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ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RACIAL DISCRIMINATION

Note by the Secretary-General

1. On 21 December 1965, at its 1406th meeting, the General Assembly by resolution 2106 A (XX) adopted and opened for signature and ratification the International Convention on the Elimination of All Forms of Racial Discrimination, annexed to the resolution, and invited the States referred to in its article 17 to sign and ratify the Convention without delay. The Assembly requested the Secretary-General to submit to it reports concerning the state of ratifications of the Convention, which would be considered by the Assembly at future sessions.
2. In resolution 2332 (XXII) of 18 December 1967, the General Assembly, inter alia, urged all eligible Governments which have not yet done so to sign, ratify and implement without delay this Convention as well as the other conventions directed against discrimination in employment and occupation and against discrimination in education.
3. The International Convention on the Elimination of All Forms of Racial Discrimination was opened for signature in New York on 7 March 1966. As of 24 September 1968, the Convention has received sixty-eight signatures, nineteen of which have been followed by ratification. Four States have acceded to it. The Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession. Four further ratifications or accessions are therefore necessary to bring the Convention into force.

4. The list of States which have signed or ratified the Convention may be found in annex I; the text of the declarations and reservations made by some of these States may be found in annex II.

ANNEX I

List of States that have signed or ratified the Convention

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Algeria	9 December 1966	
Argentina	13 July 1967	
Australia	13 October 1966	
Belgium	17 August 1967	
Bolivia	7 June 1966	
Brazil	7 March 1966	27 March 1968
Bulgaria ^{a/}	1 June 1966	8 August 1966
Burundi	1 February 1967	
Byelorussian Soviet Socialist Republic ^{a/}	7 March 1966	
Cambodia	12 April 1966	
Cameroon	12 December 1966	
Canada	24 August 1966	
Central African Republic	7 March 1966	
Chile	3 October 1966	
China	31 March 1966	
Colombia	23 March 1967	
Costa Rica	14 March 1966	16 January 1967
Cuba ^{a/}	7 June 1966	
Cyprus	12 December 1966	21 April 1967
Czechoslovakia ^{a/}	7 October 1966	29 December 1966
Dahomey	2 February 1967	
Denmark	21 June 1966	
Ecuador		22 September 1966 ^{b/}

^{a/} For the declarations and reservations made by this State, see annex II.

^{b/} Date of accession.

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<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Federal Republic of Germany	10 February 1967	
Finland	6 October 1966	
Gabon	20 September 1966	
Ghana	8 September 1966	8 September 1966
Greece	7 March 1966	
Guatemala	8 September 1967	
Guinea	24 March 1966	
Holy See	21 November 1966	
Hungary ^{a/}	15 September 1966	4 May 1967
Iceland	14 November 1966	13 March 1967
India	2 March 1967	
Iran	8 March 1967	29 August 1968
Ireland	21 March 1968	
Israel	7 March 1966	
Italy	13 March 1968	
Jamaica	14 August 1966	
Libya		3 July 1968 ^{b/}
Luxembourg	12 December 1967	
Madagascar	18 December 1967	
Malta ^{a/}	5 September 1968	
Mauritania	21 December 1966	
Mexico	1 November 1966	
Mongolia ^{a/}	3 May 1966	
Morocco	18 September 1967	
Netherlands	24 October 1966	
New Zealand	25 October 1966	
Niger	14 March 1966	27 April 1967
Nigeria		16 October 1967 ^{b/}

a/ For the declarations and reservations made by this State, see annex II.

b/ Date of accession.

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Norway	21 November 1966	
Pakistan	19 September 1966	21 September 1966
Panama	8 December 1966	16 August 1967
Peru	22 July 1966	
Philippines	7 March 1966	15 September 1967
Poland	7 March 1966	
Senegal	22 July 1968	
Sierra Leone	17 November 1966	2 August 1967
Somalia	26 January 1967	
Spain		13 September 1968 ^{b/}
Sweden	5 May 1966	
Trinidad and Tobago	9 June 1967	
Tunisia	12 April 1966	13 January 1967
Ukrainian Soviet Socialist Republic ^{a/}	7 March 1966	
Union of Soviet Socialist Republics ^{a/}	7 March 1966	
United Arab Republic ^{a/}	28 September 1966	1 May 1967
United Kingdom of Great Britain and Northern Ireland	11 October 1966	
United States of America ^{a/}	28 September 1966	
Uruguay	21 February 1967	30 August 1968
Venezuela	21 April 1967	10 October 1967
Yugoslavia	15 April 1966	2 October 1967

^{a/} For the declarations and reservations made by this State, see annex II.

^{b/} Date of accession.

ANNEX II

Declarations and reservations

BULGARIA

[Original: French]

The Government of the People's Republic of Bulgaria considers that the provisions of article 17, paragraph 1, and article 18, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the effect of which is to prevent sovereign States from becoming parties to the Convention, are of a discriminatory nature. The Convention, in accordance with the principle of the sovereign equality of States, should be open for accession by all States without any discrimination whatsoever.

The People's Republic of Bulgaria does not consider itself bound by the provisions of article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, which provides for the compulsory jurisdiction of the International Court of Justice in the settlement of disputes with respect to the interpretation or application of the Convention. The People's Republic of Bulgaria maintains its position that no dispute between two or more States can be referred to the International Court of Justice without the consent in each particular case of all the States parties to the dispute.

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

The Byelorussian Soviet Socialist Republic states that the provision in article 17, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become parties to the Convention is of a discriminatory nature, and holds that, in accordance with the principle of the sovereign equality of States, the Convention should be open to participation by all interested States without discrimination or restriction of any kind.

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The Byelorussian Soviet Socialist Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court.

CUBA

[Original: Spanish]

The Government of the Republic of Cuba will make such reservations as it may deem appropriate if and when the Convention is ratified.

CZECHOSLOVAKIA

[Original: English]

The Czechoslovak Socialist Republic considers that the provision of article 17, paragraph 1, is not in keeping with the aims and objectives of the Convention since it fails to ensure that all States without any distinction and discrimination be given opportunity to become Parties to the Convention.

The Czechoslovak Socialist Republic does not consider itself bound by the provision of article 22 and maintains that any dispute between two or more Parties over the interpretation or application of the Convention, which is not settled by negotiation or by procedures expressly provided for in the Convention, can be referred to the International Court of Justice only at the request of all the parties to the dispute, if they did not agree to another means of settlement.

HUNGARY

[Original: English]

The Hungarian People's Republic considers that the provisions of article 17, paragraph 1, and of article 18, paragraph 1, of the Convention, barring accession to the Convention by all States, are of a discriminating nature and contrary to international law. The Hungarian People's Republic maintains its general position that multilateral treaties of a universal character should, in conformity with the principles of sovereign equality of States, be open for accession by all States without any discrimination whatever.

The Hungarian People's Republic does not consider itself bound by article 22 of the Convention providing that any dispute between two or more States Parties with respect to the interpretation or application of the Convention shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision. The Hungarian People's Republic takes the view that such disputes shall be referred to the International Court of Justice only by agreement of all parties concerned.

ITALY

[Original: Italian]

On signing the Convention, the Permanent Representative of Italy to the United Nations, upon instructions of his Government, made the following declaration:

(a) The positive measures, provided for in article 4 of the Convention and specifically described in sub-paragraphs (a) and (b) of that article, designed to eradicate all incitement to, or acts of, discrimination, are to be interpreted, as that article provides, "with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5" of the Convention. Consequently, the obligations deriving from the aforementioned article 4 are not to jeopardize the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association which are laid down in articles 19 and 20 of the Universal Declaration of Human Rights, were reaffirmed by the General Assembly of the United Nations when it adopted articles 19 and 21 of the International Covenant on Civil and Political Rights, and are referred to in articles 5 (d) (viii) and (ix) of the Convention. In fact, the Italian Government, in

conformity with the obligations resulting from Articles 55 (c) and 56 of the Charter of the United Nations, remains faithful to the principle laid down in article 29 (2) of the Universal Declaration, which provides that "in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society".

(b) Effective remedies against acts of racial discrimination which violate his individual rights and fundamental freedoms will be assured to everyone, in conformity with article 6 of the Convention, by the ordinary courts within the framework of their respective jurisdiction. Claims for reparation for any damage suffered as a result of acts of racial discrimination must be brought against the persons responsible for the malicious or criminal acts which caused such damage.

ISRAEL

[Original: English]

The Government of Israel has noted the political character of the declaration made by the Government of Libya on acceding to the above Convention. In the view of the Government of Israel, this Convention is not the proper place for making such political pronouncements. The Government of Israel will, in so far as concerns the substance of the matter, adopt towards the Government of Libya an attitude of complete reciprocity.

LIBYA

[Original: English]

(a) The Kingdom of Libya does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the

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International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

(b) It is understood that the accession to this Convention does not mean in any way a recognition of Israel by the Government of the Kingdom of Libya. Furthermore, no treaty relations will arise between the Kingdom of Libya and Israel.

MADAGASCAR

[Original: French]

The Government of the Malagasy Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court.

MALTA

[Original: English]

The Government of Malta wishes to state its understanding of certain articles in the Convention.

It interprets article 4 as requiring a party to the Convention to adopt further measures in the fields covered by sub-paragraphs (a), (b) and (c) of that article should it consider, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights set forth in article 5 of the Convention, that the need arises to enact "ad hoc" legislation, in addition to or variation of existing law and practice to bring to an end any act of racial discrimination.

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Further, the Government of Malta interprets the requirements in article 6 concerning "reparation or satisfaction" as being fulfilled if one or other of these forms of redress is made available and interprets "satisfaction" as including any form of redress effective to bring the discriminatory conduct to an end.

MONGOLIA

[Original: Russian]

On behalf of the Government of the Mongolian People's Republic, the Permanent Mission also states that the provision in article 17, paragraph 1, of the Convention whereby a number of States are deprived of the opportunity to become Parties to the Convention is of a discriminatory nature, and it holds that, in accordance with the principle of the sovereign equality of States, the Convention on the Elimination of All Forms of Racial Discrimination should be open to participation by all interested States without discrimination or restriction of any kind.

The Mongolian People's Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court.

MOROCCO

[Original: French]

The Kingdom of Morocco does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the Parties to the dispute, to be referred to the

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International Court of Justice for decision. The Kingdom of Morocco states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

SPAIN

[Original: Spanish]

With a reservation to the whole of article XXII (jurisdiction of the International Court of Justice) to the effect that following its deposit and, in accordance with the provisions of paragraph 1 of article XVIII, Spain becomes a Party to the Convention.

UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

The Ukrainian Soviet Socialist Republic states that the provision in article 17, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become Parties to the Convention is of a discriminatory nature, and holds that, in accordance with the principle of the sovereign equality of States, the Convention should be open to participation by all interested States without discrimination or restriction of any kind.

The Ukrainian Soviet Socialist Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court.

UNION OF SOVIET SOCIALIST REPUBLICS

Original: Russian

The Union of Soviet Socialist Republics states that the provision in article 17, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination whereby a number of States are deprived of the opportunity to become Parties to the Convention is of a discriminatory nature, and holds that, in accordance with the principle of the sovereign equality of States, the Convention should be open to participation by all interested States without discrimination or restriction of any kind.

The Union of Soviet Socialist Republics does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and states that, in each individual case, the consent of all parties to such a dispute is necessary for referral of the dispute to the International Court.

UNITED ARAB REPUBLIC^{a/}

Original: English

The United Arab Republic does not consider itself bound by the provisions of article 22 of the Convention, under which any dispute between two or more States Parties with respect to the interpretation or application of the Convention is, at the request of any of the parties to the dispute, to be referred to the International Court of Justice for decision, and it states that, in each individual case, the consent of all parties to such a dispute is necessary for referring the dispute to the International Court of Justice.

It is understood that the signing of this Convention does not mean in any way a recognition of Israel by the Government of the United Arab Republic. Furthermore, no treaty relations will arise between the United Arab Republic and Israel.

^{a/} In a communication received on 29 December 1966, the Government of Israel declared that it "has noted the political character of the declaration made by the Government of the United Arab Republic on signing the above Convention. In the view of the Government of Israel, this Convention is not the proper place for making such political pronouncements. The Government of Israel will, in so far as concerns the substance of the matter, adopt towards the Government of the United Arab Republic an attitude of complete reciprocity".

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

First, in the present circumstances deriving from the usurpation of power in Rhodesia by the illegal régime, the United Kingdom must sign subject to a reservation of the right not to apply the Convention to Rhodesia unless and until the United Kingdom informs the Secretary-General of the United Nations that it is in a position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented.

Secondly, the United Kingdom wishes to state its understanding of certain articles in the Convention. It interprets article 4 as requiring a party to the Convention to adopt further legislative measures in the fields covered by sub-paragraphs (a), (b) and (c) of that article only in so far as it may consider with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) that some legislative addition to or variation of existing law and practice in those fields is necessary for the attainment of the end specified in the earlier part of article 4. Further, the United Kingdom interprets the requirement in article 6 concerning "reparation or satisfaction" as being fulfilled if one or other of these forms of redress is made available and interprets "satisfaction" as including any form of redress effective to bring the discriminatory conduct to an end. In addition, it interprets article 20 and the other related provisions of part III of the Convention as meaning that if a reservation is not accepted the State making the reservation does not become a Party to the Convention.

Lastly, the United Kingdom maintains its position in regard to article 15. In its view this article is discriminatory in that it establishes a procedure for the receipt of petitions relating to dependent territories while making no comparable provision for States without such territories. Moreover, the article purports to establish a procedure applicable to the dependent territories of States whether or not those States have become parties to the Convention. Her Majesty's Government has decided that the United Kingdom should sign the Convention, these objections notwithstanding, because of the importance it attaches to the Convention as a whole.

UNITED STATES OF AMERICA

[Original: English]

The Constitution of the United States contains provisions for the protection of individual rights, such as the right of free speech, and nothing in the Convention shall be deemed to require or to authorize legislation or other action by the United States of America incompatible with the provisions of the Constitution of the United States of America.
