), however, did not consider that the draft resolution served that objective; quite the contrary, it might alienate States parties. Moreover, he did not consider the proposed action to be correct. The Committee was studying a draft resolution of a general nature whereas what it had in mind was a list of very specific countries. Why place Belgium in the forefront of those countries? Some of

the countries to which the Committee had sent reminders were much further behind in submitting their reports. And it was not the General Assembly but the States parties themselves that the Committee must address if it wished for authorization of procedures not provided for in the Convention. In the General Assembly, there were in fact 40 or so Member States which were not parties to the Convention and on which it was accordingly not incumbent to approve the working methods to be followed by the Committee in studying the implementation of the Convention in States parties.

The meeting rose at 6.10 p.m.