

INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



CERD

Distr.
GENERAL

CERD/C/159/Add.4
26 July 1989

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Ninth periodic reports of States parties due in 1987

Addendum

NORWAY */

[25 July 1989]

*/ In accordance with the recommendation of the Eleventh Meeting of States Parties to the Convention on 29 April 1987 relating to the periodicity of reporting under article 9 of the Convention which was endorsed by the Committee on the Elimination of Racial Discrimination at its 827th meeting (thirty-sixth session), on 9 August 1988 (see: A/43/18, para. 24 (c)), the present ninth periodic report contains a brief updating of the eighth periodic report submitted by the Government of Norway which is pending consideration before the Committee.

For the seventh and eighth periodic reports submitted by the Government of Norway and the summary records of the meetings of the Committee at which those reports were considered, see:

- (7) Seventh periodic report - CERD/C/107/Add.4 (CERD/C/SR.688-SR.689);
- (8) Eighth periodic report - CERD/C/132/Add.5 (Pending consideration).

NINTH PERIODIC REPORT OF NORWAY

Paragraph 5 1/

1. As to the demographic composition of the population, the latest available data from official statistics are the following as concerns foreign nationals residing in Norway on 1 January 1987:

Total number	109,286
Europe	66,892
Africa	3,950
Asia	23,703
America	13,968
Oceania	601
Unspecified or Stateless	172

Paragraphs 6 to 15

2. The proposed constitutional provision concerning the legal status of the Sami people, referred to in paragraph 12 of the report, was adopted by Parliament on 21 April 1988.

3. A Bill relating to the establishment of a new central Sami organ ("Sametinget") and some other questions concerning Sami policy (paras. 13 to 15 of the report) was adopted on 12 June 1987. The details of the Act are as outlined in the previous report.

Paragraph 16

4. A new Aliens Act was adopted on 24 June 1988. The main purposes of the Act are to provide a legal basis for the control of immigration, to secure legal safeguards for the individual and to protect refugees from persecution. These purposes are now explicitly stated in the Act (Section 2).

5. In order to improve the position of the individual, considerable efforts have been made to formulate the provisions as precisely as possible, thereby reducing the discretion of the authorities. Moreover, a separate Chapter of the Act is devoted to the procedure to be followed, and the right to legal aid has been extended.

6. A specific provision on discrimination has been added (Section 3), reading as follows:

"An alien in the realm has the same rights and duties as Norwegian citizens, unless applicable rules of law otherwise require."

7. Even if the principle of non-discrimination is a well-established unwritten principle of Norwegian law, it was considered important to insert such an explicit provision in the new Aliens Act.

8. Pending the elaboration of new regulations in pursuance of the Act, it is expected to enter into force in the beginning of 1990.

Paragraph 17

9. A new government report No. 39 (1987-88) "On immigration policies" was presented and debated in Parliament in autumn 1988. The report reaffirms the concept of "equality" between the new immigrants and the host population as a central principle. Moreover, regulated and controlled immigration will remain another central principle. Administratively, the point of departure for the new government report is the reorganization of this field as of 1 January 1988 whereby the Ministry of Local Government and Labour is assisted by the newly-established Directorate of Immigration and its regional offices.

Paragraphs 21 and 22

10. There has been an evaluation of the "Liaison Committee" and the period of its mandate has been re-extended to the end of 1989. A new "Liaison Committee" will be selected for the period 1990-91 after which the committee will be replaced by an "Immigrant Council".

Paragraph 23

11. The advisory group for improved co-ordination of the work of the State and the municipalities regarding the situation of gipsies has now been appointed. The group consists of three members.

Paragraphs 24 to 31

12. Norway's anti-apartheid policy has been described previously (see CERD/C/SR.689, p. 2, and CERD/C/132/Add.5, pp. 5-7). Since the eighth periodic report, Norway has, on a national basis and together with the other Nordic countries, adopted a number of unilateral measures against South Africa in order to increase international pressure on that country to abolish apartheid.

Nordic measures

13. In the light of the deteriorating situation in South Africa, the Nordic Foreign Ministers in March 1988 adopted a revised Nordic Programme of Action against Apartheid. The revision was first of all a consequence of the fact that the Nordic countries had introduced a trade boycott against South Africa and Namibia. The emphasis on the Programme has now been laid on efforts within the framework of the United Nations. The Nordic countries will work for the adoption by the Security Council of comprehensive mandatory sanctions against South Africa in areas where the Nordic countries have taken unilateral measures, e.g., trade, investments, air traffic, nuclear technology. They will also work for strict compliance of the arms embargo against South Africa. Pending mandatory sanctions, the Programme further contains measures to implement Security Council resolutions 558 (1984) and 569 (1985) in order to reduce economic and other relations with South Africa. The Programme also calls for increased humanitarian assistance to the victims of apartheid, to liberation movements and to other opponents of apartheid, as well as to the front-line States and to the Southern African Development Co-ordination Conference (SADCC).

14. The Nordic Programme of Action has been circulated as an official document of the United Nations (A/43/284, S/19737). The text of the Programme is enclosed (Annex I).

Norwegian national measures

15. On 20 March 1987, an Act relating to an economic boycott of South Africa and Namibia to combat apartheid entered into force. The prohibitions contained therein took effect four months later, as of 20 July 1987. With this Act, Norwegian economic sanctions against South Africa were extended and became generalized. The Act marks an important point in the development of Norwegian measures against South Africa to combat apartheid.

16. The prohibitions of the Act include:

- imports into Norway of goods originating in South Africa or Namibia and exports of goods from Norway to South Africa or Namibia;
- the carriage of crude oil by Norwegian ships to or from South Africa or Namibia; the prohibitions extend to any natural or juridical person domiciled, resident or registered in Norway who manages or has at his disposal a ship under a foreign flag;
- the transport of passengers or goods to or from South Africa or Namibia by a Norwegian aircraft and the transport of passengers or goods to or from South Africa or Namibian aircraft;
- the performance of services in South Africa or Namibia or at the request of persons domiciled in South Africa or Namibia when the request is made by a public authority or is connected with any commercial activity;
- the granting of loans, credit or guarantees to, or the entering into insurance contracts with, persons domiciled in South Africa or Namibia;
- investment in, the leasing of capital equipment to persons domiciled in, or investment in shares or other securities issued in South Africa or Namibia;
- the organization and offer to the general public of tours to South Africa or Namibia or acting as an agent for such tours as are organized by others.

17. All the prohibitions apply only to transactions that are part of commercial activity. The text of the Act is enclosed (Annex II).

Paragraph 33

18. The support has increased even further in recent years. In 1989 the figure will reach NKr 173 million (about \$US 24.7 million).

Paragraph 35

19. Norway has given considerable assistance to the SADCC in order to assist the SADCC countries in reducing economic dependence on South Africa.

Norwegian aid to the SADCC area has been considerably increased during recent years. In 1988, the total assistance to SADCC countries financed by Norway was approximately Nkr 1,430,000. A considerable proportion of this assistance is invested in sectors where increased independence from South African services is considered particularly important, both nationally and regionally as for example transport and communications.

Paragraph 36

20. Norwegian assistance to the SADCC Programme of Action (Nkr 170 million in 1988) has also been stepped up in recognition of the fact that the SADCC co-operation represents an organized effort to co-ordinate an economic development process which may contribute to making the region more independent of South Africa.

Paragraph 37

21. In the period since the eighth report there have been no relevant Court rulings on the application of Sections 135a or 349a of the Penal Code.

Paragraph 38

22. The public interpreting service will be funded in the same manner as before until further notice.

Paragraph 40

23. As of 1987, the Centre for Interpreters' Studies (STU) is to receive annual funding from the National Budget.

Paragraph 41

24. Since the eighth periodic report, the Press Council has not considered any new cases concerning alleged racial discrimination in newspapers.

Paragraph 44

25. As of 1988, the anti-racist centre is to receive annual funding from the National Budget.

Paragraph 45

26. The revision of "The Model Plan for Teaching in the 9-year Compulsory Primary School" (Curriculum Guidelines) was concluded in 1987. The aspect of "global understanding" is severely emphasized in the new edition.

Paragraph 46

27. The revised Curriculum Guidelines include a special section on Sami education with teaching hours and subjects which are distributed in a way which takes into consideration the rights of the Sami population to a non-discriminatory education. In addition, Sami history and culture are included in the Guidelines as topics which all Norwegian pupils should be familiar with.

28. In May 1989, part 2 of the revised Curriculum Guidelines, Sami curricula for the Primary School, was published. This part includes the framework of the content of seven various subjects which are based on Sami culture.

Paragraphs 49 to 54

29. The government report on higher secondary education for Sami pupils published in 1985 was succeeded by a new government report in 1987 (NOU 1987; 20) with a plan of action for the education of young Sami people.

30. From 1989 a Sami college has been established in Kautokeino. This school includes training of teachers, both for teaching the Sami language and for teaching Sami-speaking pupils.

31. From 1988 the Kautokeino School referred to in paragraph 52 is integrated with "Statens reindriftskole" (State School for reindeer herding). This new school aims to give education based on strengthening of Sami culture, tradition and trade. Resources have been granted for 1989-1991 to achieve this. The Karasjok school offers vocational courses, teaching in Sami arts and crafts and domestic science. From 1989 the two schools have a joint board.

Paragraph 61

32. The research programme "Norwegian Society and Minorities: Immigrants and Power Structures" will come to an end in 1989. It will be evaluated and the question of continuing the programme will be discussed.

Paragraph 66

33. Following a re-organization in this field as of 1 January 1988, the Directorate of Immigration now has the main responsibility of producing and disseminating information.

Paragraph 73

34. The function and the resources of the Documentation Centre have been taken over by the Library at the Directorate of Immigration.

Note

1/ All paragraphs referred to are those of the eighth periodic report.

ANNEX I

Nordic Programme of Action against Apartheid

The Ministers of Foreign Affairs of the Nordic Countries met in Tromsø on 23-24 March 1988 and adopted a revised Nordic Programme of Action against Apartheid. This is a follow-up to the Programme of Action adopted in 1978 and 1985. The revision is a result of the trade boycott which has been introduced by the Nordic countries against South Africa and Namibia.

1. Introduction

The Nordic countries regard the apartheid system in South Africa as a violation of basic human rights as laid down in the Charter of the United Nations and in the Universal Declaration of Human Rights. Apartheid is unique in the world, as systematic racial discrimination has been made part of the legal foundation of the South African society. The apartheid policy of the South African Government, as well as South Africa's continued illegal occupation of Namibia, are sources of serious tension in all of southern Africa.

The objective of the Nordic countries' endeavours is a democratic South Africa with equal rights for all regardless of race.

The Nordic countries consider apartheid a serious threat to international peace and security. Therefore they have worked consistently for the adoption by the Security Council of the United Nations of mandatory sanctions against South Africa as a way of achieving the abolition of apartheid by peaceful means.

Pending mandatory sanctions by the Security Council, the Nordic countries have decided to take unilateral measures in order to restrict their economic and other relations with South Africa. Such measures include prohibitions against investments in or trade with South Africa and Namibia.

The Nordic countries urge other countries to adopt similar measures in order to increase international pressure on South Africa and to make it more effective.

The policy of apartheid also constitutes a threat to South Africa's neighbouring countries through acts of destabilization, for example, in the form of military aggression, economic pressure, and direct support to armed rebel movements in these countries.

The Nordic countries are of the opinion that assistance to South Africa's neighbouring countries must be increased in order to alleviate the effects of destabilization, to strengthen their power of resistance and to reduce their dependence on South Africa. Likewise, assistance to the opponents and victims of the apartheid system must be increased. The Nordic countries consider assistance to be a complement to sanctions, not an alternative.

2. International Measures

Within the framework of the United Nations, the Nordic countries will:

work for the adoption by the Security Council of extensive mandatory sanctions against South Africa;

continue their efforts to achieve the adoption by the Security Council of binding sanctions against South Africa in areas where the Nordic countries have taken unilateral measures, such as trade, investments, air traffic and nuclear technology;

work towards the termination of South Africa's illegal occupation of Namibia, in support of the right of the Namibian people to determine their own future in accordance with resolution 435 of the Security Council, and for the protection of Namibia's natural resources against illegal exploitation;

work towards an effective oil embargo against South Africa which implies that oil-producing and oil-exporting countries cease their exports of oil and oil products to South Africa and Namibia, and work for the introduction of an oil transport embargo against South Africa and Namibia by all shipping nations;

work towards the discontinuance of all flight connections between South Africa, Namibia and the rest of the world;

work towards the follow-up by other countries of the measures against South Africa recommended in United Nations General Assembly resolutions on "Concerted action against South Africa";

work for strict compliance with the Security Council's binding decision on an arms embargo against South Africa 418 (1977), for the implementation of the recommendations contained in Security Council resolution 558 (1984) on a prohibition against importing war material from South Africa and for making these recommendations mandatory;

work to ensure that the Security Council's recommendations contained in resolution 569 (1985) (see Annex) are implemented and made mandatory;

work for increased assistance to the opponents and victims of apartheid, to liberation movements in South Africa and Namibia, to the Front Line States, and to the SADCC co-operation;

work for dissemination of information by the United Nations on sanctions applied by its Member States, and for the implementation of relevant resolutions adopted by the United Nations in this area.

3. Nordic Measures

The Nordic countries note that they have achieved the objectives laid down in the 1985 Nordic Programme of Action against South Africa. The annex to the revised Programme of Action provides an account of the Nordic measures, which include the joint Nordic visa regulations.

The fundamental elements in the continued Nordic policy towards southern Africa are assistance and various forms of sanctions. The object of the assistance is to alleviate the effects of South Africa's policy of apartheid and destabilization, and to consolidate the basis for development and democracy in Southern Africa. Such assistance entails co-operation beneficial for the future development of the entire region.

In concrete terms this means, inter alia:

increased Nordic humanitarian assistance to the victims of apartheid, including refugees, and increased humanitarian assistance to liberation movements and to other opponents of apartheid;

increased Nordic assistance to the Front Line States and to SADCC in order to promote development in the region and to strengthen co-operation among these countries and to reduce their dependence on South Africa, thus enabling them to resist South Africa's policy of destabilization;

intensified co-operation between the Nordic countries' and the SADCC countries;

increased information about the situation in southern Africa;

widened contacts with opponents of apartheid in South Africa and Namibia, inter alia in the field of culture.

ANNEX II

Act relating to an economic boycott of South Africa and Namibia to combat apartheid of 20 March 1987

1. It is prohibited to import goods originating in South Africa or Namibia into Norway.

It is prohibited to export goods from Norway to South Africa or Namibia, or to enter into any agreement concerning the export of goods from Norway if, when entering into the agreement, it is contemplated or foreseeable that the destination of the goods is South Africa or Namibia.

For the purpose of this section, "goods" shall mean all kinds of goods and objects, including live animals.

The first and second paragraphs do not apply to medicines or equipment for medical purposes, news items, printed matter or electronic audio or visual recordings.

2. It is prohibited to carry crude oil to or from South Africa or Namibia by a Norwegian ship. Such carriage is also prohibited for anyone domiciled or resident in Norway or any legal person registered in Norway who, by charter, proprietary share or in any other way, manages or has at his disposal a ship under a foreign flag.

The prohibition set out in the first paragraph applies to any carriage that was contemplated or foreseeable when concluding the carriage agreement. One year after the Act has entered into force, the King shall appraise the effects of the prohibition, and may lay down other restrictions on such carriage as mentioned in the first paragraph.

3. It is prohibited to carry passengers or goods to or from South Africa or Namibia by a Norwegian aircraft, or to carry passengers or goods to or from Norway by a South African or Namibian aircraft.

4. It is prohibited for anyone domiciled or resident in Norway or Norwegian companies, foundations and associations:

(a) to perform services in South Africa or Namibia, or to perform services at the request of persons domiciled in South Africa or Namibia when the request is made by a public authority or is connected with any commercial activity,

(b) to grant loans, credit or guarantees to, or enter into insurance contracts with, persons domiciled in South Africa or Namibia,

(c) to make investments in, lease capital equipment to persons domiciled in, or invest in shares or other securities issued in South Africa or Namibia,

(d) to transfer patent or production rights to persons domiciled in South Africa or Namibia, or

(e) to organize and offer to the general public tours to South Africa or Namibia, or to act as an agent for such tours as are organized by others.

Persons shall mean both natural and legal persons.

Litra (a) of the first paragraph does not apply to the carriage of passengers or goods by ship.

Litrae (a) and (b) of the first paragraph do not apply to payments or transactions connected with payments for activities that are not prohibited by this Act.

5. Sections 1-4 apply only to transactions that are part of any commercial activity.

6. The King may grant dispensations for a period not exceeding two years from any of the prohibitions of sections 1-4 if the prohibition would be detrimental to essential public interests, or if there is no reasonable proportion between the interest to be protected by the prohibition and the damage entailed by the prohibition. The King may also grant permission for agreements concluded prior to the entry into force of the Act to be fulfilled notwithstanding the provisions of this Act. Conditions may be stipulated for granting dispensations and permission according to this section.

7. Anyone who wilfully contravenes or is wilfully accessory to the contravention of this Act or any provisions issued pursuant thereto is liable to a fine or a maximum term of three years' imprisonment or both.

Anyone who through negligence contravenes or is through negligence accessory to the contravention of this Act or any provisions issued pursuant thereto is liable to a fine or a maximum term of six months' imprisonment or both.

Shipmasters, officers or crew are not liable to a penalty in terms of section 2 unless they have made or participated in making decisions concerning such carriage as mentioned in the said section. The provisions of section 3 shall be similarly applied to captains or crew of aircraft.

If the offence is committed by someone who has acted on behalf of a company, a foundation or an association, a fine may also be imposed on the company, foundation or association.

Section 12 (a) of the Penal Code is not applicable.

8. Objects which have been imported or exported, or the import or export of which has been attempted, in contravention of this Act or any provisions issued pursuant thereto, as well as any means of payment and securities employed in the contravention of said provisions, may be confiscated by court judgement irrespective of ownership and regardless of whether criminal proceedings have been or could be instituted against any person. If such confiscation cannot be effected, an amount corresponding to the full or partial value of the said objects may be confiscated by court judgement from the offender or the party on whose behalf he has acted, regardless of whether criminal proceedings might have been or could be instituted against any person.

Confiscation in terms of this provision is not to be considered a penalty.

9. The Act applies subject to such restrictions as are recognized under international law or which derive from international agreements.

10. The King may issue regulations to supplement or implement the Act, including provisions concerning the duty to disclose information about commercial contact with South Africa or Namibia.

11. The Act enters into force immediately.

Sections 1-4 are not applicable to transactions which take place within four months of the entry into force of the Act.

- - - - -