

# UNITED NATIONS GENERAL ASSEMBLY



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### ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

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

### Note by the Secretary-General

 On 21 December 1965, at its 1406th meeting, the General Assembly by resolution 2106 A (XX) adopted and opened for signature and ratification the International Convention on the Elimination of All Forms of Racial Discrimination annexed to the resolution, and invited the States referred to in its article 17 to sign and ratify the Convention without delay. The Assembly requested the Secretary-General to submit to it reports concerning the state of ratifications of the Convention, which would be considered by the Assembly at future sessions.
In resolution 2332 (XXII) of 18 December 1967, the General Assembly, <u>inter alia</u>, urged all eligible Governments which have not yet done so to sign, ratify and implement without delay this Convention as well as the other conventions directed against discrimination in employment and occupation and against discrimination in education.

3. The International Convention on the Elimination of All Forms of Racial Discrimination was opened for signature in New York on 7 March 1966. As of 10 September 1969, the Convention has received seventy-two signature, thirty of which have been followed by ratification. Seven States have acceded to it. The Convention 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.

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

The States Parties to the International Convention on the Elimination of All 5. Forms of Racial Discrimination held three meetings on 10 July and 29 August 1969 at the Headquarters of the United Nations in accordance with the provisions of article 8 of the Convention. The States Parties elected seventeen members of the Committee on the Elimination of Racial Discrimination from a list of persons nominated by the States Parties and decided to elect the eighteenth member of the Committee, after further nominations had been received by the Secretary-General. The list of members thus far elected may be found in annex III. The States Parties also decided that the term of office of the members of the Committee will begin on the date of the first meeting of the Committee, which is scheduled to take place in January 1970. As regards the responsibility of States Parties for the expenses of the members of the Committee, the States Parties decided that the first financial year of the Committee's activities shall begin on 10 July 1969, and the expenses of the members of the Committee for this year would be apportioned equally among the States Parties to the Convention, and that for the subsequent period from 10 July 1970 until such time as a meeting is held for the purpose of electing the nine members of the Committee to replace those whose terms of office will expire in 1971, 50 per cent of the expenses would be apportioned equally among the States Parties to the Convention and 50 per cent would be apportioned proportionally on the basis of the scale of assessment of the United Nations budget.

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### ANNEX I

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

۰. ۲. ۲.		Date of receipt of the instrument of ratification
State	Date of signature	or accession
Algeria	9 December 1966	
Argentina	13 July 1967	2 October 1968
Australia	13 October 1966	
Austria	22 July 1969	
Belgium	17 August 1967	
Bolivia	7 June 1966	
Brazil	7 March 1966	27 March 1968
Bulgaria <sup>a/</sup>	1 June 1966	8 August 1966
Burundi	l February 1967	
Byelorussian Soviet Socialist Republic <sup>a</sup> /	7 March 1966	8 April 1969
Cambodia	12 April 1966	
Cameroon	12 December 1966	
Canada	24 August 1966	
Central African Republic	7 March 1966	
Chile	3 October 1966	
China	51 March 1966	
Colombia	23 March 1967	
Costa Rica	14 March 1966	16 January 1967
Cuba-/	7 June 1966	
Cyprus	12 December 1966	21 April 1967
Czechoslovakia <sup>a</sup> /	7 October 1966	29 December 1966
Dahomey	2 February 1967	
Denmark	21 June 1966	
Ecuador		22 September 1966 <sup>b/</sup>

<u>a</u>/ For the declarations and/or reservations made by these States, see annex II. <u>b</u>/ Accession.

State Federal Republic of Germany<sup>a</sup>/ Finland Gabon Ghana Greece Guatemala Guinea Guyana Holy See Hungary-/ Iceland India<sup>a</sup>/ Iran Irac-4/ Ireland Israel Italy\_/ Jamaica Kuwait-/ Libya<sup>a</sup>/ Luxembourg Madagascar Malta-/ Mauritania Mexico Mongolia-Moroccoª Netherlands New Zealand Niger Nigeria

14 August 1966

Date of receipt of the instrument of ratification or accession 16 May 1969

8 September 1966

1 May 1969 4 May 1967 13 March 1967 3 December 1968

29 August 1968

15 October 1968<sup>b</sup>/ 3 July 1968<sup>b/</sup>

7 February 1969

6 August 1969

'27 April 1967 16 October 1967<sup>b</sup>/

Date of receipt of the

State Norway Pakistan Panama Peru Philippines Poland-/ Senegal Sierra Leone Somalia Spain-/ Swaziland Sweden Syrian Arab Republic<sup>a/</sup> Trinidad and Tobago Tunisia Ukrainian Soviet Socialist Republic a/ Union of Soviet Socialist Republics a/ United Arab Republic<sup>a</sup>/ United Kingdom of Great Britain and Northern Ireland a/ United States of America<sup>a/</sup> Uruguay Venezuela Yugoslavia Zambia

Date of signature 21 November 1966 19 September 1966 8 December 1966 22 July 1966 7 March 1966 22 July 1968 22 July 1968 17 November 1966 26 January 1967

5 May 1966

9 June 1967 12 April 1966

7 March 1966

7 March 1966 28 September 1966

11 October 1966 28 September 1966 21 February 1967 21 April 1967 15 April 1966 11 October 1968

instrument of ratification		
or accession		
21 September 1966		
16 August 1967		
15 September 1967		
.5 December 1968		
2 August 1967		
13 September 1968 <mark>b/</mark> 7 April 1969 <sup>b/</sup>		
21 April 1969 <sup>b/</sup>		

13 January 1967

7 March 1969

4 February 1969 1 May 1967

7 March 1969

30 August 196810 October 19672 October 1967

#### ANNEX II

#### Declarations and reservations

### BULGARIA

/Original: French7

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

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

### BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

### /Original: Byelorussian/

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

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

#### CUBA

### /Original: Spanish7

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

### CZECHOSLOVAKIA

## [Original: English]

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

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

#### FEDERAL REPUBLIC OF GERMANY

### /Original: English7

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"The Permanent Observer of the Federal Republic of Germany to the United Nations declares on behalf of his Government that the said Convention shall

also apply to Lard Ferlin with effect from the date on which it enters into force for the Federal Republic of Germany." $\frac{a}{}$ 

### HUNGARY

### /Original: English/

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

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

INDIA

/Original: English/

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"The Government of India declares that for reference of any dispute to the International Court of Justice for decision in terms of article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination, the consent of all parties to the dispute is necessary in each individual case."

a/ In communications received on 20 June and 4 August 1969, respectively, the Government of Poland and the Government of the Union of Soviet Socialist Republics informed the Secretary-General of their objections to this declaration, which they considered illegal.

b/ In a communication received on 24 February 1969, the Government of Pakistan notified the Secretary-General that it "has decided not to accept the reservation made by the Government of India in her instrument of ratification".

### IRAର୍

# [Original: English]

"The Ministry for Foreign Affairs of the Republic of Iraq hereby declares that signature for and on behalf of the Republic of Iraq of the Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations on 21 December 1965, as well as approval by the Arab States of the said Convention and entry into it by their respective Governments, shall in no way signify recognition of Israel as may be regulated by the said Convention.

"Furthermore, the Government of the Republic of Iraq does not consider itself bound by the provisions of article 22 of the Convention aforementioned and affirms its reservation that it does not accept the compulsory jurisdiction of the International Court of Justice provided for in the said article."

### ITALY

/Original: Italian7

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

(a) The positive measures, provided for in article 4 of the Convention and specifically described in sub-paragraphs (a) and (b) of that article, designed to eradicate all incitement to, or acts of, discrimination, are to be interpreted, as

c/ In a communication received by the Secretary-General on 10 July 1969, the Government of Israel noted that this declaration was political in character and stated that it would adopt towards the Government of Iraq the attitude of reciprocity. Similar communications were received by the Secretary-General from the Government of Israel as follows: on 29 December 1966 in respect of the declaration made on signature of the Convention by the Government of the United Arab Republic; on 16 August 1968 in respect of the declaration made on accession by the Government of Libya; on 12 December 1968 in respect of the declaration made on accession by the Government of Syria.

that article provides, "with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5" of the Convention. Consequently, the obligations deriving from the aforementioned article 4 are not to jeopardize the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association which are laid down in articles 19 and 20 of the Universal Declaration of Human Rights, were reaffirmed by the General Assembly of the United Nations when it adopted articles 19 and 21 of the International Covenant on Civil and Political Rights, and are referred to in articles 5 (d) (viii) and ix) of the Convention. In fact, the Italian Government, in conformity with the obligations resulting from Articles 55 (c) and 56 of the Charter of the United Nations, remains faithful to the principle laid down in article 29 (2) of the Universal Declaration, which provides that "in the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society".

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

KUWAIT<sup>d</sup>

[Original: English]

1 ...

"In acceding to the said Convention, the Government of the State of Kuwait takes the view that its accession does not in any way imply recognition of Israel, nor does it oblige it to apply the provisions of the Convention in respect of the said country.

d/ See foot-note c/ above.

"The Government of the State of Kuwait 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 parties to such a dispute is necessary for referring the dispute to the International Court of Justice."

# LIBYAe/

# /Original: English/

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

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

### MADAGASCAR

/Original: French7

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

e/ See foot-note c/ above.

#### MALTA

### /Original: English7

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

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

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

### MONGOLIA

# /Original: Mongolian/

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

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

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

### MOROCCO

# \_Original: French7

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

### POLAND

/Original: French7

The Polish People's Republic does not consider itself bound by the provisions of article 22 of the Convention.

The Polish People's Republic considers that the provisions of article 17, paragraph 1, and article 18, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, which make it impossible for many States to become parties to the said Convention, are of a discriminatory nature and are incompatible with the object and purpose of that Convention.

The Polish People's Republic considers that, in accordance with the principle of the sovereign equality of States, the said Convention should be open for participation by all States without any discrimination or restrictions whatsoever.

SPAIN

\_Original: Spanish7

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With a reservation in respect of the whole of article 22 (jurisdiction of the International Court of Justice).

# SYRIAN ARAB REPUBLIC

/Original: French/

1. The accession of the Syrian Arab Republic to this Convention shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said Convention.

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

### UKRAINIAN SOVIET SOCIALIST REPUBLIC

/Criginal: Ukrainian/

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

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

 $\underline{f}$  See foot-note  $\underline{c}$  above.

### UNION OF SOVIET SOCIALIST REPUBLICS

/Original: Russian/

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

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

## UNITED ARAB REPUBLICE

/Original: English/

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

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

g/ See foot-note c/ above.

/...

### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Declarations and reservations made at the time of signature

/Original: English7

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

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

"Lastly, the United Kingdom maintains its position in regard to article 15. In its view this article is discriminatory in that it establishes a procedure for the receipt of petitions relating to dependent territories while making no comparable provision for States without such territories. Moreover, the article purports to establish a procedure applicable to the dependent territories of States whether or not these States have become parties to the Convention. Her Majesty's

Government has decided that the United Kingdom should sign the Convention, these objections notwithstanding, because of the importance it attaches to the Convention as a whole."

### Declarations and reservations made at the time of ratification

"First, the reservation and interpretative statements made by the United Kingdom at the time of signature of the Convention are maintained.

"Secondly, the United Kingdom does not regard the Commonwealth Immigrants Acts, 1962 and 1968, or their application, as involving any racial discrimination within the meaning of paragraph 1 of article 1, or any other provision of the Convention, and fully reserves its right to continue to apply those Acts.

"Lastly, to the extent, if any, that any law relating to elections in Fiji may not fulfil the obligations referred to in article 5 (c), that any law relating to land in Fiji 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 Fiji may not fulfil the obligations referred to in articles 2, 3 or 5 (e) (v), the United Kingdom reserves the right not to apply the Convention to Fiji."

### UNITED STATES OF AMERICA

# /Original: English/

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

### ANNEX III

The following is the list of members of the Committee on the Elimination of Racial Discrimination thus far elected by the States Parties to the Convention, in accordance with article 8 of the Convention. That States Parties will meet again to elect the eighteenth member of the Committee after further nominations are received by the Secretary-General.

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-Martín	Costa Rica
Mrs. Doris Cwusu-Addo	Ghana
Mr. Karl Josef Partsch	Federal Republic of Germany
Mr. Aleksander Peles	Yugoslavia
Mr. Zbigniew Resich	Poland
Mr. Zenon Rossides	Cyprus
Mr. S.T.M. Sukati	Swaziland
Mr. N.K. Tarassov	Union of Soviet Socialist Republics
Mr. Ján Tomko	Czechoslovakia
Mr. Luis Valencia Rodríguez	Ecuador