

PROVISIONAL
For participants only

CERD/C/SR.842
2 November 1989

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Thirty-seventh session

PROVISIONAL SUMMARY RECORD OF THE 842nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 15 August 1989, at 3 p.m.

Chairman: Mr. LAMPTEY

later: Mr. YUTZIS
Mr. GARVALOV

CONTENTS

Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention (continued)

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

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)

Third and fourth periodic reports of Colombia (CERD/C/143/Add.1 and CERD/C/166/Add.1)

At the invitation of the Chairman, Mr. Rivas Posada (Colombia) resumed his seat at the Committee table.

Mr. FERRERO COSTA, speaking as rapporteur entrusted with the preliminary examination of the reports of Colombia, said he would continue the series of comments on the third and fourth periodic reports of Colombia (CERD/C/143/Add.1 and CERD/C/166/Add.1) that he had begun at the previous meeting. First, he wished to draw attention to the serious problems caused by political violence and drug trafficking in Colombia. Those problems, which were not peculiar to Colombia, but also affected other countries in the Andean region, such as Peru, could jeopardize the implementation of policies for the elimination of racial discrimination.

In that connection, the fourth report of Colombia mentioned the emergence of delinquency and of groups taking the law into their own hands, but stressed that the new Government's programmes of economic and social reform and its strategies for extending democracy were not affected (para. 8). Unfortunately, he could not share that view: as he saw it, the country's democratic system, its development programmes, and its policies for the elimination of racial discrimination were in fact seriously affected. It was not a matter of making accusations against the Colombian Government, but rather of understanding its difficult situation, and of assessing how far it was in a position to give effect to the Convention.

In support of his argument, he referred to the report on the visit to Colombia made by the Working Group on Enforced or Involuntary Disappearances, submitted to the Economic and Social Council in document E/CN.4/1989/18/Add.1, dated 6 February 1989. In particular, he quoted from paragraphs 8, 11, 12, 13 and 15 of the report, concerning political violence in Colombia; paragraph 16, concerning the maintenance of the legal order; and paragraphs 17, 19, 20 and 21, concerning judges and the judiciary. He also referred, in connection with guerrilla activities, to the statements by the Colombian Government reflected in paragraph 105 of the document. It was clear from the sections of the report to which he had referred that terrorism and

drug trafficking in Colombia were seriously affecting the policies formulated and applied by the Government to give effect to the provisions of the Convention. It would therefore be desirable for the Colombian Government to provide some comments and explanations on the matter. He reiterated that the situation in question was not peculiar to Colombia; other Latin American countries were similarly affected. It was simply a matter of understanding that situation, in order to be able to consider the third and fourth periodic reports of Colombia in a relevant fashion.

In conclusion, he considered that Colombia respected the Convention, and was applying it in so far as it was in a position to do so. It submitted regular reports, provided a wealth of information, and showed a great willingness to engage in dialogue, and for that it was to be congratulated. However, the reports of Colombia did, as he had indicated, give rise to certain questions. He realized that not all those questions could be answered immediately: for some, a written reply could be sent at a later stage, within the framework of the dialogue already established. The measures taken by Colombia to ensure application of the provisions of the Convention should be seen in the difficult context of the serious problems caused by the subversion and drug trafficking to which he had referred.

The CHAIRMAN asked if any other members of the Committee wished to raise questions on the third and fourth periodic reports of Colombia (CERD/C/143/Add.1 and CERD/C/166/Add.1).

Mr. PARTSCH noted that paragraph 36 of the fourth periodic report referred to a Constitutional Reform Bill now under study, which aimed to prohibit the advocacy of national, racial or religious hatred or any other illegal action against any person or group of persons on any grounds whatsoever, including those of race, colour, religion, language or national or regional origin. It was claimed that the bill would protect the interests of indigenous communities. However, such a bill would need to be supplemented by amendments to the Penal Code providing specific penalties for such offences. Accordingly, he would like to know whether the new bill was to be accompanied by a reform of the Penal Code.

The initial report of Colombia (CERD/C/85/Add.2) indicated that indigenous populations were able to vote in local elections. He would like to know whether indigenous persons who spoke only dialects could also vote without having to take an examination in Spanish. As was known, certain

Latin American States had abolished that kind of examination. He also wondered whether the manuals mentioned in paragraph 40 of part II of the fourth periodic report were published in the mother tongues of the indigenous peoples as well as in Spanish.

Mr. SONG said the reports of Colombia gave a frank account of the difficulties the country was encountering in applying its policies for the benefit of indigenous populations. However, he would like to have more details on how those policies were affected by the shortage of resources. In paragraph 33 of part II of document CERD/C/166/Add.1 it was stated that the indigenous population numbered 448,710 persons, divided into some 300 groupings belonging to 80 or so culturally different ethnic groups. Given such a degree of dispersion, it would be interesting to know how measures designed to allow them some kind of autonomy could be applied.

The Colombian Government, like many Governments which had to deal with indigenous populations, was making efforts to develop productive activities for such populations, activities which would integrate them into the development of the country as a whole while at the same time enabling them to retain their ethnic identity. In Colombia, the efforts being made in that area were described in paragraphs 69-73 of the third periodic report (CERD/C/143/Add.1). He would welcome further details of any projects being developed by the Government to provide indigenous persons with professional qualifications. What was being done to help indigenous children to gain access to secondary education, and in particular, was there any scholarship programme? If so, he would be glad if the Committee could be given some statistics. Governments had a duty to apply policies designed to eliminate the socio-economic differences between different population groups in their respective countries, and he would like to have more information on the results of such policies in Colombia.

Mr. RHENAN SEGURA stressed that a very difficult political situation existed in Colombia, owing to the anti-guerrilla campaign and the trafficking in drugs, notably cocaine derivatives. Mr. Ferrero Costa had highlighted the problems posed by that situation. However, despite those difficulties, the Colombian Government was keeping up a fruitful dialogue with CERD and with other bodies concerned with the protection of human rights, and on that account it deserved to be congratulated.

The representative of Colombia had stated in his introduction of the report that in his country there were no longer indigenous reservations, but only "protected areas". He would appreciate some clarification on the difference between those two concepts: was it a difference of terminology, or of substance?

Mr. BANTON said he too recognized that the Colombian Government found itself in difficult circumstances, and that it would not be right to expect too much of it. He had only two comments to make. First, although he appreciated the "ethnographical guide" given on page 18 of the fourth periodic report (CERD/C/166/Add.1), in future reports he would like such information to be supplemented by figures indicating the proportion of each group in relation to the total population, and by an indication of the proportion of country dwellers as compared to town dwellers (it could be imagined that a considerable number of Indians from traditional communities had come to live in the towns).

With regard to the incidents involving security forces and emberas Indians that had occurred on 24 March, 14 April and 15 May 1987 in the Chocó region concerning mining rights, he had noted that the rebellious Indians had been classed as "guerrillas". The events concerned had caused an international outcry, which had led the Government to set up a commission of inquiry. The results of that commission's work should be communicated to the Committee, either orally or in the next report. He was aware that the incidents in question were not necessarily attributable to discrimination on grounds of race or colour, and that there might be reason to suspect the Indians of guerrilla activities. However, in order to form an opinion on how the Indians had been treated, one first needed to ask whether persons of European origin would have been treated in the same way. Such incidents - on which the Committee should be given more information - could well arise following differences over mining activities, exploitation of forests, etc.

Mr. RIVAS POSADA (Colombia) thanked members of the Committee for their comments and questions on his country's third and fourth periodic reports. He assured them that those comments - beginning with those of the Rapporteur, Mr. Ferrero Costa - would be transmitted to the Colombian Government. For the present, he would endeavour to reply in so far as he was able.

Mr. Ferrero Costa had begun by making two general comments. In regard to the first comment, he recognized that it was not enough for a State party to assert that in theory it conformed to international instruments: it should indicate specifically what laws or other measures it had adopted for that purpose. Colombia, for its part, had endeavoured to supply the Committee with the fullest information possible in that regard, and would continue to do so. Secondly, Mr. Ferrero Costa had asked whether Colombia was contemplating the possibility of recognizing the competence of CERD to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention, under article 14 of that instrument. That question was currently under discussion in Colombia. The Government was actively studying all possible ways of improving the protection of the rights defined not only in international human rights instruments, but also in instruments adopted under the auspices of the Red Cross. In particular, Colombia was contemplating acceptance of the procedure provided for under article 14 of the Convention.

Mr. Ferrero Costa had asked what the position was in regard to the constitutional reform referred to in paragraph 36 of the fourth report. That reform was designed to increase the extent to which citizens could become involved in the political process, to modify important aspects of the administration of justice, and to modernize a number of government institutions which had been so weakened by the crises the country had undergone that they had been unable to deal effectively with the particularly serious social and economic upheavals that had taken place in recent years. The draft bill had been approved on first reading in the course of the 1988 parliamentary term. Two readings were required before any reform of the Constitution could be adopted, and it was highly likely that the draft bill would be adopted on second reading. The reform should permit the Colombian Government to establish institutions better adapted to the kind of social and economic problems currently facing the country.

With regard to projects for indigenous development, in Colombia, as in many other Latin American countries, although new Governments might change the names of programmes, the continuity of those programmes was not affected. The basic features of projects developed under the preceding administration had been retained, and even strengthened. A new land reform act had been adopted

in 1988. That act was beginning to bear fruit, but it would be some time before the effects of the new land distribution policy on the indigenous populations could be ascertained.

Mr. Song had spoken of the difficulty of having a duty to protect disadvantaged populations and to preserve their cultural values and identity, while at the same time having a duty to encourage their development, in other words having to strike a balance between paternalism and autonomy. That problem was common to all countries which had indigenous populations, and it arose to a marked degree in Colombia. Indigenous populations had already been living in Colombia before the conquest of the country by a foreign power. That conquest had not been a peaceable one, any more than the attempts by the colonial power to assimilate the indigenous populations. During the conquest, the indigenous populations had been decimated. After it, the Government had endeavoured to see to it that those who had survived were protected while at the same time assimilating them. He had attempted to give an historical explanation of these events at the previous meeting. At one time the early stages of Spanish colonization had been seen in a romantic light: they had been regarded as the first step on the road to progress, and as inspired by the ideals of the French revolution. But in many respects Spanish colonial policy had been tainted by paternalism. It was not until the end of the nineteenth century that attitudes had changed, and it had gradually come to be realized that indigenous communities had to be respected if the cultural and social heritage they represented was to be preserved. Although it was true that certain populations were in need of special protection in some spheres because they were marginal in the historic, economic and social sense, it was equally true that they had the right to participate actively in decision-making on matters that concerned them. A practical compromise had to be reached which would guarantee the development of indigenous communities, while at the same time preserving their cultural identity. It was not a matter of imposing on such communities the kind of development characteristic of modern civilization, but rather of enabling them to develop within the framework of their own cultural and traditional values. It was in the light of these considerations that the Colombian Government had formulated its development policy for such communities. In protecting their lands and their cultures, in helping them to find markets for their handicraft production, and giving them easier access to the national education system, it was stimulating their development while maintaining a proper regard for their cultural

identity. The Government was thus making every effort to resolve the contradiction between the need to grant indigenous communities a degree of autonomy, and the need to promote their development. He was sure that that complex and delicate problem would eventually be solved.

Where Colombia's relations with South Africa were concerned, his country had no relations - diplomatic, trade or consular - with South Africa. In any event, the way Colombian trade was structured made it unsuitable for trade relations with that country.

In regard to the obligation to respect the provisions of article 4 of the Convention, a Code of Penal Procedure had been adopted at the end of 1988. The study group responsible for preparing the Code had been working on it for several years, and had had great difficulty in having it approved. There were certain technical aspects that required more extensive study by experts. Colombia's next report would indicate what results had been achieved in that field.

Mr. Ferrero Costa had asked for more specific figures regarding certain questions of particular interest to the Committee, such as, for example, demographic composition. It was difficult to compile statistics of that kind in Colombia because it was a country of mestizos. Those who were entirely white - almost exclusively of Spanish origin - represented under 20 per cent of the population. Over 50 per cent were mestizos - persons of mixed Indian and white descent. Mulattos, the result of a mix of whites and black descendants of African slaves brought in to work mainly in the gold and silver mines, represented some 20 per cent of the population. In addition, 7 to 8 per cent were either pure black, or black with very little racial mix, and finally what were regarded as pure indigenous persons comprised some 1 to 1.5 per cent of the population. All the figures he had given were very approximate, because it was difficult to define race from the biological point of view. Only tribes which had their own dialect, and which inhabited a clearly defined territory some distance away from any lines of communication, could be considered as distinct ethnic groups. Accordingly, it was not easy to say with any degree of accuracy how many indigenous people, blacks, mestizos or mulattos were working in Government offices, teaching, or the public services. Those of pure Indian blood were few in number and lived in remote rural areas: because they were somewhat cut off from the rest of the country, their participation in economic and social life was rather limited. Great efforts had nevertheless been made to bring primary education to those

isolated rural areas. It should be possible to gain from the electoral registers some idea of the share of certain indigenous groups or communities in the voting process, and the question would be dealt with in Colombia's next periodic report.

Mr. Ferrero Costa had also asked for information on the Office of the Presidential Adviser on the Defence, Protection and Promotion of Human Rights. That Office had been set up at the end of 1988 to co-ordinate and centralize efforts to identify human rights violations. Its task was to prepare reports on the circumstances under which the violations had occurred, and to bring those reports to the attention of judges and investigating authorities: it worked in very close collaboration with the Public Prosecutor, who was empowered to order inquiries into violations of human rights or other offences committed by officials at all levels.

Finally, Mr. Ferrero Costa had spoken of the need to assess the situation in Colombia in terms not only of racial discrimination but also of respect for all human rights, in the light of the problems currently confronting the country, notably the problem of violence which had plagued it for several decades. Various groups were resorting to violence in an attempt to change existing institutions, rather than utilizing the democratic procedures already to hand.

Another problem the Colombian Government had to face was drug trafficking. It was only recently, when they had begun to feel themselves threatened by it, that the industrialized countries had become aware of that problem. Colombia was unfortunately a centre for the processing and distribution of drugs. Dealers were openly engaged in a bloody war against the legally constituted authorities of the country, which were struggling to halt the trafficking, and had singled out the Ministry of Justice as a particular target for their attacks. One Minister of Justice had been assassinated, as had 11 of the 24 judges of the Supreme Court and a number of other persons who had been investigating drug trafficking. Under such circumstances, it was not only hard to provide all citizens with protection on a permanent basis, but also particularly difficult to find the resources and the machinery to assist, protect and stimulate minorities - in Colombia's case, the indigenous populations, which were so isolated, so poor and so deprived of the resources of modern civilization.

In reply to a comment from Mr. Partsch regarding respect for the social structures of indigenous populations, he said that there existed within the indigenous communities local councils (cabildos) which were responsible not only for regulating important aspects of community affairs, but also for administering justice. The cabildos settled family disputes or economic problems. They were not autonomous organs of government within the State, but simply traditional bodies, whose powers, though limited, were nevertheless in keeping with the values and the time-honoured traditions of the indigenous groups. The fact that the ways and customs of the indigenous peoples were respected did not mean that they were not considered as fully fledged citizens: their status as citizens was guaranteed under the Constitution. For example, no limitations were imposed on their right to vote or their right to be elected, and even illiterates were entitled to vote.

Mr. Partsch had asked whether there existed any manuals on national legislation, and if so, in what languages. He pointed out that only some 20 of the indigenous languages were in fact written languages, and it was most often the missions that undertook to translate the manuals in question so that they could be distributed in the vernacular. It was a costly and difficult task, but progress had nevertheless been made.

Mr. Song had mentioned the social agitation that had occurred in the remote areas where the indigenous peoples had taken refuge, a remoteness which greatly complicated the Government's task when endeavouring to quell disturbances. He pointed out that not all regions occupied by indigenous peoples necessarily suffered from disturbances. In reply to another question from Mr. Song regarding the protection of the environment, he said that the experience gained by indigenous peoples, who were used to protecting their environment against erosion, was of great value for the Government. The indigenous peoples also contributed in other ways to the protection of natural resources.

In regard to the methods used for eliminating illiteracy among indigenous peoples who had no access to the ordinary education system because they lived in too remote areas, or because their educational level was too low, he said that special courses were organized by volunteers who endeavoured to reach such populations and to bring them out of their isolation. In any event, the majority of the non-Spanish-speaking indigenous population were considered as illiterate.

In reply to Mr. Rhenan Segura, who had asked what the difference was between "protected areas" and "reservations", he said that the system of reservations dated from the colonial period: under that system, the indigenous community was granted the right to land, but exclusively on the basis of precarious tenure; the community only had usufruct, while the land remained the property of the State. Today, the official policy was gradually to transform the reservations into "protected areas" over which the indigenous populations would have a true title of collective ownership which was more in keeping with their traditions.

In reply to Mr. Banton, who had asked whether the indigenous populations were moving into the urban areas, he replied that populations which were pure-bred or only partially of mixed race generally lived at a great distance from urban areas, which was why they had retained their own cultural values. Mr. Banton had referred to alleged violent incidents in the region of Chocó, a humid tropical region near Panama inhabited by indigenous populations descended from black slaves. He had not heard of such incidents, but he would ask the Colombian authorities to give details on the matter in Colombia's next periodic report.

Mr. Yutzis took the Chair.

Mr. SHAHI noted from paragraph 43 of the fourth periodic report of Colombia that in its 25 years of operation the land reform had provided a solution for 35,000 peasant families, in other words for some 1,400 families a year, representing barely 4 per cent of the target population. He asked whether the figure of 35,000 families really did represent only 4 per cent of the population, and whether the area of land available was sufficient to enable the land reform eventually to achieve all its goals.

He would also like to know whether landowners sometimes rented out their land, or whether the indigenous populations only cultivated land that had been made available to them on a collective basis. Was it planned to adopt agrarian legislation to improve the conditions of such populations?

Mr. RIVAS POSADA (Colombia) said that the figures quoted in paragraph 43 of the fourth periodic report of Colombia were probably erroneous. Nevertheless, the implications of the paragraph were clear: the land reform that had been in operation for the past 25 years was a failure. Hence the new land reform, introduced in 1988, which would undoubtedly give much more satisfactory results.

Generally speaking, the indigenous populations cultivated only their own land, but, when the land available in the protected areas was not extensive enough, some of them had to leave their own group and their own territory to work as paid labourers or "share-croppers"; however, they would then pay rent in kind to the landowners, and their status was precarious.

Mr. SHAHI said he would be glad if in its next periodic report Colombia could give details regarding the wages paid to share-croppers working for a landowner. In Pakistan, share-croppers normally kept 50 per cent of the produce for themselves, following what was usually traditional practice.

Mr. RIVAS POSADA (Colombia) pointed out that the legal system in Colombia was not a common law system, and labour contracts had to be concluded in written form, in accordance with the relevant legislation. That made the matter more difficult to resolve.

The CHAIRMAN thanked the representative of Colombia for having replied so willingly to the Committee's questions. The Committee had thus concluded its consideration of the third and fourth periodic reports of Colombia.

Mr. Rivas Posada (Colombia) withdrew.

Eighth, ninth and tenth periodic reports of the Philippines (CERD/C/172/Add.17)

At the invitation of the Chairman, Mrs. Escaler (Philippines) took a place at the Committee table.

Mrs. ESCALER (Philippines) introduced the eighth, ninth and tenth consolidated report of the Philippines (CERD/C/172/Add.17), which was submitted to the Committee in accordance with article 9 of the Convention. The report covered the period from 1984 to 1988, but dealt primarily with the legislative, judicial and administrative measures adopted by the current Philippine Government between 1986 and 1989 to give effect to the provisions of the Convention. When the Aquino Government had come to power on 25 February 1986, following the most peaceful of revolutions, one of its first tasks had been to restore democratic institutions. While Mrs. Aquino had abolished the Marcos Constitution, she had left untouched the Bill of Rights, which defined the rights of citizens.

In the field of human rights, the first official acts of President Aquino had been to release all political prisoners, to create a Presidential Committee on Human Rights - now replaced by the Philippine Commission on Human Rights - to ratify on 28 February 1986 the International Covenant on Civil and Political Rights, and to ratify in April 1988 the Convention against Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment. Finally, only some two weeks previously, the President had signed the instrument of ratification of the Optional Protocol to the International Covenant on Civil and Political Rights.

However, those achievements had their limitations, since it was impossible to institutionalize human behaviour or respect for human rights, particularly in view of the fact that in the Philippines the legitimate Government still had to contend with a ruthless insurgency determined to overthrow it. In such a situation, it was easy for insurgency propagandists to depict any act of legitimate self-defence as a violation of human rights.

In regard to racial discrimination, the adoption of preventive measures seemed almost unnecessary, because racial discrimination as defined under article 1 of the Convention was entirely alien to the Philippine psyche and to Philippine mores, culture and experience. Not one case of alleged violation of the Convention had been reported, and no person, group or organization, whether public or private, had ever been accused of committing an act of racial discrimination or of disseminating propaganda based on theories of racial superiority. Accordingly, if the Philippine Government had signed and subsequently ratified the Convention in 1967, it was essentially in order to express its solidarity with the international community on the need to prevent racism, racial discrimination and practices akin to discrimination.

There was only one point on which the Philippines might be open to criticism and might be accused of violating the Convention: the socio-economic development of the indigenous populations was still at a relatively low level. However, that low level of development was in no way attributable to racial discrimination; it was the result of colonialism, economic exploitation, and four centuries of deliberate Government neglect. The present Philippine Government had set out to remedy that situation, and she referred in that connection to article II, section 22, and article X, sections 15-21 of the Constitution. Those articles made provision for the creation of autonomous regions in Mindanao and the Cordilleras, while at the administrative level the former Office of Muslim Affairs and Cultural Communities had been reorganized into three separate agencies - the Office of Muslim Affairs, the Office of Northern Cultural Communities, and the Office of Southern Cultural Communities. Those three agencies should enable the Philippine indigenous communities to achieve genuine self-sufficiency in the socio-economic field (CERD/C/172/Add.17, paras. 27-31).

Where the application of article 3 of the Convention was concerned, her country could not but condemn wholeheartedly the apartheid policy of South Africa. In regard to article 4, the Philippine Government had in April 1978 adopted a preventive measure in the form of a presidential decree declaring unlawful any violation of the Convention. To date, no cases of violation of that decree had been reported. Articles 5, 6 and 7 of the Convention were examined in detail in the report submitted to the Committee, but she wished to point out that the Philippine Government had in addition adopted a legal system penalizing acts prohibited under the Convention. The judicial system also institutionalized remedies available to victims, who had the right to appeal to the ombudsman, and as a last resort, to the Philippine Commission on Human Rights. The latter was unique in that it was a body set up under the Constitution, designed to be completely independent of all political agencies of the Government. Equality before the law was a right enshrined in the Constitution, and all political, civil, economic, social and cultural rights enumerated under article 5 of the Convention were also guaranteed.

Mr. Garvalov took the Chair.

Mr. YUTZIS, speaking as Rapporteur entrusted with the examination of the periodic report of the Philippines, thanked the Philippine representative for the account she had given of the political developments currently taking place in her country. In the end, only democracy could effectively guarantee application of the Convention, because only democracy created the conditions required for human rights to be fully respected. Speaking for himself, he wished the young democracy of the Philippines every success.

Speaking as Rapporteur for the report (CERD/C/172/Add.17) he noted from paragraph 6, as well as from the introduction by the Philippine representative, that emphasis was laid on the complete absence of racial discrimination in the country. Nevertheless, the Philippine Government itself admitted that colonialism and imperialism had brought with them certain forms of inequitable social relationships, leading to racial distinctions which could be perceived as tantamount to discrimination (ibid., para. 8).

In every society, two factors exerted a predominant influence over human relationships: the power exercised by the wealthy, and the power that derived from prestige. History showed that those two types of power were often combined and were closely linked - though in a way that was difficult to define - to the colour of skin of those who enjoyed them. Accordingly, it was

not easy to decide to what extent social relationships were affected by social and economic problems and to what extent they were affected by racial discrimination. Because the Philippines had inherited from its colonial past a social structure with a number of clearly defined classes, it was not impossible that some racial prejudices might have survived, if only in an unconscious form.

The Philippines was to be congratulated on having kept in force Presidential Decree No. 1350-A, promulgated on 17 April 1978 with a view to giving effect to the provisions of the Convention, a decree which had been of great importance, notably for the application of article 2, paragraph 1 (d), and article 4.

He noted with satisfaction the intensive efforts being made by the Philippines in support of the struggle against the apartheid régime.

Where article 5 of the Convention was concerned, it was true that information concerning the demographic composition of the population was given in the report, but he would like that information to be supplemented in the next report by specific figures on the composition of the various tribes, so that the Committee could gain some idea of the living conditions of the members of indigenous communities.

The creation of three offices specially designed to address the needs of the various cultural communities, referred to in paragraph 13 of the report, was a very interesting innovation, and he wondered how many members of the communities referred to were employed in the three offices concerned.

It would be interesting to know whether members of such communities were entitled to legal aid in their own language, and, if not, whether the Philippine Government planned to take any steps to make such aid available.

Where land ownership was concerned, he wondered what was the extent of the ancestral lands which had been, or were to be, restored to the indigenous communities and what kind of title would be given them; very often, indigenous communities owned land collectively, and the concept of private property was unknown to them.

He would welcome further details with regard to the Luzon Islands, which were occupied, as he understood it, by seven ethnic groups. Had any measures been taken for the benefit of those communities, and what was their exact number?

The Philippines was currently undergoing a period of transition, and was suffering from trouble stirred up by various armed movements, against which - as the representative of the State party had pointed out - the Government had to defend itself. However, the dividing line between the protection of the State - and hence the defence of human rights - and violation of those rights was very blurred, and sometimes the results achieved were not what had been intended. Accordingly, the situation of communities which had to endure not only the attacks of the insurgency movements but also the operations of the security forces gave cause for concern.

In conclusion, he had found in the report of the Philippines signs of openness and of hope for the country's future.

Mr. Lamptey resumed the Chair.

Mr. BESHIR said he had read with particular interest the reports of the Philippines (CERD/C/172/Add.17), a country which had carried out the most peaceful revolution in the world's history. Nevertheless, the country was suffering from troubles stirred up by persons the Government described as "ruthless insurgents", without any real indication of who such insurgents might be. It would be useful to have further details of those insurgency movements, and the circumstances underlying the conflict.

It would also be helpful to have more information about the responsibilities of the three offices set up to deal with the problems of specific cultural communities (para. 13), and on how they operated: only brief indications were given in paragraph 67.

In regard to education, it would be useful to know what were the education projects which the report had described as designed to promote peace. In paragraph 33 (b) reference was made to a Shariah programme. He would like to know whether that programme had been devised by a single Muslim group, or whether several groups had been involved in planning it.

Finally, it would be helpful to have more details on the living conditions of those who inhabited the troubled areas: he wondered, in particular, whether they had been moved into other regions.

Mr. GARVALOV said that the periodic reports of the Philippines (CERD/C/172/Add.17), supplemented by the very instructive introduction by the Philippines representative, were excellent. The frankness with which the country's problems were dealt with bore witness to the Government's determination to respect the Convention.

It was stated in paragraph 6 of the report that Filipinos were all descended from a single racial stock, but that appeared to be contradicted by paragraph 11, which referred to the existence of 110 ethnic tribes. It was further stated in paragraph 19 that 0.3 per cent of the population were foreign nationals. Some further clarification would be appreciated.

The position of the Philippines in regard to the apartheid régime was highly commendable, and the only remaining question was whether the country maintained any relations with South Africa.

Although the report claimed that Philippine legislation guaranteed the promotion of full employment, nothing was said on the subject of the right to work, and he would appreciate more details on the matter.

Mr. PARTSCH recalled the important role played by Mr. Ingles, a Philippine magistrate who had been a member of the Committee since its inception, and who had made a significant contribution to the development of the Committee's established practice.

It was well-known that the Philippine Government was endeavouring successfully to safeguard the identity of its various language communities, but it would be useful to know whether any teaching was given in those languages. It was true that nothing in the Convention compelled States to set up schools offering teaching in ethnic languages, or to contribute to the financing of private schools; nevertheless, it would be interesting to know, purely for information, whether any such schools existed in the Philippines.

Mr. ABOUL NASR joined other members of the Committee in thanking the representative of the Philippines for her interesting introduction and in paying tribute to the authors of the report (CERD/C/172/Add.17). However, he wished to express a reservation in regard to the statement that had been made by the representative of the Philippines - and also by other States - to the effect that the Convention had been ratified out of "solidarity"; in his view, if States ratified the Convention, it must be with the firm intention of giving effect to its provisions.

The question of the insurgents was not very clear to him: he wondered whether they belonged to the indigenous or to the Muslim communities, and what were their declared objectives. In addition, he seemed to recall that some years earlier an agreement between the Philippine Government and the insurgents had been envisaged: he wondered what had eventually happened.

Mr. RESHETOV said he had followed with interest and sympathy the historic changes that had taken place in the Philippines and were highlighted in the report (CERD/C/172/Add.17).

The brief historical resumé in paragraph 7 gave a good idea of the current situation to the extent that it resulted from several centuries of diverse influences. However, he could not help reflecting that States very often tended to ascribe enduring socio-economic conditions to historical reasons. It was the responsibility of Governments in all countries to take steps to improve the living conditions of their populations.

The Committee was accustomed to hearing of ethnic, national or religious communities, but it was the first time that it had encountered the notion of "cultural communities". In view of the cultural richness of the Philippines, that term deserved some further clarification.

Paragraphs 15-18 of the report appeared to suggest that, although no cases of racial discrimination had yet occurred in the Philippines, the Government did not exclude the possibility that such cases might arise in future. If that interpretation was correct, the Committee could not but welcome such an attitude, since it showed that the Philippines were aware that the Convention aimed not only to suppress racial discrimination, but also to prevent it.

The meeting rose at 6 p.m.