

At CIDNY

dealt with within the framework of the CSCE.
IMADR would like to join in some form in these efforts and make contribution as an organization specializing in the question of discrimination.
Activities from April to December 1990

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A. Co-sponsored with Japan Pacific Resource Network based in California, US.
Held a conference in New York (29 May), San Francisco (2 June) and Los Angeles (6 June), and visited the UN and various organizations of minorities.

B. Participants

From Japan, members of the Buraku liberation movement, Korean movement, Ainu movement and foreign workers support movement participated in the programs. From the US, representatives of different minority groups including the Philipino, African and Japanese Americans and the indigenous people participated. ,

C. Purpose of the Conferences

- To present situations of minority movements in Japan and the US.
- To discuss the human rights situations in both countries from a global perspective.
- To build a cooperative relationship between minorities of the two countries.

D. Achievements

The programs provided educational information to
Statement

Reapplication of IMADR for consultative status with the UN ECOSOC was considered on 21 January by the Committee on Non-Governmental Organizations held at the UN headquarters in

New York, and the decision was made on 30 January. The Committee decided to defer our application

until the next session to be held in 1993. It is indeed a pity that IMADR's application was deferred, as

we had been strengthening our international activities for the past two years. It should be reported,

however, that IMADR is improving step by step as is shown in the fact that many members of the

Committee including Cyprus expressed their expectations over IMADR's future activities. , IMADR strongly protests against the All Japan Federation of Buraku Liberation Movements for their malicious opposition activities conducted at three different occasions. Clearly , their request

for rejection of our application was not accepted by the Committee.

At any rate, the deferment will not weaken at all IMADR's activities. Rather, IMADR is determined to further strengthen its activities aimed at the elimination of all forms of discrimination

from the world, in accordance with the decisions made at the fourth Board of Directors, Meeting on 20

January. These include opening of a Geneva office, holding of a symposium in Geneva and establishment

of a human rights information center for Asia-Oceania.

IMADR hopes that the development of these activities will bring it a success in achieving consultative status at the next session of the Committee.

Finally, IMADR wishes to express its appreciation for all people concerned for their assistance

to it and looks forward to further support in the future.

30 January 1991

Myriam Schreiber

President

IMADR

the U.S.society about Japanis minority movements and its udiversity". (The whole programs were attend- ed by about 300 people.)

It became the first step in building a future rela- tionship of cooperation between minorities in the two countries.

The New York program was coordinated by Director Soon Man Rhim and Mr. Anthony Kahng, an academic adviser to IMADR.

2. Participation in the 42nd Session of the UN

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President Myriam Schreiber attended the Sub- Commission as IMADR,s representative.

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Committee on the Elimination of Racial Discrimination 39th Session

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The Committee on Elimination of Racial Discrimination (CERD), the human rights body that monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination held its 39th session in Geneva from 4 to 22 March 1991. It examined the periodic reports of eleven states and found a new way to respond to delays in the submission of reports. This session was characterized as uone of the most intensive" by its Chairman, Mr. Agha Shahi (Pakistan). It adopted two resolutions, and issued an opinion on a communica- tion under Article 14. The Committee discussed its possible contributions to any programme to follow the Second Decade against Racism and Racial Discrimination (1984-1993) and to the projected World Conference on Human Rights, and means for improving its liaison with other human rights treaty monitoring bodies.

Consideration of Reports

The reports examined were from Barbados

(country rapporteur: Mrs. Sadiq Ali); Argentina (Mr. de Gouttes); Ukraine (Mr. Yutzis); Burundi (Mrs. Sadiq Ali); Cuba (Mr. Rhenan Segura); Portugal (Mr. Ferrero Costa); Uruguay (Mr. Wolfrum); Malta (Mr. Vidas); Sweden (Mr. Wolfram); Canada (Mr. Yutzis); and the United Kingdom (Mr. Wolfrum). The practice of the Committee has hitherto been that each member who wished has taken part in the consideration of the report and the reporting state has been left to draw its own conclusion about the reception of its report from the views expressed. At the 39th session the Committee decided that its adoption of the country rapporteur procedure enabled it to go further toward the adoption of a common statement embodying a collective opinion. After the representative of the reporting state had replied to questions and left the Committee table, the chairman invited the country rapporteur to propose a conclusion about progress in Committee Membership, Officers

The members of the Committee are as follows: Mahmoud ABOUL-NASR (Egypt); Hamzat AHMADU (Nigeria); Michael PARKER BANTON (United Kingdom); Eduardo FERRERO COSTA (Peru); Iai FOIGHEL (Denmark); Ivan GARVALOV (Bulgaria); George O. LAMPTEY (Ghana); Regis de GOUTTES (France); George LECHUGA HEVIA (Cuba); Yuri A. RESHETOV (Soviet Union); Jorge RHENAN SEGURA (Costa Rica); Shanti SADIQ ALI

(India); Agha SHAHI (Pakistan); Michael E. SHERIFIS (Cyprus); SONG Shuhua (China); Kasimir VIDAS (Yugoslavia); Rudiger WOLFRUM (Germany); and Mario Jorge YUTZIS (Argentina).

The member of the Bureau are: Chairman:

Agha SHAHI (Pakistan); Vice-Chairman:

George LAMPTEY (Ghana), Eduardo

FERRERO COSTA (Peru), and Kazimir

VIDAS (Yugoslavia); Rapporteur: Michael

BANTON (United Kingdom).

the implementation of the Convention in the state in question. Other members then suggested additions or modifications. The results of this change will be seen in the Committee's 1991 report to the General Assembly.

In connection with the Second Decade, Mr.

Banton proposed a resolution which would express the opinion that United Nations action to combat racism and racial discrimination under the

Programme of the Second Decade is handicapped by weaknesses in the provisions for monitoring developments in states and reporting on these to the

General Assembly, and, in particular, by delays in the submission of reports by several States Parties.

to the Convention. ,

Due to the cancellation and curtailment of various sessions since 1986, the Committee at present has before it 10 reports from 15 States Parties which are pending consideration. Moreover, 278 reports from 114 States Parties are overdue and have not yet been received.

The final paragraph of Mr. Banton's proposal, was to recommend that the General Assembly resolve that, in terms of Article 9(2) of the Convention, the activities on which the Committee is to report may include reporting on the progress in implementation of the Convention in states which are seriously overdue in the submission of the periodic reports under Article 9(1) of the Convention, on the basis of other documentation and information available to the Committee. Those who spoke in the discussion expressed sympathy with the objectives of the resolution but no one was willing to support it.

: Nevertheless, the debate gave rise to three separate decisions which may achieve its objectives more effectively than the original resolution would have done.

The first decision was to adopt a resolution which, after recalling the universal character of the Charter's prohibition of discrimination, calls on the General Assembly to encourage states which have not yet done so to join the overwhelming majority of states in accepting obligations to eliminate racial discrimination which is one of the stated priorities of the international community in the endeavor to establish respect for and observance of human rights and fundamental freedoms.

The second decision was to adopt a resolution regretting that a number of States Parties are seriously late in submitting reports, regretting that appeals to them have had little effect, and therefore calls upon the Secretary-General to bring to the attention of the States Parties at their meeting the unfortunate consequences of these delays and to encourage the States Parties to consider ways by which all states may be brought to fulfil their obligations under Article 9, paragraph 1, of the Convention'.

Mr. Banton had argued that if defaulting states learned that CERD planned to consider the implementation of the Convention in their countries on the basis of other information this would be a stimulus to them to submit their overdue reports. Other members doubted whether, even in connection with the Second Decade, the General Assembly could authorize CERD to act in this way. According to Mr. Wolfrum, even a statement by all States Parties might not suffice. Mr. Lamprey was concerned about the sources to be used, and that in this respect all states have obligations to the Convention.

Under Article 9 of the Convention, states undertake to report to the Committee on legal, judicial and other measures they have adopted to ensure effective protection against racial discrimination within their jurisdiction.

States Parties to the Convention agree to condemn and seek to eliminate racial discrimination in their territories, and to review their policies in order to amend or nullify any regulations which create or perpetuate such discrimination, based on racial superiority or hatred, punishable by law and to prohibit organizations and to adopt measures to combat prejudice and promote understanding among different national, racial and ethnic groups.

States Parties also undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone to equality before the law, as well as protection as remedies, without distinction as to race, color, or national or ethnic origin.

should be treated equally (That CERD takes a more restricted view of permissible sources than other treaty bodies can be seen from paragraph 39 of the report from the third meeting of persons chairing such bodies A/45/636). It was Mr. Aboul-Nasr who found the solution that had eluded everybody else: appoint a country rapporteur to examine the last report submitted by a defaulting state even if it went back to 1974, together with the relevant summary record. As a result, letters have now been sent to thirteen states notifying them that the Committee will review the implementation of the Convention in their countries at its 40th session, and inviting them to participate by sending a report and a representative. These states are: Sierra Leone, Swaziland, Guinea, Zaire, Gambia, Ivory Coast, Gabon, Togo, Uganda, Fiji, Lebanon, Bahamas and Belgium. This has transformed the agenda for the August session and should be a cause of general satisfaction.

Information on Trust and Non-Self-Governing Territories

Under Article 15 of the Convention, the Committee receives copies of petitions, reports and other information relating to matters covered by the Territories to the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples.

During this session the Committee considered documents on the following Territories: Gibraltar, Western Sahara, East Timor, Falkland Islands (Malvinas), Anguilla, Pitcairn, Tokelau, Saint Helena, British Virgin Islands, Cayman Islands, Bermuda, Montserrat, Guam, Turks and Caicos Islands, American Samoa, United States Virgin Islands and New Caledonia.

Third Decade and World Conference on Human Rights

Mr. Jan Martenson, Under-Secretary-General for Human Rights met the Committee on 14th March. He used the opportunity to put forward a series of suggestions about how the Committee might contribute to any Third Decade and might participate in planning for the 1993 World Conference on Human Rights. If the Committee is to respond adequately to his challenges it will have to formulate more general views than those which arise from consideration of individual reports. Fortunately there is every sign that at its August meeting the Committee will do this.

Liaison with Other Treaty Bodies

In accordance with recommendations from the third meeting of persons chairing the human rights treaty bodies the Committee agreed to changes in its reporting guidelines. It received from one of its members a draft model report and will give further consideration to this proposal next August. The Committee agreed to the appointment of members who would be responsible for following developments in other treaty bodies and reporting on these (Commission on Human Rights: Mr. Yutzis; Human Rights Committee: Mr. Wolfrum; Sub-Commission: Mr. Ferrero Costa; Committee on Economic, Social and Cultural Rights: Mr. Rhenan Segura; Convention on Apartheid: Mr. Sadiq Ali; Discrimination against Women: Mr. Banton; Committee against Torture: Mr. Vidas; Committee on the Rights of the Child: Mr. Lechuga Hevia). In respect of liaison with the Human Rights Committee it may be noted that Sweden was asked why in its 8th, 9th and 10th reports it had not mentioned the case of *Kitok v. Sweden*

(Communication 197/1985, Report of the Human Rights Committee A/43/40 pp 221-230)? Mr. Wolfram, referring to this case, questioned whether the 1971 Swedish Reindeer Husbandry Act conformed with the requirements of Article 1 paragraph 1 of the Convention. The new liaison arrangement may guard against such oversights or gaps in state reporting.

CERD issued an opinion in the case of *Demba Talib Diop v. France* (Communication 2/1989). It found that the refusal to admit M. Diop to the Bar of Nice was based on the fact that he was not of French nationality, not on any grounds enumerated in Article 1 paragraph 1 of the Convention, and that the facts as submitted had not disclosed any violation of the provisions of the Convention.

Reports To Be Considered at the Next Session

The states whose reports are to be considered at CERD's next meeting from 5-23 August 1991 have been provisionally time-tabled in the following sequence: Australia (Country rapporteur: Mr. Wolfrum); Iraq (Mr. Foighel); Bulgaria (Mr. de Gouttes); Sierra Leone (Mr. Lamptey), Swaziland (Mr. Vidas); Guinea (Mr. Lamptey); Zaire (Mr. Banton); Gambia (Mr. Lamptey); Cote d'Ivoire (Mr. de Gouttes); Lebanon (Mr. Wolfrum); Gabon (Mr. Yutzis); Togo (Mr. Wolfrum); Uganda (Mrs. Sadia Ali); Fiji (Mr. Wolfrum); Belgium (Mr. Ferrerl

' Costa).

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The following 128 States are parties to the Convention: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Bahrain, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussia, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Holy See, Hungary, Iceland, India, Iran, Iraq, Israel, Italy, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal. Qatar, Republic of Korea, Romania, Rwanda, St. Lucia, St. Vincent and the Grenadines, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, Soviet Union, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syria, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire and Zambia.

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