



REPORT
OF THE
COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION

GENERAL ASSEMBLY

OFFICIAL RECORDS : TWENTY-FIFTH SESSION

SUPPLEMENT No. 27 (A/8027)

UNITED NATIONS

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New York, 1970

NOTE

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LETTER OF TRANSMITTAL

13 September 1970

Sir,

I have the honour to refer to article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, according to which the Committee on the Elimination of Racial Discrimination, established under the Convention, is to "report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Racial Discrimination held two sessions in 1970 and unanimously adopted, at its 39th meeting held today, the accompanying report in fulfilment of its obligations under the Convention, which I am submitting to you for transmission to the General Assembly.

Accept, Sir, the assurances of my highest consideration.

(Signed) Raheshwar DAYAL
Chairman
Committee on the Elimination of
Racial Discrimination

His Excellency
U Thant
Secretary-General of the United Nations
New York

I. ESTABLISHMENT AND MEMBERSHIP OF THE COMMITTEE

1. The International Convention on the Elimination of All Forms of Racial Discrimination, adopted by the General Assembly in resolution 2106 A (XX) of 21 December 1965, and opened for signature in New York on 7 March 1966, entered into force on 4 January 1969, 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 as provided in article 19 of the Convention. As of 18 September 1970, there were forty-one States Parties to the Convention (see annex I).

2. Duly designated representatives of the States Parties to the Convention held four meetings on 10 July, 29 August and 20 November 1969 at the Headquarters of the United Nations, in accordance with the provisions of article 8 of the Convention, 1/ and elected the following eighteen members of the Committee on the Elimination of Racial Discrimination from a list of persons nominated by the States Parties:

Mr. Alvin Robert Cornelius (Pakistan)
Mr. Rajeshwar Dayal (India)
Mr. Mikhail Zakharovich Getmanets (Ukrainian SSR)
Mr. A.A. Haastrup (Nigeria)
Mr. José D. Ingles (Philippines)
Mr. Herbert Marchant (United Kingdom of Great Britain and Northern Ireland)
Mr. Aboul Nasr (United Arab Republic)
Mr. Gonzalo Ortiz-Martin (Costa Rica)
Mrs. Doris Owusu-Addo (Ghana)
Mr. Karl Josef Partsch (Federal Republic of Germany)
Mr. Aleksander Peles (Yugoslavia)
Mr. Zbigniew Resich (Poland)
Mr. Zenon Rossides (Cyprus)
Mr. Fayez A. Sayegh (Kuwait)
Mr. S.T.M. Sukati (Swaziland)
Mr. N.K. Tarassov (USSR)
Mr. Ján Tomko (Czechoslovakia)
Mr. Luis Valencia Rodríguez (Ecuador)

3. The meeting of the States Parties decided that the term of office of the members would commence on the date of the first meeting of the Committee. 2/ The first meeting of the Committee was held on 19 January 1970 and, therefore, the term of office of the members of the Committee will end on 19 January 1974 with the exception of those whose terms expire at the end of two years in accordance with article 8, paragraph 5 (a), of the Convention (see section III below).

1/ For decisions of the States Parties to the Convention at their first meeting, see Official Records, First Meeting, document CERD/SP/3.

2/ Ibid., p. 5.

II. ORGANIZATION OF THE SESSIONS

A. Sessions

4. The Committee on the Elimination of Racial Discrimination held two sessions in 1970 at the Headquarters of the United Nations, New York. The first session was held from 19 to 30 January 1970 and the second session from 31 August to 18 September 1970.

5. On behalf of the Secretary-General of the United Nations, Mr. Marc Schreiber, Director of the Division of Human Rights, opened the first meeting of the Committee on 19 January 1970.

B. Attendance

6. All the members, except Mr. A.R. Cornelius, attended the first session of the Committee. All members, except Messrs. Resich and Tomko, attended the second session; Messrs. Cornelius and Peles attended only part of the session.

C. Election of officers

7. At its first meeting, the Committee elected the following officers in accordance with article 10, paragraph 2, of the Convention:

Chairman: Mr. Rajeshwar Dayal

Vice-Chairmen: Mr. A.A. Haastrup
Mr. Gonzalo Ortiz-Martin
Mr. Zbigniew Resich

Rapporteur: Mr. Fayez A. Sayegh

D. Secretariat

8. At its first session, Mr. Marc Schreiber, Director of the Division of Human Rights, represented the Secretary-General, and Mr. Kamleshwar Das, Chief of Section on Studies and Conventions, Division of Human Rights, acted as Secretary of the Committee. At its second session, Mr. Marc Schreiber and Mr. Kamleshwar Das represented the Secretary-General, and Mr. Enayat Houshmand acted as Secretary of the Committee.

E. Agenda

9. The agendas of the first and second sessions of the Committee were as follows:

First session

1. Opening of the session by the Secretary-General or his representative.
2. Election of the Chairman of the Committee.
3. Adoption of the agenda for the first session of the Committee.
4. Adoption of the rules of procedure of the Committee under article 10 of the Convention.
5. Election of other officers of the Committee.
6. Choice by lot by the Chairman of the nine members of the Committee whose terms expire at the end of two years in accordance with article 8, paragraph 5 (a), of the Convention.
7. Consideration of reports submitted by States Parties under article 9 of the Convention.
8. Consideration of such action as may be required by the Committee under article 11 of the Convention.
9. Consideration of copies of petitions, copies of reports and of other information relating to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in conformity with article 15 of the Convention.
10. Meetings of the Committee in 1970.
11. Report of the Committee to the General Assembly under article 9, paragraph 2, of the Convention.

Second session

1. Adoption of the agenda.
2. Adoption of further rules of procedure of the Committee under article 10 of the Convention.
3. Consideration of reports submitted by States Parties under article 9 of the Convention.
4. Consideration of copies of petitions, copies of reports and of other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
5. Consideration of such action as may be required by the Committee under article 11 of the Convention.

6. Meetings of the Committee in 1971.
7. Report of the Committee to the General Assembly under article 9, paragraph 2, of the Convention.
10. The Committee did not take up item 8 of the agenda of its first session or item 5 of the agenda of its second session since no action was required.

III. CHOICE BY LOT BY THE CHAIRMAN OF THE NINE MEMBERS OF THE COMMITTEE WHOSE TERMS EXPIRE AT THE END OF TWO YEARS IN ACCORDANCE WITH ARTICLE 8, PARAGRAPH 5 (a), OF THE CONVENTION

11. In accordance with the provisions of article 8, paragraph 5 (a), of the Convention, at the first meeting of the Committee the following nine members were chosen by lot by the Chairman of the Committee as the members whose terms of office will expire at the end of two years, namely on 19 January 1972:

Mr. Alvin Robert Cornelius
Mr. Rajeshwar Dayal
Mr. Mikhail Zakharovich Getmanets
Mr. Gonzalo Ortiz-Martin
Mr. Aleksander Peles
Mr. Zbigniew Resich
Mr. Zenon Rossides
Mr. N.K. Tarassov
Mr. Ján Tomko

IV. RULES OF PROCEDURE

12. In accordance with the provisions of article 10, paragraph 1, of the Convention, which provides that the Committee "shall adopt its own rules of procedure", the Committee, at both its first and second sessions, considered the draft rules of procedure prepared by the Secretary-General. At its first session, the Committee discussed draft rules concerning the general conduct of its business at its 5th to 10th meetings on 22, 23, 26 and 27 January 1970 and provisionally adopted sixty-two rules. At the same session, when certain amendments were under consideration at the 8th meeting on 26 January 1970, members of the Committee expressed the view that it would be preferable to defer consideration of the proposed amendments until the Committee had before it additional rules of procedure which would be prepared by the Secretariat on the basis of the discussions. Accordingly, the Secretary-General prepared additional draft rules of procedure referring to articles 9 and 11 to 13 of the Convention, which the Committee considered at its second session during its 17th to 28th and 32nd meetings on 31 August to 9 September and 11 September 1970. One additional general rule and fifteen rules pertaining to the procedure of the Committee relating to articles 9 and 11 to 13 of the Convention were adopted. The text of the seventy-eight rules provisionally adopted by the Committee at its two sessions is set forth in annex II of the report.

13. In adopting its general rules of procedure at its first session, the Committee decided that for the time being it would need to hold two regular sessions each year (rule 1). Special sessions of the Committee are to be convened by decision of the Committee. However, when the Committee is not in session, the Chairman of the Committee may convene special sessions in consultation with the other officers; he shall also convene special sessions at the request of a majority of the members of the Committee or at the request of a State Party to the Convention (rule 3).

14. A proposal was made by Mr. Ingles to include a rule providing that, when a member of the Committee is unable to attend the whole or part of a session, he may, with the consent of his Government, designate an alternate and that, after the approval by the Committee of such designation, he shall have the same status as a member of the Committee, including the right to vote. The Committee discussed this proposal at its 7th meeting on 26 January 1970. Most members of the Committee taking part in the discussion were of the opinion that the proposal was not in keeping with the provisions of the Convention according to which the Committee consisted of eighteen experts elected by the States Parties from among their nationals to serve in their personal capacity. In the light of the discussion, the proposal was withdrawn by its sponsor.

15. The Committee decided that its meetings and those of its subsidiary bodies, which may be established, should be held in public unless the Committee decides otherwise, or it appears from the relevant provisions of the Convention that the meeting should be held in private (rule 31).

16. At its 8th meeting, the Committee dealt with the question of records, deciding that the summary records of its public and private meetings shall be drawn up by the Secretariat (rule 33), that the records of its public meetings in their final form shall be distributed to the members of the Committee and to the States Parties to the Convention and made available to other persons and bodies as may be determined by the Committee, and that the records of its private meetings shall be distributed to the members of the Committee and may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide (rule 34).

17. At its 10th meeting, the Committee, having considered the question of distribution of its report, decisions and other documents, decided that the text of reports, formal decisions and other official documents of the Committee and its subsidiary bodies should be distributed by the Secretariat to all members of the Committee, to all States Parties to the Convention and, as may be determined by the Committee, to all others directly concerned (rule 62).

18. At the second session, during its 20th to 28th meetings, sixteen additional rules were formulated and provisionally adopted; all but one related to the functions of the Committee under articles 9 and 11 to 13 of the Convention. The other rule related to part I of the provisional rules of procedure, comprising "General Rules", and was added to chapter IX thereof, titled "Conduct of Business". It laid down the procedures to be followed in relation to reconsideration at the same session of a proposal which had already been adopted or rejected (rule 47).

Article 9 of the Convention

19. Regarding article 9 of the Convention, the Committee adopted four rules (rules 64-67, chapter XIV).

20. The Committee noted that, under paragraph 1 of article 9, the States Parties undertake to submit two types of periodic reports according to a clearly defined schedule: within one year after the entry into force of the Convention for the State concerned, and thereafter every two years. The Committee decided that it "may, through the Secretary-General, inform the States Parties of its wishes regarding the form and contents of the periodic reports" (rule 64).

21. In addition to periodic reports, article 9, paragraph 1, provides that the States Parties shall submit additional reports "whenever the Committee so requests"; and it also authorizes the Committee to "request further information from the States Parties". The Committee agreed that, when it decides to request such additional reports or further information, it shall transmit its decision to the Secretary-General for communication to the State Party concerned within two weeks and that "it may indicate the manner as well as the time within which such additional report or further information shall be supplied" (rule 65).

22. In cases where the periodic or additional reports, or the further information requested by the Committee, are not received within the time-limits prescribed by the Convention or indicated by the Committee, as the case may be, the Committee may, at the following session, transmit a reminder to the State Party concerned through the Secretary-General. If, even after the reminder, the State Party does not submit the report or information in question, "the Committee shall include a reference to this effect in its annual report to the General Assembly" (rule 66).

23. The application of paragraph 2 of article 9 of the Convention raised some questions which at first gave rise to divergence of viewpoints among the members of the Committee. It will be recalled that that paragraph authorizes the Committee to "make suggestions and general recommendations based on the examination of the reports and information received from the States Parties", and stipulates that "such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties". Some members were initially of the opinion that the words "together with" prohibited the Committee from reporting its suggestions and general recommendations to the General Assembly before the receipt by the Committee of the comments of the States Parties concerned. But, upon consideration of the drafting history of the Convention, a majority of the members of the Committee was persuaded that such was not the intent of the Convention. Accordingly, the Committee decided in rule 67 that such suggestions and general recommendations as the Committee may make under article 9 of the Convention "shall be communicated by the Committee through the Secretary-General to the States Parties for their comments" and that the Committee may, when necessary, indicate a time-limit within which those comments are to be received. It was agreed that the Committee shall report its suggestions and general recommendations to the General Assembly together with comments from States Parties, if any were received.

Article 11 of the Convention

24. Consideration of the procedures to be followed in relation to the functions of the Committee under article 11 resulted in the adoption of three rules of procedure (68-70, chapter XV), and gave rise to several questions of interpretation of the Convention.

25. One question related to the role of the Committee in connexion with a communication which may be received by it from a State Party "which considers that another State Party is not giving effect to the provisions" of the Convention. Paragraph 1 of article 11 states that "the Committee shall then transmit the communication to the State Party concerned". Some members held the view that the Committee, at that stage, could take no action other than transmitting the communication; other members were of the opinion that the Committee should consider the communication before transmitting it; while still others maintained that the Committee should first undertake a preliminary examination of the communication and then transmit the communication to the State Party concerned without further consideration. After prolonged discussions, the Committee agreed to adopt the text which appears in rule 68, paragraph 1. According to this paragraph, the Committee shall "examine" a matter brought to it under article 11, paragraph 1, of the Convention, "at a private meeting" and shall then transmit the communication to the State Party concerned through the Secretary-General. However, "the Committee in examining the communication shall not consider its substance"; and "any action at this stage by the Committee in respect of the communication shall in no way be construed as an expression of its views on the substance of the communication".

26. Another question arising from the application of article 11, paragraph 1, of the Convention related to the action to be taken with respect to a communication under that paragraph which may be received while the Committee is not in session. On the one hand, there was a desire that transmission to the State Party concerned be not delayed until the following session, which may open several months later, and a corresponding inclination to entrusting the Chairman with the transmission of the communication on behalf of the Committee after circulating its text to the members of the Committee for their information. On the other hand, some members noted that under article 11, paragraph 1, of the Convention, the duty of transmitting the communication was entrusted to the Committee and not to the Chairman, whereas in other articles (such as article 13, paragraphs 2 and 3) the task of transmission was entrusted to the Chairman. After several attempts to achieve unanimity failed, the procedures laid down in paragraphs 3 and 4 of rule 68 were adopted by a majority of the members present and voting.

27. With respect to article 11, paragraph 4, of the Convention, the Committee decided that, in calling for additional information on a matter referred again to the Committee in accordance with paragraph 2, the Committee "may indicate the manner as well as the time within which such information shall be supplied" (rule 69).

28. In order to give effect to the provisions of paragraph 5 of article 11 of the Convention, the Committee adopted rule 70, which provided that the Chairman shall inform the States Parties concerned, through the Secretary-General, of the forthcoming consideration by the Committee of a matter referred to it again under paragraph 2 of that article, and stipulated that such information shall be

conveyed to the States Parties concerned at the same time at which members of the Committee are notified of the date and place of the first meeting of the coming session, in accordance with rule 4 of the provisional rules of procedure, i.e. not later than thirty days in advance, in the case of a regular session, and at least eighteen days in advance, in the case of a special session.

29. Mr. Ingles presented a formal proposal, which provided that "the Committee may also invite any person whose rights under the Convention are alleged by a State Party to have been violated by another State Party, to appear before the Committee or otherwise submit a written statement". In view of the objections to this proposal voiced by other members of the Committee, the proponent withdrew it, stating that he might raise the issue again when the Committee was dealing with a specific case of the violation of article 5 of the Convention.

Articles 12 and 13 of the Convention

30. Regarding its functions under articles 12 and 13 of the Convention, the Committee adopted eight rules of procedure (71-78, chapter XVI).

31. The first three of these rules (71-73) laid down the procedures to be followed by the Committee or the Chairman in connexion with the establishment and composition of ad hoc Conciliation Commissions, in accordance with paragraph 1, sub-paragraphs a and b, of article 12.

32. The Committee refrained from adopting any rules to give effect to paragraphs 2 to 7 of article 12, which relate to the procedures of an ad hoc Conciliation Commission and other cognate matters, inasmuch as paragraph 3 stipulated that the Commission itself shall adopt its own rules of procedure.

33. Rules 74 and 75, however, deal with procedural matters which were not provided for in the Convention. Under rule 74 each member of an ad hoc Conciliation Commission, upon assuming his duties, shall make a "solemn declaration" corresponding to the declaration made by members of the Committee itself in accordance with rule 14. Rule 75 provides for the rise of vacancies in the Commission, and states that they shall be filled when they arise in accordance with the procedures laid down in rules 71 to 73.

34. In connexion with the question of vacancies in an ad hoc Conciliation Commission, one member of the Committee expressed the view that a vacancy would arise if one of the parties to a dispute, having originally consented to the composition of an ad hoc Conciliation Commission, subsequently withdraws that consent with respect to a member of the Commission. Other members of the Committee questioned the view that subsequent withdrawal of consent by a party to a dispute would create a vacancy in the Commission. No action was taken on this matter.

Articles 14 and 15 of the Convention

35. With respect to the two remaining functions of the Committee, in accordance with articles 14 and 15 of the Convention, no rules of procedure were considered at the second session inasmuch as the prerequisites for the coming into force of the provisions of article 14 had not been met and the Committee was awaiting the response of various bodies concerned to its statement of its responsibilities under article 15 of the Convention which it had adopted at its first session (see section VI).

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

Receipt of reports from States Parties under article 9, paragraph 1,
of the Convention

36. As the Convention entered into force for twenty-seven States Parties on 4 January 1969, initial reports under article 9, paragraph 1, of the Convention were due by 4 January 1970 from the following States Parties: Argentina, Brazil, Bulgaria, Costa Rica, Cyprus, Czechoslovakia, Ecuador, Ghana, Hungary, Iceland, India, Iran, Kuwait, Libya, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Sierra Leone, Spain, Tunisia, United Arab Republic, Uruguay, Venezuela and Yugoslavia.

37. The reports of ten States Parties, which deposited their instruments of ratification or accession subsequent to 4 January 1969, were expected in 1970 on the following dates: Union of Soviet Socialist Republics, 5 March 1970; Madagascar, 8 March 1970; Ukrainian SSR, 5 April 1970; United Kingdom, 5 April 1970; Swaziland, 6 May 1970; Byelorussian SSR, 7 May 1970; Syria, 20 May 1970; Holy See, 1 June 1970; Federal Republic of Germany, 14 June 1970; Mongolia, 4 September 1970. In addition, the initial report from Iraq would be due on 15 February 1971, from Greece on 19 July 1971, from Finland on 16 August 1971 and from Norway on 6 September 1971.

38. The Committee had at its first session reports from: Argentina, Bulgaria, Costa Rica, Czechoslovakia, India, Iran, Niger, Panama, Poland and Spain.

39. At its second session the Committee had reports from: Brazil, Bulgaria, Byelorussian SSR, Cyprus, Czechoslovakia, Ecuador, Federal Republic of Germany, Ghana, Holy See, India, Iran, Kuwait, Libya, Madagascar, Nigeria, Pakistan, Panama, Philippines, Swaziland, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom, Venezuela and Yugoslavia; as well as supplementary reports from Argentina, Costa Rica, Niger, Poland and Spain.

First session

40. At the 2nd and 11th meetings of its first session held on 20 and 28 January respectively, the Committee considered the question of reports by States Parties under article 9 of the Convention.

41. At its second meeting, in view of the fact that only brief reports from a few States Parties had been received, it was agreed to postpone consideration of the reports until a later date. It was also agreed to establish a Working Group composed of Mr. K.J. Partsch, Mr. Z. Resich, Mr. F.A. Sayegh, Mr. S.T.M. Sukati and Mr. L. Valencia Rodríguez to consider and report on the type of information the Committee would request the States Parties to include in their reports, taking into account the views expressed by the members of the Committee during the discussion.

42. The Working Group held two meetings on 21 and 23 January. It elected Mr. Z. Resich as its Chairman and Mr. F.A. Sayegh as its Rapporteur. It submitted to the Committee for consideration and adoption a text, based upon suggestions submitted by Mr. Sayegh and Mr. Valencia Rodríguez, of a communication to be sent to States Parties to the Convention. At its 11th meeting 28 January 1970, the Committee considered and unanimously adopted the text of the communication submitted by the Working Group and requested the Secretary-General to transmit the communication, on behalf of the Committee, to the States Parties to the Convention.

43. The text of the communication is reproduced in annex III A.

44. On 27 February 1970, the Secretary-General transmitted the communication of the Committee to all States Parties from whom reports were due in 1970.

Second session

45. At its second session, the Committee considered the question of reports submitted by States Parties under article 9, paragraph 1, of the Convention in ten meetings (29th to 38th). It examined reports, one by one, in the order in which they were received. This preliminary examination covered only eleven of the reports, and revealed that few, if any, provided all the information which the States Parties undertook to furnish in their initial reports, under article 9, paragraph 1 (a), of the Convention; that not all these reports were prepared on the lines suggested by the Committee in its communication of 28 January 1970 (CERD/C/R.12); and that even those reports which were guided by that communication did not furnish all the categories of information specified in that communication.

46. At first, the Committee was inclined to address to each State Party a separate communication, based on the examination of the report it had submitted. Each communication would list the categories and sub-categories of information which were still lacking and request the State Party concerned to furnish the information not yet provided. Drafts of two such proposed communications, relating to the first two reports received and examined by the Committee, were prepared by Mr. Sayegh.

47. Later on, however, the Committee preferred at this stage of the consideration of reports to send one general communication to all States Parties whose reports had been received, inviting their attention once again to the Committee's communication of 28 January 1970, and listing the categories of information most commonly lacking in the reports. A draft of such a proposed communication was prepared by Mr. Partsch; and a revised text, incorporating additions proposed orally by other members of the Committee, was subsequently submitted by him. The Committee had before it also two written amendments to Mr. Partsch's draft, submitted by Mr. Tarassov.

48. At the 37th meeting, however, it became apparent that the revised list of the categories and sub-categories of information lacking in the reports of the States Parties had expanded to such an extent as to become almost co-extensive with the original list contained in the Committee's communication of 28 January 1970. Furthermore, it was feared by some members that the citation, in the proposed new communication, of all but a few of the categories and

sub-categories cited in the earlier communication might be misconstrued as indicating that the Committee viewed those categories or sub-categories which were not listed again in the proposed new communication as having less importance than the others.

49. The Committee therefore agreed to send out a general communication requesting that each State Party which had already submitted its report re-examine it, in comparison with the list of categories of information requested in the communication of 28 January 1970, and furnish the Committee with the missing information. The Committee requested each State Party to submit to the Committee, by 1 February 1971, such information as was requested by it but was not yet furnished by the State Party. The new communication also refers the States Parties to the summary records of the meetings of the Committee in which reports submitted by States Parties were examined.

50. Under these circumstances, Mr. Tarassov did not insist on his written amendments to Mr. Partsch's draft, with the understanding that he may re-submit them at a later date during the examination of subsequent reports.

51. The final text of the communication, as adopted at the 37th meeting, appears in annex III B.

52. Regarding six States Parties whose reports were due and not received, the Committee requested the Rapporteur to draft the text of the communication to be addressed to them as a reminder in accordance with paragraph 1 of rule 66 of the provisional rules of procedure. The Rapporteur's draft, which was approved at the 38th meeting, appears in annex III C.

53. The Committee has made no suggestions or general recommendations in accordance with article 9, paragraph 2, of the Convention, pending the receipt of the additional information requested from the States Parties.

VI. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS
AND OF OTHER INFORMATION RELATING TO TRUST AND NON-SELF-
GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO
WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN
CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

54. At its first session, the Committee had before it a note by the Secretary-General containing, *inter alia*, the text of General Assembly resolution 2106 B (XX) and an indication of the action taken up to that time by the organs concerned in connexion with article 15 of the Convention and the General Assembly resolution.

55. The Committee was informed that the Trusteeship Council was due to meet in May 1970 and that the following actions had been taken by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples:

(a) Text of a note verbale to the Secretary-General dated 30 December 1969 from the Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples which read as follows:

"The Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples presents its compliments to the Secretary-General of the United Nations and has the honour to refer to the request contained in the relevant provisions of General Assembly resolution 2106 B (XX) of 21 December 1965 and of the International Convention on the Elimination of All Forms of Racial Discrimination, to the effect that the Special Committee should transmit to the Committee on the Elimination of Racial Discrimination, periodically or at the latter's request, copies of petitions from the peoples of the colonial countries relevant to the Convention, for the comments and recommendations of the said Committee.

"At its 715th meeting on 25 September 1969, the Special Committee, following its examination of the above-mentioned request, decided that its Chairman should be authorized, so far as the current year was concerned, to undertake on behalf of the Special Committee the transmission of the petitions relevant to the Convention to the Committee on the Elimination of Racial Discrimination.

"At its 724th meeting on 2 December, the Acting Chairman submitted to the Special Committee a note (A/AC.109/346) in which he indicated his intention, pursuant to the above-mentioned decision, to transmit a number of petitions to the Committee on the Elimination of Racial Discrimination. At the same meeting, the Special Committee decided, without objection, to take note of the proposal of the Acting Chairman.

"The Acting Chairman accordingly has the honour to request that the petition under reference, which are listed below, be brought to the attention of the Committee on the Elimination of Racial Discrimination:

<u>Petition concerning</u>	<u>Document</u>
Namibia	A/AC.109/PET.1056
	" 1057
	" 1058
	" 1094
	" 1111
Territories under Portuguese administration	A/AC.109/PET.1083
	" 1083/Add.1
Southern Rhodesia	A/AC.109/PET.1073
	" 1075
	" 1076
	" 1076/Add.1
	" 1092
	" 1098
Territories in southern Africa	A/AC.109/PET.1107"

(b) As regards article 15, paragraph 2 (b), of the Convention, the Special Committee decided at its 715th meeting on 25 September 1969 that copies of the working papers prepared for it annually by the Secretariat on political, economic, social and educational conditions in the Territories with which it is concerned should be transmitted to the Committee on the Elimination of Racial Discrimination.

56. In accordance with the above note verbale, the Secretary-General distributed copies of the petitions mentioned therein to the members of the Committee. In addition, in accordance with the decision of the Special Committee, the Secretary-General also distributed to the members of the Committee the working papers prepared for the Special Committee in 1969 and annexed to the chapters relating to individual Territories of the Special Committee's report to the General Assembly. 3/

57. At its 14th meeting, held on 29 January 1970, the Committee adopted a statement, based on a draft prepared by Mr. F.A. Sayegh, the Rapporteur, on the responsibilities of the Committee under article 15 of the Convention and agreed that the statement should be transmitted by the Secretary-General, on behalf of the Committee, to States Parties to the Convention and to the bodies of the United Nations referred to in article 15 of the Convention. The text of the statement appears in annex IV.

58. At its second session, the Committee was informed that the Secretary-General had transmitted the Committee's statement to the Trusteeship Council and to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

59. The Trusteeship Council, at its thirty-seventh session took the following decisions:

"(a) To transmit to the Committee on the Elimination of Racial Discrimination the annual reports submitted to it by the Administering Authorities as soon as they were received;

"(b) To authorize the President to propose which of the petitions before it seemed to relate to racial discrimination and subsequently to transmit them to the Committee;

"(c) To transmit information on the action taken on the relevant petitions as well as the records of the meetings at which they were discussed;

"(d) To transmit to the Committee copies of the Trusteeship Council's reports to the General Assembly and the Security Council which it pointed out incorporated the working papers prepared by the Secretariat after they had been approved by the Council.

"The Council also agreed that it was not possible for it to transmit information on the petitioners since it was not always possible for the Council to inquire into the bona fides of petitioners.

"With regard to the request to it to indicate those portions of the reports it received which were directly relevant to the principles and objectives of the Convention, the Council felt that this imposed a difficult task on it. In its view, the Committee itself, which was a body of experts, seemed to be the most competent body to make the decision as to relevance.

"At its 1369th meeting, the Council agreed that none of the petitions before it related to racial discrimination and that therefore it would not be transmitting any petitions to the Committee on the Elimination of Racial Discrimination this year."

60. Accordingly, the Committee had before it the two annual reports of the Administering Authorities relating to the Trust Territories of the Pacific Islands and New Guinea as well as the reports of the Trusteeship Council to the General Assembly 4/ and to the Security Council 5/ containing the working papers prepared by the Secretariat as adopted by the Council.

61. The Committee also had before it at its second session the working papers prepared by the Secretariat for the 1970 session of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in accordance with the decision of the Special Committee at its 715th meeting.

62. Due to lack of time and also because the Special Committee had not yet considered the Committee's statement of 29 January 1970, the Committee decided at the 37th meeting of its second session to defer until its third session consideration of the documents received by it in conformity with article 15 of the Convention.

VII. FUTURE MEETINGS OF THE COMMITTEE

63. At its first session, when considering its rules of procedure, the Committee agreed that it would need two sessions a year to complete its work: one session of two weeks' duration and another session of two to three weeks' duration.

64. It also agreed provisionally to hold in subsequent years its spring session a week or so after the closing of the annual session of the Commission on Human Rights and its autumn session from later August to mid-September.

65. At its second session, the Committee confirmed that its third and fourth sessions will be held in 1971 at United Nations Headquarters, New York, as follows: 12 to 23 April 1971 and 23 August to 10 September 1971.

4/ Official Records of the General Assembly, Twenty-fourth Session, Supplement No. 4 (A/8004).

5/ Official Records of the Security Council, Twenty-fifth Year, Special Supplement No. 1 (S/9893).

ANNEX I

STATES PARTIES TO THE INTERNATIONAL CONVENTION ON THE
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION
AS OF 18 SEPTEMBER 1970

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession (a)</u>
Argentina	2 October 1968
Brazil	27 March 1968
Bulgaria	8 August 1966
Byelorussian Soviet Socialist Republic	8 April 1969
Costa Rica	16 January 1967
Cyprus	21 April 1967
Czechoslovakia	29 December 1966
Ecuador	22 September 1966 (a)
Federal Republic of Germany	16 May 1969
Finland	14 July 1970
Ghana	8 September 1966
Greece	18 June 1970
Holy See	1 May 1969
Hungary	4 May 1967
Iceland	13 March 1967
India	3 December 1968
Iran	29 August 1968
Iraq	14 January 1970
Kuwait	15 October 1968 (a)
Libya	3 July 1968 (a)
Madagascar	7 February 1969
Mongolia	6 August 1969
Niger	27 April 1967
Nigeria	16 October 1967 (a)
Norway	6 August 1970
Pakistan	21 September 1966
Panama	16 August 1967
Philippines	15 September 1967
Poland	5 December 1968
Sierra Leone	2 August 1967

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession (a)</u>
Spain	13 September 1968 (a)
Swaziland	7 April 1969 (a)
Syrian Arab Republic	21 April 1969 (a)
Tunisia	13 January 1967
Ukrainian Soviet Socialist Republic	7 March 1969
Union of Soviet Socialist Republics	4 February 1969
United Arab Republic	1 May 1967
United Kingdom of Great Britain and Northern Ireland	7 March 1969
Uruguay	30 August 1968
Venezuela	10 October 1967
Yugoslavia	2 October 1967

ANNEX II

PROVISIONAL RULES OF PROCEDURE ADOPTED BY THE COMMITTEE AT ITS FIRST AND SECOND SESSIONS

PART I. GENERAL RULES

I. SESSIONS

Rule 1

The Committee on the Elimination of Racial Discrimination (hereinafter referred to as "the Committee"), established under the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as "the Convention"), shall hold two regular sessions each year.

Rule 2

Regular sessions of the Committee shall be convened at dates decided by the Committee in consultation with the Secretary-General of the United Nations (hereinafter referred to as "the Secretary-General"), taking into account the calendar of conferences as approved by the General Assembly.

Rule 3

1. Special sessions of the Committee shall be convened by decision of the Committee. When the Committee is not in session, the Chairman may convene special sessions of the Committee in consultation with the other officers of the Committee. The Chairman of the Committee shall also convene special sessions:

(a) at the request of a majority of the members of the Committee;

(b) at the request of a State Party to the Convention.

2. Special sessions shall be convened as soon as possible at a date fixed by the Chairman in consultation with the Secretary-General and with the other officers of the Committee, taking into account the calendar of conferences as approved by the General Assembly.

Rule 4

The Secretary-General shall notify the members of the Committee of the date and place of the first meeting of each session. Such notifications shall be sent, in the case of regular sessions, at least thirty days in advance, and in the case of a special session, at least eighteen days in advance, of the first meeting.

Rule 5

Sessions of the Committee shall normally be held at the Headquarters of the United Nations. Another place for a session may be designated by the Committee in consultation with the Secretary-General, taking into account the relevant rules of the United Nations on the subject.

II. AGENDA

Rule 6

The provisional agenda of each regular session shall be prepared by the Secretary-General in consultation with the Chairman of the Committee, in conformity with the relevant provisions of articles 9, 11, 12, 13, 14 and 15 of the Convention, and shall include:

- (a) Any item decided upon by the Committee at a previous session;
- (b) Any item proposed by the Chairman of the Committee;
- (c) Any item proposed by a State Party to the Convention;
- (d) Any item proposed by a member of the Committee;
- (e) Any item proposed by the Secretary-General.

Rule 7

The provisional agenda for a special session of the Committee shall consist only of those items which are proposed for its consideration at that special session.

Rule 8

The first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of the officers when required under rule 15.

Rule 9

During a session, the Committee may revise the agenda and may, as appropriate, add, defer or delete items.

Rule 10

The provisional agenda and basic documents relating to items appearing thereon shall be transmitted to the members of the Committee by the Secretary-General as early as possible. The provisional agenda of a special session shall be transmitted to the members of the Committee by the Secretary-General simultaneously with the notification of the meeting under rule 4.

III. MEMBERS OF THE COMMITTEE

Rule 11

Members of the Committee shall be the eighteen experts designated in accordance with article 8 of the Convention.

Rule 12

The members of the Committee elected at the first election shall begin their term of office on the date of the first meeting of the Committee. In the case of members of the Committee elected at subsequent elections, their term of office shall begin on the day following the date of the expiration of the term of office of the members of the Committee whom they replace.

Rule 13

1. When a casual vacancy occurs in the Committee, the Secretary-General shall immediately request the State Party whose expert has ceased to function as a member of the Committee to appoint another expert from among its nationals within two months to serve for the remainder of his predecessor's term. The name of the expert so appointed shall be submitted by the Secretary-General to the Committee for approval.
2. After the approval of the expert by the Committee, the Secretary-General shall notify the States Parties to the Convention of the name of the member of the Committee filling a casual vacancy.

Rule 14

Upon assuming his duties, each member of the Committee shall make the following solemn declaration in open Committee:

"I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Rule 15

The Committee shall elect from among its own members a Chairman, three Vice-Chairmen and a Rapporteur.

Rule 16

The officers of the Committee shall be elected for a term of two years. They shall be eligible for re-election. None of them, however, may hold office if he ceases to be a member of the Committee.

Rule 17

In exercising his functions as Chairman, the Chairman shall remain under the authority of the Committee.

Rule 18

If the Chairman is unable to be present at a meeting or any part thereof, he shall designate one of the Vice-Chairmen to act in his place.

Rule 19

A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Rule 20

If any of the officers of the Committee ceases or declares his inability to function as a member of the Committee or, for any reason, is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his predecessor.

V. SECRETARIAT

Rule 21

The secretariat of the Committee and of such subsidiary bodies as may be established by the Committee (hereinafter referred to as "the Secretariat") shall be provided by the Secretary-General.

Rule 22

The Secretary-General or his representative shall be present at all meetings of the Committee. He or his representative may, subject to rule 36, make either oral or written statements to the meetings of the Committee or its subsidiary bodies.

Rule 23

The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Committee and its subsidiary bodies.

Rule 24

The Secretary-General shall be responsible for keeping the members of the Committee informed of any questions which may be brought before it for consideration.

Rule 25

Before any proposal which involves expenditures is approved by the Committee or by any of its subsidiary bodies, the Secretary-General shall prepare and circulate to its members, as early as possible, an estimate of the cost involved in the proposal. It shall be the duty of the Chairman to draw the attention of members to this estimate and to invite discussions on it when the proposal is considered by the Committee or by a subsidiary body.

VI. LANGUAGES

Rule 26

Chinese, English, French, Russian and Spanish shall be the official languages and English, French, Russian and Spanish shall be the working languages of the Committee.

Rule 27

Speeches made in any of the working languages shall be interpreted into the other working languages.

Rule 28

Any person appearing before the Committee, may make a speech in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation in the first working language.

Rule 29

Summary records of meetings of the Committee shall be drawn up in the working languages.

Rule 30

All formal decisions of the Committee shall be made available in the official languages. All official documents of the Committee shall be issued in the working languages, and any of them may be issued in the other official language upon the decision of the Committee.

VII. PUBLIC AND PRIVATE MEETINGS

Rule 31

The meetings of the Committee and its subsidiary bodies shall be held in public, unless the Committee decides otherwise, or it appears from the relevant provisions of the Convention that the meeting should be held in private.

Rule 32

At the close of each private meeting the Committee or its subsidiary body may issue a communiqué through the Secretary-General.

VIII. RECORDS

Rule 33

Summary records of the public and private meetings of the Committee and its subsidiary bodies shall be prepared by the Secretariat. They shall be distributed in provisional form as soon as possible to the members of the Committee, and to any others participating in the meetings. All such participants may, within three working days of the receipt of the provisional records of the meetings, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be decided by the Chairman of the Committee or the Chairman of the subsidiary body to which the record relates or, in case of continued disagreement, by decision of the Committee or of the subsidiary body.

Rule 34

1. The records of public meetings in their final form shall be distributed to the members of the Committee and to the States Parties to the Convention and made available to other persons and bodies as may be determined by the Committee.
2. The records of private meetings shall be distributed to the members of the Committee and may be made available to others upon decision of the Committee at such time and under such conditions as the Committee may decide.
3. The Committee shall also determine when and under what conditions the records may be consulted by the public.

IX. CONDUCT OF BUSINESS

Rule 35

Two thirds of the members of the Committee shall constitute a quorum.

Rule 36

In addition to exercising the powers conferred upon him by the Convention and elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Committee, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject to these rules, shall have control of the proceedings of the Committee and over the maintenance of order at its meetings. The Chairman may, in the course of the discussion of an item, propose to the Committee the limitation of the time to be allowed to speakers, the limitation of the number of times each speaker may speak on any question and the closure of the list of speakers. He shall rule on points of order. He may also propose the adjournment or the closure of the debate or the adjournment or the suspension of a meeting. Debate shall be confined to the question before the Committee, and the Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 37

During the discussion of any matter, a member may, at any time, raise a point of order, and such point of order shall immediately be decided upon by the Chairman in accordance with the rules of procedure. Any appeal against the ruling of the Chairman shall immediately be put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting. A member raising a point of order may not speak on the substance of the matter under discussion.

Rule 38

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall immediately be put to the vote.

Rule 39

The Committee may limit the time allowed to each speaker on any question. When debate is limited and a member or representative exceeds his allotted time, the Chairman shall call him to order without delay.

Rule 40

During the course of a debate, the Chairman may announce the list of speakers and, with the consent of the Committee, declare the list closed. The Chairman may, however, accord the right of reply to any member or representative if a speech delivered after he has declared the list closed makes this

desirable. When the debate on an item is concluded because there are no other speakers, the Chairman shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Committee.

Rule 41

A member may, at any time, move the closure of the debate on the item under discussion, whether or not any other member or representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall immediately be put to the vote.

Rule 42

During the discussion of any matter, a member may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall immediately be put to the vote.

Rule 43

Subject to rule 37, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

Rule 44

Unless otherwise decided by the Committee, proposals and substantive amendments or motions submitted by members shall be introduced in writing and handed to the Secretariat of the Committee, and their consideration shall, if so requested by any member, be deferred until the next meeting on a following day.

Rule 45

Subject to rule 43, any motion by a member calling for a decision on the competence of the Committee to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Rule 46

A motion may be withdrawn by the member who proposed it at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

Rule 47

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Committee, by a two-thirds majority of its members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers in favour of the motion and to two speakers opposing the motion, after which it shall be immediately put to the vote.

X. VOTING

Rule 48

Each member of the Committee shall have one vote.

Rule 49

Except as otherwise provided in the Convention and elsewhere in these rules, decisions of the Committee shall be made by a majority of the members present and voting. For the purpose of these rules, "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

Rule 50

Subject to rule 56, the Committee normally shall vote by show of hands, except that any member may request a roll-call, which shall be taken in the English alphabetical order of the names of the members of the Committee.

Rule 51

The vote of each member participating in any roll-call shall be inserted in the record.

Rule 52

After the voting has commenced, there shall be no interruption of the voting except on a point of order by a member in connexion with the actual conduct of the voting. Brief statements by members consisting solely in explanations of their votes may be permitted by the Chairman before the voting has commenced or after the voting has been completed.

Rule 53

Parts of a proposal shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 54

1. When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.
2. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 55

1. If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.
2. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.
3. Any motions requiring that no decision be taken on the substance of such proposals, however, shall be considered as previous questions and shall be put to the vote before them.

Rule 56

All elections shall be decided by secret ballot.

Rule 57

When only one person or member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the Chairman shall decide between the candidates by drawing lots. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two thirds of the votes cast, provided that, after the third inconclusive ballot, votes may be cast for any eligible member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtain the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a person or member is elected.

Rule 58

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be

additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled, provided that, after the third inconclusive ballot, votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Rule 59

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

XI. SUBSIDIARY BODIES

Rule 60

1. The Committee may in accordance with the provisions of the Convention and subject to the provisions of rule 25, set up such subcommittees and other ad hoc subsidiary bodies as it deems necessary and define their composition and mandates.
2. Each subsidiary body shall elect its own officers and adopt its own rules of procedure.

XII. REPORTS OF THE COMMITTEE

Rule 61

The Committee shall report annually through the Secretary-General to the General Assembly, as provided in the Convention.

Rule 62

The texts of reports, formal decisions and other official documents of the Committee and its subsidiary bodies shall be distributed by the Secretariat to all members of the Committee, to all States Parties to the Convention and, as may be determined by the Committee, to others directly concerned.

XIII. AMENDMENTS

Rule 63

These rules of procedure may be amended by a decision of the Committee.

PART II. PROVISIONAL RULES OF PROCEDURE RELATING TO
THE FUNCTIONS OF THE COMMITTEE

XIV. REPORTS AND INFORMATION FROM STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Rule 64

The Committee may, through the Secretary-General, inform the States Parties of its wishes regarding the form and contents of the periodic reports required to be submitted under article 9 of the Convention.

Rule 65

If the Committee decides to request an additional report or further information from a State Party under the provisions of article 9, paragraph 1, of the Convention, it may indicate the manner as well as the time within which such additional report or further information shall be supplied and shall transmit its decision to the Secretary-General for communication, within two weeks, to the State Party concerned.

Rule 66

1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State Party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.
2. If even after the reminder, referred to in paragraph 1 of this Rule, the State Party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly.

Rule 67

1. Suggestions and general recommendations made by the Committee based on the examination of the reports and information received from States Parties under article 9, paragraph 2, of the Convention shall be communicated by the Committee through the Secretary-General to the States Parties for their comments.
2. The Committee may, where necessary, indicate a time-limit within which comments from States Parties are to be received.
3. Suggestions and general recommendations of the Committee referred to in paragraph 1, shall be reported to the General Assembly, together with comments, if any, from States Parties.

XV. COMMUNICATIONS FROM STATES PARTIES UNDER ARTICLE 11
OF THE CONVENTION

Rule 68

1. When a matter is brought to the attention of the Committee by a State Party in accordance with article 11, paragraph 1, of the Convention, the Committee shall examine it at a private meeting and shall then transmit it to the State Party concerned through the Secretary-General. The Committee in examining the communication shall not consider its substance. Any action at this stage by the Committee in respect of the communication shall in no way be construed as an expression of its views on the substance of the communication.

2. If the Committee is not in session, the Chairman shall bring the matter to the attention of its members by transmitting copies of the communication and requesting their consent to transmit such communication, on behalf of the Committee, to the State Party concerned in compliance with article 11, paragraph 1. The Chairman shall also specify a time-limit of three weeks for their replies.

3. Upon receipt of the consent of the majority of the members, or, if within the specified time-limit no replies are received, the Chairman shall transmit the communication to the State Party concerned, through the Secretary-General, without delay.

4. In the event of any replies being received which represent the views of the majority of the Committee, the Chairman, while acting in accordance with such replies, shall bear in mind the requirement of urgency in transmitting on behalf of the Committee the communication to the State Party concerned.

5. The Committee, or the Chairman on behalf of the Committee, shall remind the receiving State that the time-limit for submission of its written explanations or statement under the Convention is three months.

6. When the Committee received the explanations or statements of the receiving State, the procedure laid down above shall be followed with respect to the transmission of those explanations or statements to the State Party submitting the initial communication.

Rule 69

The Committee may call upon the States Parties concerned to supply information relevant to the application of article 11 of the Convention. The Committee may indicate the manner as well as the time within which such information shall be supplied.

Rule 70

If any matter is submitted for consideration by the Committee under paragraph 2 of article 11 of the Convention, the Chairman, through the Secretary-General, shall inform the States Parties concerned of the forthcoming

consideration of this matter not later than thirty days in advance of the first meeting of the Committee, in the case of a regular session, and at least eighteen days in advance of the first meeting of the Committee, in the case of a special session.

XVI. ESTABLISHMENT AND FUNCTIONS OF THE AD HOC CONCILIATION COMMITTEE
UNDER ARTICLES 12 AND 13 OF THE CONVENTION

Rule 71

After the Committee has obtained and collated all the information it thinks necessary as regards a dispute that has arisen under article 11, paragraph 2, of the Convention, the Chairman shall notify the States Parties to the dispute and undertake consultations with them concerning the composition of the Ad Hoc Conciliation Commission (hereinafter referred to as "the Commission"), in accordance with article 12 of the Convention.

Rule 72

Upon receiving the unanimous consent of the States Parties to the dispute regarding the composition of the Commission, the Chairman shall proceed to the appointment of the members of the Commission and shall inform the States Parties to the dispute of the composition of the Commission.

Rule 73

1. If within three months of the Chairman's notification as provided in rule 71 above, the States Parties to the dispute fail to reach agreement on all or part of the composition of the Commission, the Chairman shall then bring the situation to the attention of the Committee which shall proceed according to article 12, paragraph 1 (b), of the Convention at its next session.

2. Upon the completion of the election, the Chairman shall inform the States Parties to the dispute of the composition of the Commission.

Rule 74

Upon assuming his duties, each member of the Commission shall make the following solemn declaration at the first meeting of the Commission:

"I solemnly declare that I will perform my duties and exercise my powers as a member of the Ad Hoc Conciliation Commission honourably, faithfully, impartially and conscientiously."

Rule 75

Whenever a vacancy arises in the Commission, the Chairman of the Committee shall fill the vacancy as soon as possible in accordance with procedures laid

down in rules 71 to 73. He shall proceed with filling such vacancy upon receipt of a report from the Commission or upon a notification by the Secretary-General.

Rule 76

The information obtained and collated by the Committee shall be made available by its Chairman, through the Secretary-General, to the members of the Commission at the time of notifying the members of the Commission of the date of the first meeting of the Commission.

Rule 77

1. The Chairman of the Committee shall communicate the report of the Commission referred to in article 13 of the Convention as soon as possible after its receipt to each of the States Parties to the dispute and to the members of the Committee.

2. The States Parties to the dispute, shall, within three months after the receipt of the Commission's report, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission. The Chairman shall transmit the information received from the States Parties to the dispute to the members of the Committee.

3. After the expiry of the time-limit provided for in the preceding paragraph, the Chairman of the Committee shall communicate the report of the Commission and any declaration of States Parties concerned to the other States Parties to the Convention.

Rule 78

The Chairman of the Committee shall keep the members of the Committee informed of his actions under rules 72 to 77.

ANNEX III

A. TEXT OF COMMUNICATION SENT TO STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION, ADOPTED AT THE FIRST SESSION OF THE COMMITTEE ON 28 JANUARY 1970 (CERD/C/R.12)

The Committee on the Elimination of Racial Discrimination, established under the International Convention on the Elimination of All Forms of Racial Discrimination, having regard to the functions entrusted to it under article 9 of the Convention, wishes to draw the attention of the States Parties to the provisions of paragraph 1 of article 9, according to which States Parties "undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (a) within one year after the entry into force of the Convention for the State concerned; and (b) thereafter every two years and whenever the Committee so requests". Paragraph 1 also provides that "the Committee may request further information from the States Parties".

The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention.

In order for these reports to be of assistance to the Committee, and in order for them to reflect the progress towards the achievement of the principles and objectives of the Convention, which include the condemnation of racial discrimination and colonialism, the Committee feels that information contained in them on "the legislative, judicial, administrative or other measures" might be presented on the following lines:

1. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:
 - (a) Condemnation of racial segregation and apartheid, in accordance with article 3;
 - (b) Prohibition and elimination of racial discrimination in all its forms, as enumerated in article 5, especially in the field of political, civil, economic, social and cultural rights and the right of access to any place or service intended for use by the general public;
 - (c) Assuring "everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary

to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination", in accordance with article 6.

2. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

- (a) The undertaking "to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation", in accordance with article 2, paragraph 1 (a);
- (b) The undertaking "not to sponsor, defend or support racial discrimination by any persons or organizations", in accordance with article 2, paragraph 1 (b);
- (c) The undertaking "not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination", in accordance with article 4 (c).

3. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

- (a) The undertaking "to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists", in accordance with article 2, paragraph 1 (c);
- (b) The undertaking to "prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization", in accordance with article 2, paragraph 1 (d);
- (c) The undertaking to prevent, prohibit and eradicate, in territories under their jurisdiction, all practices of racial segregation and apartheid, in accordance with article 3;
- (d) The undertaking to "declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof", in accordance with article 4 (a);
- (e) The undertaking to "declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law", in accordance with article 4 (b).

4. Information on the legislative, judicial, administrative or other measures that have been adopted and that give effect to the following provisions of the Convention:

- (a) The undertaking "to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division", in accordance with article 2, paragraph 1 (e);
- (b) The undertaking to take, "when the circumstances so warrant" "in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms", in accordance with article 2, paragraph 2;
- (c) The undertaking "to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention", in accordance with article 7.

The Committee trusts that, in reporting on the "legislative, judicial, administrative or other measures", the States Parties would provide information regarding national procedures within their countries to implement those measures.

It would also be useful for the Committee if the reports were to contain information on the practice of the Courts relating to cases of racial discrimination.

The Committee is addressing this communication to all States Parties in the hope that all those States Parties which have already submitted their first reports may, nevertheless, wish to supplement them by additional information as outlined in the foregoing paragraphs.

As regards the first reports of the States Parties provided for in article 9, paragraph 1 (a), of the Convention, it would be most helpful to the Committee if the reports were to relate to legislative, judicial, administrative or other measures taken to give effect to the provisions of the Convention before and since entry into force of the Convention. The Committee fully understands that the subsequent reports at two-year intervals provided for under article 9, paragraph 1 (b), may deal primarily with such measures as will be taken during the two-year interval between reports.

B. TEXT OF COMMUNICATION TO BE SENT TO STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION, ADOPTED AT THE SECOND SESSION OF THE COMMITTEE ON 16 SEPTEMBER 1970

At its second session, the Committee on the Elimination of Racial Discrimination, in discharge of its responsibilities under paragraph 2 of article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, considered the reports submitted by States Parties in accordance with paragraph 1 of that article.

It may be recalled that the Committee on the Elimination of Racial Discrimination is called upon, under article 9, paragraph 2, of the Convention, to submit annual reports to the General Assembly on its activities and make suggestions and general recommendations based on the examination of reports and information received from the States Parties to the Convention.

In its communication adopted at its first session on 28 January 1970 (CERD/C/R.12) and transmitted to the States Parties in a note verbale by the Secretary-General on 27 February 1970, a copy of which is forwarded herewith, the Committee has laid down the type of information which it would expect to receive in pursuance of the provisions of article 9 of the Convention.

The Committee will appreciate it if each State Party will compare the report it has submitted with the communication adopted at the first session of the Committee (CERD/C/R.12) and will then furnish the Committee with information on those points which its report did not cover, by 1 February 1971. In this connexion the States Parties may wish to refer to the summary records of the meetings of the second session of the Committee (CERD/C/SR.29 to 37) at which it discussed the reports already submitted by the States Parties.

C. TEXT OF COMMUNICATION TO BE SENT TO STATES PARTIES WHOSE REPORTS ARE OVERDUE, ADOPTED BY THE COMMITTEE AT ITS SECOND SESSION ON 18 SEPTEMBER 1970

The Committee on the Elimination of Racial Discrimination invites the attention of the Government of _____ to article 9, paragraph 1 (a), of the International Convention on the Elimination of All Forms of Racial Discrimination. Under that article, States Parties undertake, inter alia, to submit a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of the Convention "within one year after the entry into force of the Convention for the State concerned".

In a communication adopted by the Committee on 28 January 1970 at its first session (CERD/C/R.12) and transmitted to all States Parties by the Secretary-General in a note verbale dated 27 February 1970, the Committee stated:

"The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2 of the Convention."

At its second session, the Committee adopted rule 66 of its provisional rules of procedure, which states:

Text of Rule 66

The Committee was informed at its second session by the Secretary-General that the report of the Government of _____, due on _____, was not yet received.

Accordingly, the Committee decided to address this communication to the Government of _____, through the Secretary-General, and to request it to submit the report by 1 January 1971.

The Committee expresses the hope that the report will be prepared on the lines suggested by the Committee in its earlier communication of 23 January 1970 (CERD/C/R.12).

ANNEX IV

STATEMENT OF THE RESPONSIBILITIES OF THE COMMITTEE UNDER ARTICLE 15 OF THE CONVENTION ADOPTED AT THE FIRST SESSION OF THE COMMITTEE ON 29 JANUARY 1970

1. At the 3rd, 4th and 12th meetings of its first session, held on 21, 22 and 28 January 1970, respectively, the Committee on the Elimination of Racial Discrimination considered the scope and the limits of its responsibilities under article 15 of the International Convention on the Elimination of all Forms of Racial Discrimination. The following paragraphs reflect the consensus of the Committee with respect to its terms of reference under that article.

A. Territories to which article 15 applies

2. The Committee holds the view that article 15 empowers it to consider all the information it receives from the bodies and organs of the United Nations referred to in paragraphs 2 and 4 of article 15, relating to matters covered by the Convention, in all Trust and Non-Self-Governing Territories and all other Territories to which General Assembly resolution 1514 (XV) applies, whether or not the administering Powers of the Territories in question are parties to the Convention.

B. Sources and channels of information

3. Such information, relating to matters covered by the Convention and to Trust and Non-Self-Governing Territories and all other Territories to which General Assembly resolution 1514 (XV) applies, shall include:

(a) Copies of petitions from the inhabitants of those Territories, transmitted to the Committee by the bodies of the United Nations referred to in sub-paragraph 2 (a) of article 15 of the Convention and paragraph 2 of General Assembly resolution 2106 B (XX);

(b) Copies of the reports concerning the legislative, judicial, administrative or other measures applied by the administering Powers, transmitted by the competent bodies of the United Nations;

(c) All information relevant to the objectives of the Convention and relating to the Territories mentioned in sub-paragraph 2 (a) of article 15 of the Convention which is available to the Secretary-General and requested by the Committee.

4. As far as copies of petitions are concerned, the Committee, while recognizing that it is not called upon to define the meaning of the word "inhabitants" in the phrase, "petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies" (which appears in sub-paragraph 2 (a) of article 15 of the Convention), nevertheless adopts a broad definition of that word on its own work. Accordingly, it is willing to receive from the competent

bodies of the United Nations, and to consider and express opinions and make recommendations on, copies of petitions addressed to those bodies not only by persons actually resident in a territory at the time of submission of a petition but from other persons, including persons who, though originating in the territory, might find themselves outside it at the time they submitted the petition to the appropriate body of the United Nations. The Committee is also willing to receive from the competent bodies of the United Nations and to consider all petitions transmitted to it by those bodies by whomsoever they may be addressed, provided that they satisfy the requirements of sub-paragraph 2 (a) of article 15 of the Convention.

5. The Committee notes, however, that article 15 of the Convention does not empower it to receive any petitions directly or through any channel other than the bodies mentioned in sub-paragraph 2 (a) of that article. It has decided to defer to its second session consideration of the procedure it will follow if a petition is addressed to it directly or through other than the appropriate channels, with a view to adhering strictly to its terms of reference, on the one hand, while, on the other hand, not depriving the petitioner or the competent bodies of the United Nations of the opportunity to have such a petition considered by an appropriate international body.

6. Without prejudice to the provisions of article 9, paragraph 1, of the Convention, the Committee notes that there is no provision in article 15 of the Convention authorizing the Committee to request an administering Power to furnish it with information on matters related to the principles and objectives of the Convention in a territory administered by it. Nor does article 15 empower the Committee to invite an administering Power to send representatives to appear before the Committee for the purpose of supplying additional information or clarification or replying to inquiries. Article 15 of the Convention, however, does not limit the competence of the Committee to request a body of the United Nations, which has transmitted to it reports of an administering Power or other pertinent information, to furnish it with such additional information as may be available to it.

7. The Committee decides to request the competent bodies and organs of the United Nations referred to in paragraphs 2 and 4 of article 15 of the Convention and in paragraphs 1 and 2 of General Assembly resolution 2106 B (XX):

(a) To supply it, together with the copies of relevant petitions they will transmit to the Committee, with (i) such information as may be available to those bodies about the petitioners, (ii) information on the action which those bodies may have taken on the petitions, and (iii) records of the meetings at which the petitions were considered or the petitioners were heard;

(b) To transmit to the Committee, as soon as they become available, copies of the reports submitted by the administering Powers, including reports submitted in accordance with Articles 73 e and 88 of the United Nations Charter, and other relevant reports, such as working papers prepared by the Secretariat;

(c) To indicate those portions of every report which, in the opinions of the appropriate bodies, are directly relevant to the principles and objectives of the Convention.

C. Responsibilities of the Committee

8. The Committee is charged, under paragraph 2 of article 15 of the Convention, with considering the copies of petitions and reports transmitted to it by the competent bodies of the United Nations and with submitting expressions of opinion and recommendations on them to those bodies.

9. In discharging this task, however, the Committee shall endeavour to avoid, as far as possible, duplicating the work of other competent bodies of the United Nations.

10. The Committee is charged also, under paragraph 3 of the article, with including in its annual reports to the General Assembly summaries of the petitions and reports it has received, together with the expressions of opinion and the recommendations it has made with respect to them and submitted to the competent bodies of the United Nations.

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