



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/8789

12 September 1972

ENGLISH

ORIGINAL: ENGLISH/FRENCH/SPANISH

Twenty-seventh session
Item 50 (c) of the provisional agenda*

ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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

Report of the Secretary-General

1. At its 1406th plenary meeting, on 21 December 1965, the General Assembly by resolution 2106 A (XX) adopted and opened for signature and ratification the International Convention on the Elimination of All Forms of Racial Discrimination, and invited the States referred to in article 17 of the Convention to sign and ratify it without delay. In the same resolution, the General Assembly requested the Secretary-General to submit to it reports concerning the state of ratifications of the Convention, which would be considered by the Assembly at its future sessions.
2. In resolution 2783 (XXVI) of 6 December 1971, the General Assembly, inter alia, urged all States which are not yet parties to the Convention to ratify or accede to it as soon as possible and requested them to report to the General Assembly on the measures taken by them to this effect, on any obstacles that may have been encountered and on any interim measures that have been taken to comply strictly with the principles set out in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and in the Convention.
3. The International Convention on the Elimination of All Forms of Racial Discrimination was opened for signature in New York on 7 March 1966. The Convention has received 72 signatures, 52 of which have been followed by ratifications; in addition, 15 States have acceded to the Convention bringing the total of ratifications and accessions to 67.1/

* A/8760

1/ For relevant information as of 31 December 1971, see Multilateral Treaties in respect of which the Secretary-General performs Depositary Functions: List of Signatures, Ratifications, Accessions, etc., as at 31 December 1971 (United Nations publication, Sales No.: E.72.V.7), pp. 71-78.

The list of States which have signed, ratified or acceded to the Convention is contained in annex I below. The texts of declarations, and reservations made by some of those States under article 20 of the Convention, subsequent to the report of the Secretary-General to the General Assembly at its twenty-sixth session (A/8439), are reproduced in annex II below.

4. The Convention entered into force on 4 January 1969, on the thirtieth day after the date of 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.

5. Three of the States which have ratified the Convention, namely the Netherlands, Sweden and Uruguay, have made declarations in accordance with article 14 of the Convention recognizing the competence of the Committee on the Elimination of Racial Discrimination, established under article 8 of the Convention, to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of violation by those States parties of any of the rights set forth in the Convention. Article 14, paragraph 9, of the Convention provides that the Committee shall be competent to exercise the functions provided for in this article only when at least 10 States parties to the Convention are bound by such declaration.

6. The States parties to the Convention held their second meeting at United Nations Headquarters, on 10 January 1972, in accordance with the provisions of article 8 of the Convention. They elected nine members of the Committee on the Elimination of Racial Discrimination, from a list of persons nominated by the States parties, to replace those whose term was due to expire on 19 January 1972. The list of the members of the Committee including those elected on 10 January 1972 may be found in annex III below. 2/

7. The Committee on the Elimination of Racial Discrimination held its fifth and sixth sessions at United Nations Headquarters in 1972. Under article 9, paragraph 2, of the Convention, the Committee has submitted its third annual report to the General Assembly at its twenty-seventh session. 3/

2/ For other decisions of the States parties, see: International Convention on the Elimination of All Forms of Racial Discrimination, Official Records: Second Meeting of States parties, document CERD/SP/4.

3/ Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/8718).

ANNEX I

List of States which have signed, ratified or acceded to the Convention

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Algeria	9 December 1966	14 February 1972
Argentina	13 July 1967	2 October 1968
Australia	13 October 1966	
Austria	22 July 1969	9 May 1972
Belgium	17 August 1967	
Bolivia	7 June 1966	22 September 1970
Brazil	7 March 1966	27 March 1968
Bulgaria	1 June 1966	8 August 1966
Burundi	1 February 1967	
Byelorussian Soviet Socialist Republic	7 March 1966	8 April 1969
Cameroon	12 December 1966	24 June 1971
Canada	24 August 1966	14 October 1970
Central African Republic	7 March 1966	16 March 1971
Chile	3 October 1966	20 October 1971
China ^{a/}	31 March 1966	10 December 1970
Colombia	23 March 1967	
Costa Rica	14 March 1966	16 January 1967
Cuba	7 June 1966	15 February 1972

a/ In the present document, references to China are to be understood in the light of General Assembly resolution 2758 (XXVI) of 25 October 1971. By that resolution, the General Assembly, inter alia, decided:

"... to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it."

For further information, see Multilateral Treaties in respect of which the Secretary-General Performs Depositary Functions: List of Signatures, Ratifications, Accessions, etc. as at 31 December 1971, note on page iii.

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Cyprus	12 December 1966	21 April 1967
Czechoslovakia	7 October 1966	29 December 1966
Dahomey	2 February 1967	
Denmark	21 June 1966	9 December 1971
Ecuador		22 September 1966 ^{b/}
Egypt	28 September 1966	1 May 1967
Federal Republic of Germany	10 February 1967	16 May 1969
Finland	6 October 1966	14 July 1970
France		28 July 1971 ^{b/}
Gabon	20 September 1966	
Ghana	8 September 1966	8 September 1966
Greece	7 March 1966	18 June 1970
Guatemala	8 September 1967	
Guinea	24 March 1966	
Guyana	11 December 1968	
Holy Sea	21 November 1966	1 May 1969
Hungary	15 September 1966	4 May 1967
Iceland	14 November 1966	13 March 1967
India	2 March 1967	3 December 1968
Iran	8 March 1967	29 August 1968
Iraq	18 February 1969	14 January 1970
Ireland	21 March 1968	
Israel	7 March 1966	
Italy	13 March 1968	
Jamaica	14 August 1966	4 June 1971
Khmer Republic	12 April 1966	
Kuwait		15 October 1968 ^{b/}
Lebanon		12 November 1971

b/ Accession.

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<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Lesotho		4 November 1971
Libyan Arab Republic		3 July 1968 ^{b/}
Luxembourg	12 December 1967	
Madagascar	18 December 1967	7 February 1969
Malta	5 September 1968	27 May 1971
Mauritania	21 December 1966	
Mauritius		30 May 1972 ^{b/}
Mexico	1 November 1966	
Mongolia	3 May 1966	6 August 1969
Morocco	18 September 1967	18 December 1970
Nepal		30 January 1971 ^{b/}
Netherlands	24 October 1966	10 December 1971
New Zealand	25 October 1966	
Niger	14 March 1966	27 April 1967
Nigeria		16 October 1967
Norway	21 November 1966	6 August 1970
Pakistan	19 September 1966	21 September 1966
Panama	8 December 1966	16 August 1967
Peru	22 July 1966	29 September 1971
Philippines	7 March 1966	15 September 1967
Poland	7 March 1966	5 December 1968
Romania		15 September 1970 ^{b/}
Senegal	22 July 1968	19 April 1972
Sierra Leone	17 November 1966	2 August 1967
Somalia	26 January 1967	
Spain		13 September 1968 ^{b/}
Swaziland		7 April 1969 ^{b/}
Sweden	5 May 1966	6 December 1971

b/ Accession

/...

<u>State</u>	<u>Date of signature</u>	<u>Date of receipt of the instrument of ratification or accession</u>
Syrian Arab Republic		21 April 1969 ^{b/}
Togo		1 September 1972 ^{b/}
Tonga		16 February 1972 ^{b/}
Trinidad and Tobago	9 June 1967	
Tunisia	12 April 1966	13 January 1967
Ukrainian Soviet Socialist Republic	7 March 1966	7 March 1969
Union of Soviet Socialist Republics	7 March 1966	4 February 1969
United Kingdom of Great Britain and Northern Ireland	11 October 1966	7 March 1969
United States of America	28 September 1966	
Uruguay	21 February 1967	30 August 1968
Venezuela	21 April 1967	10 October 1967
Yugoslavia	15 April 1966	2 October 1967
Zambia	11 October 1968	4 February 1972

^{b/} Accession.

ANNEX II

Declarations and reservations
made at the time of ratification or accession

AUSTRIA

/Original: English/

Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination provides that the measures specifically described in subparagraphs (a), (b) and (c) shall be undertaken with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. The Republic of Austria therefore considers that through such measures the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association may not be jeopardized. These rights are laid down in articles 19 and 20 of the Universal Declaration of Human Rights; they were reaffirmed by the General Assembly of the United Nations when it adopted articles 19 and 21 of the International Covenant on Civil and Political Rights and are referred to in article 5 (d) (viii) and (ix) of the present Convention.

CUBA

/Original: Spanish/

The Revolutionary Government of the Republic of Cuba does not accept the provision in article 22 of the Convention to the effect that disputes between two or more States Parties shall be referred to the International Court of Justice, since it considers that such disputes should be settled exclusively by the procedures expressly provided for in the Convention or by negotiation through the diplomatic channel between the disputants.

This Convention, intended to eliminate all forms of racial discrimination, should not, as it expressly does in articles 17 and 18, exclude States not Members of the United Nations, members of the specialized agencies or Parties to the Statute of the International Court of Justice from making an effective contribution under the Convention, since these articles constitute in themselves a form of discrimination that is at variance with the principles set out in the Convention; the Revolutionary Government of the Republic of Cuba accordingly ratifies the Convention, but with the qualification just indicated.

DENMARK

/Original: English/

... the Home Government of the Faroe Islands has yet to approve the legislation enacted to implement the Convention in other parts of Denmark.

/...

LEBANON

/Original: French/

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

NETHERLANDS

/Original: French/

... In accordance with article 14, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination concluded at New York on 7 March 1966, the Kingdom of the Netherlands recognizes, for the Kingdom in Europe, Surinam and the Netherlands Antilles, the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation, by the Kingdom of the Netherlands, of any of the rights set forth in the above-mentioned Convention.

SWEDEN

/Original: English/

... Sweden recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within the jurisdiction of Sweden claiming to be victims of a violation by Sweden of any of the rights set forth in the Convention, with the reservations that the Committee shall not consider any communication from an individual or a group of individuals unless the Committee has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement.

TONGA

/Original: English/

To the extent, if any, that any law relating to elections in Tonga may not fulfil the obligations referred to in article 5 (c), that any law relating to land in Tonga which prohibits or restricts the alienation of land by the indigenous inhabitants may not fulfil the obligations referred to in article 5 (d) (v), or that the school system of Tonga may not fulfil the obligations

/...

referred to in articles 2, 3 or 5 (e) (v), the Kingdom of Tonga reserves the right not to apply the Convention to Tonga.

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

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

ANNEX III

LIST OF THE MEMBERS OF THE COMMITTEE
on the Elimination of Racial Discrimination

<u>Name</u>	<u>Country of nationality</u>	<u>Term expires</u> <u>on 19 January</u>
Mr. Mahmoud Aboul-Nasr	Egypt	1974
Mr. Marc Ancel ^{c/}	France	1976
Mr. Naste Dimo Calovski ^{c/}	Yugoslavia	1976
Mr. Rajeshwar Dayal ^{d/}	India	1976
Mr. S. K. Dehlavi ^{c/}	Pakistan	1976
Mr. A. A. Haastrup	Nigeria	1974
Mr. José D. Ingles	Philippines	1974
Mr. Ronald St. John Macdonald ^{c/}	Canada	1976
Sir Herbert Marchant	United Kingdom of Great Britain and Northern Ireland	1974
Mr. Gonzalo Ortiz-Martin ^{d/}	Costa Rica	1976
Mrs. Doris Owusu-Addo	Ghana	1974
Mr. Karl Josef Partsch	Federal Republic of Germany	1974
Mr. Fayez A. Sayegh	Kuwait	1974
Mr. Sebastian Soler ^{c/}	Argentina	1976
Mr. S. T. M. Sukati	Swaziland	1974
Mr. Nikolai K. Tarassov ^{d/ e/}	Union of Soviet Socialist Republics	1976
Mr. Ján Tomko ^{d/}	Czechoslovakia	1976
Mr. Luis Valencia Rodríguez	Ecuador	1974

c/ Elected on 10 January 1972.

d/ Re-elected on 10 January 1972.

e/ At the sixth session of the Committee, Mr. Nikolai K. Tarassov was replaced by Mr. Vasily S. Safronchuk, to serve for the remainder of Mr. Tarassov's term, in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure of the Committee. For details see the report of the Committee on the Elimination of Racial Discrimination, Official Records of the General Assembly, Twenty-seventh session, Supplement No. 18 (A/8718, paras. 4 and 5).