

International Pragmatism

The League of Nations had failed to prevent the outbreak of World War II, so while that war was still in progress, the allied powers planned the creation of a stronger organization to replace it. On Franklin Roosevelt's suggestion, it was to be named the United Nations. Upon ratification of its charter by the five then-permanent members of the Security Council – France, the Republic of China, the Soviet Union, the United Kingdom and the United States – and by a majority of the other forty-six signatories, the UN came into existence on 24 October 1945. Chapter XIV of the UN Charter established the International Court of Justice.

In 1945 the same states also established the United Nations Educational, Social and Cultural Organization (UNESCO). Its constitution declares: 'The great and terrible war which now has ended was made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races.'

More importantly still, the international community started to create a legal foundation for a new world order. This began, in 1948, with the adoption of the Universal Declaration of Human Rights (UDHR). It was a standard-setting operation, formulating a 'common standard of achievement for all peoples and all nations'. The UDHR did not create any rights; instead, it recognized the existence of 'the equal and inalienable rights of all members of the human family'. It was given legal form later in the International Bill of Human Rights. This consists of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocols expanding the ICCPR. These were all interstate treaties. States that became parties to them, as to other treaties, bound themselves to fulfil specified obligations.

As already mentioned, UNESCO in 1950 assembled the first of a series of four international committees of experts. This first committee agreed on a 'Statement on race' that affirmed, among other things, that 'the biological fact of race and the myth of "race" should be distinguished' and that 'it would be better when speaking of human races to drop the term "race" altogether and speak of ethnic groups.' The second committee, in 1951, issued a 'Statement on the nature of race and race differences'; this was followed, in 1964, by the 'Proposals on the biological aspects of race', and, in 1967, by the 'Statement on race and racial prejudice.' The 1996 'Statement on Biological Aspects of Race' of the American Association of Physical Anthropologists was published as the Association's revisions of UNESCO's 1964 statement. Other publications that formed part of UNESCO's 'programme of disseminating scientific facts designed to remove what is commonly known as racial prejudice' drew attention to the importance of research in Brazil for a global view of 'the race question.'

The Universal Declaration of Human Rights provided a framework within which the international community could, if it was so minded, recognize further rights and provide for their protection. One was the 1948 Convention on the Punishment and Prevention of the Crime of Genocide. It provided that any contracting party could call for action under the UN Charter for the prevention and suppression of acts of genocide.

The Racial Convention

At the end of the 1950s, alarmed by reports of attacks on synagogues and Jewish burial grounds in what was then colloquially known as 'West Germany', by Arab anxieties about policies in Israel and by the priorities of newly emerging states in sub-Saharan Africa, some states pushed for a legal prohibition of racial and religious discrimination. Their actions resulted in the General Assembly's adoption in 1963 of the UN Declaration on the Elimination of All Forms of Racial Discrimination. Then, a year later, the General Assembly voted unanimously to adopt the International Convention on the Elimination of All Forms of Racial Discrimination. It proved to be the first of a series of interstate treaties expanding the scope of human rights law. In advance of the ICESCR and the ICCPR, it introduced much more demanding provisions for its enforcement than those of the Genocide Convention.¹

The International Convention on the Elimination of Racial Discrimination (ICERD) provided, in Article 9, that parties to the treaty should submit to the UN regular reports on the legislative, judicial, administrative and other measures that they had adopted to give effect to the Convention's provisions. It provided, in Article 8, that the states' parties should elect a committee of eighteen experts to examine their reports and to report annually on the outcome to the General Assembly.

Though those who negotiated the drafting of the Convention did not expect many states to ratify it, the number of states that have become parties to it has steadily risen: from 41 in 1970 to 107 in 1980, and 129 in 1990; by 2013, 175 of the UN's 193 member states had become parties. Adoption of the Convention was important to some of the UN's new African member states, for they saw it as an instrument in the struggle against South African apartheid. Indeed, a tendency developed at the UN to regard action of this kind as the intellectual property of the African Group of member states. In this political atmosphere there were states that ratified 'out of solidarity' with the Africans' struggle without appreciating the implications for their internal affairs of the many obligations they were undertaking.

For states of the Eastern bloc, ratification offered access to a forum in which to increase pressure for decolonization and to criticize the colonial powers, while on the Western side ratification was in the interest of those anticipating such tactics. Many states display an ambivalent attitude to this and other human rights treaties. Though they wish to put pressure on certain other states to secure adequate protections for racial minorities, they do not want to expose their own policies and actions to unfriendly criticism.

It was not until 1994 that, following the initiative of President Jimmy Carter, the US Senate conducted hearings on ratification. The assistant secretary of state for democracy, human rights and labor told the Senate that ratification was essential:

First, by ratifying the Convention, we will be better able to hold other signatories to their commitments. We need no longer fear that in doing so we would be playing into the hands of geopolitical adversaries. Instead, we can use the Convention as a reference point in our bilateral dealings with states, and we will strengthen our position in multilateral gatherings.

The United States became the 141st state party in 1994, though its ratification was subject to very extensive reservations.²

For the purposes of the Convention, ‘racial discrimination’ is defined in Article 1, paragraph 1, as

any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.³

It uses the word ‘race’ both to designate a large class of persons to be protected from discrimination, and as one of five subdivisions of that class.

Paragraphs 2 and 3 in Article 1 specify certain exceptions from the definition in the previous paragraph. These exempt distinctions drawn by states between citizens and non-citizens, including naturalization. Paragraph 4 states:

Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to secure such groups or individuals equal enjoyment of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2(1) specifies the obligations of states parties to the Convention. Its second paragraph describes a state’s obligation, when the circumstances so warrant, to take, in the social, economic, cultural and other fields, ‘special 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.’ The implications of this provision are spelled out in the Committee on the Elimination of Racial Discrimination’s (CERD) general recommendation 32.⁴

Article 3 condemns racial segregation. It is a prohibition of all forms of racial segregation in all countries, whether arising from the actions of states or private persons; its reference to apartheid is only illustrative.

Article 4 obligates states parties to punish incitement to racial hatred and any assistance to racist activities (there is no reference to rac-

ism and this is the only use of the adjective ‘racist’). In the opinion of CERD, ‘The prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression.’²⁵ Some states made their ratification of the Convention subject to reservations designed to protect their interpretations of these freedoms.

Articles 5–7 specify obligations to protect the equal right to security of personal, political, civil, economic, social, cultural and other rights, together with obligations to compensate victims and to combat racial prejudices by educational and other means.

Implementing the Convention

From its first meeting in 1970, through to 1988, the work of the CERD was influenced by the tensions of the Cold War between the Eastern and Western blocs; in some quarters it was seen as an adjunct to the UN’s decolonization campaign. To start with, committee members interpreted the Convention as allowing them to receive information from states parties only. They soon found that many governments did not appreciate the extent of the obligations they had assumed by becoming parties to the treaty. For example, in several Latin American countries citizens could vote in elections only if they understood the Spanish language. The Committee held that this less favourable treatment of those who spoke only indigenous languages constituted racial discrimination, and persuaded these states to amend their laws.

Since then, and like some other human rights conventions, the ICERD has come to be regarded as a ‘living instrument’. Later generations have discovered in it underlying principles that can be applied to new problems. The CERD has proposed actions for the better implementation of the Convention that have been adopted without any formal decisions by the states parties. For example, it has invited states to send representatives to present state reports and to engage in dialogue with committee members. Though there is no mention in the Convention of such dialogue, it has become a central feature of UN practice. CERD has formalized standard guidelines for reports, eased the demanding requirement that states should report at two-year intervals and introduced procedures for recommending preventive and urgent action, including action when states fail to report.

After 1988, the Committee was able to agree that it should adopt 'concluding observations' expressing a collective opinion of state implementation of treaty obligations. Its members started to take note of information received from non-governmental sources and to use it as a basis for questions put to state representatives. In law, the expression 'ethnic origin' is not problematic. An individual is at liberty to nominate one or more of his or her ethnic origins. CERD's general recommendation that, after having examined state reports submitted under the ICERD, it 'is of the opinion that such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned' has been endorsed.⁶ CERD encourages states to publicize within their jurisdiction the protections offered by the Convention and the outcome of the dialogue with the Committee.

More recently, it has improved the dialogue by publishing in advance of its meetings a list of the themes on which it wishes to concentrate during consideration of a state party's report. It has instituted a follow-up procedure, and publishes in its annual report observations received from the state concerning the Committee's concluding observations. Moreover, it has opened opportunities for non-governmental organizations within reporting states to present their separate views on how the Convention's provisions are being implemented.⁷

This process of dialogue has continued. For example, the newly democratic state of South Africa became a party to the ICERD in 1998. When its first report was considered in 2006, it was immediately apparent that the state's legislation did not fully conform to the state's obligations and that it needed to supply more detailed information on the population, and on conditions prevailing in the country that affected implementation of the Convention. Dialogue between the Committee and the reporting state is sometimes tense, as when reports from Israel are examined, but it is usually productive.

The most recent (2007) US report is a document of 114 pages, dense with information on what the ASA statement of 2002 called the 'primary social institutions' that regulate black-white relations in 'the criminal justice, education and health systems, job markets and where people live'. It began with the statement that 'the U. S. is a multi-racial, multi-ethnic, and multi-cultural society in which racial and ethnic diversity is ever increasing' and went on to report the racial and ethnic categories used since 1997 in the US census.

In its observations on the report, CERD recommended that the state ensure a coordinated approach for the implementation of the

Convention at the federal, state and local levels; that it strengthen its efforts to combat racial profiling; that it intensify its efforts to reduce residential segregation; and that it undertake further investigations into the causes of racial inequalities in education. Noting the stark racial disparities in the criminal justice system, it recommended further studies of the causes to determine the nature and scope of the problem and the implementation of remedial strategies; it made a similar recommendation with respect to the death penalty. It reiterated that states are under an obligation to guarantee equality between citizens and non-citizens in the enjoyment of their civil, political, economic, social and cultural rights. Further, it recommended that the state increase significantly its efforts to eliminate police brutality; that it review the laws that result in disfranchisement; that it recognize the right of Native Americans to participate in decisions affecting them; that it continue its efforts to reduce the persistent health disparities affecting persons belonging to racial, ethnic and national minorities; that it review the burden of proof in racial discrimination cases; and that it organize education programmes to make officials and the public in general aware of the provisions of the Convention.⁸

The United States responded to these observations with an account of the Department of Justice's multifaceted regulation of racial profiling, giving examples of court orders and settlement agreements about the collection of statistical data. In light of the Committee's concern about the detention and sentencing of juveniles, the United States provided further information on measures to ensure that the human rights of juveniles are protected and explaining that life imprisonment without parole was a lawful practice imposed in rare cases. Further information was provided on the support of individuals affected by Hurricane Katrina and on measures to make government officials, the judiciary, federal and state law enforcement officials, teachers, social workers and the public in general aware of the responsibilities of the state party under the Convention.⁹

By ratification, the United States exposed itself to international criticism and benefited from the opportunity to join in the evaluation of how well other states fulfil the shared obligations. This arises in the examination, under Article 9, of state reports, and, in a quite different way, under Article 14. The ICERD was the first UN human rights treaty to include a provision whereby a state party could agree to a procedure for individual complaints to be considered in Geneva. By 2012, fifty-four states had made the declaration under Article 14

allowing their citizens to petition the Committee if they claimed that their governments had not protected their rights as set out in the Convention. CERD considers, in private session, such complaints and the responses of the governments in question. In some cases it has found the complaints to be justified and has issued an advisory opinion to that effect. On such occasions the government has then recompensed an aggrieved person and taken action to prevent any recurrence. Neither the United States nor the United Kingdom has yet made a declaration under Article 14.

This provides the background to a new development in 2012. It relates to the compatibility of obligations under the ICERD with the rights to freedom of opinion and expression, and to differences in the ways in which countries police the borderlines. Germany, because of its past, is more ready than most countries to ban extremist political parties. France has a strict law governing the press. French policy was exemplified on 3 June 2008 when a court in Paris convicted, for the fifth time, the former film star Brigitte Bardot for statements that would not have attracted prosecution in many other countries. In a public letter to the president about the ritual slaughter of sheep that had not been stunned in advance, she had written ‘Il y en a marre d’être menés par le bout du nez par toute cette population qui nous détruit, détruit notre pays en imposant ses actes’ (which might be translated as ‘one is fed up with being led by the end of one’s nose by all these people who destroy us, and destroy our country, by imposing such practices upon us’). For incitement to racial hatred, she was fined 15,000 euros.¹⁰

In 2009, the German cultural journal *Lettre Internationale* published an interview with Thilo Sarrazin, the former finance senator of the Berlin Senate. He was quoted as saying, among other things, that

The city has a productive circulation of people, who work and who are needed. ... Beside them, there are a number of people ... who are not economically needed. ... A large number of Arabs and Turks in the city ... have no productive function. ... Large segments are neither willing nor able to integrate. ... The Turks are conquering Germany just like the Kosovars conquered Kosovo: through a higher birth rate. ... We have to completely restructure family policies: do away with payments, above all to the lower class.

In consequence, the Turkish Union in Berlin claimed to be a victim of the German government’s failure to provide protection under Articles 2(1d), 4(a) and 6 of the ICERD.

There was an exchange of observations between the Committee, the state party and the petitioner. The state party maintained that, in law, the Turkish Union was not a victim, so its complaint was inadmissible; that freedom of speech could protect ideas that offend, shock or disturb others; and that the state's response had not amounted to any denial of justice. The Committee reached a contrary view, concluding that Mr Sarrazin's statements amounted to dissemination of ideas based on racial superiority or hatred, that the state party had failed in its duty to carry out an effective investigation into this possibility and that its failure amounted to a violation of the Convention. One member of the Committee (Mr Carlos Manuel Vázquez, a citizen of the United States) filed a dissenting opinion. He maintained that the complaint was not admissible and stated, 'Even if I agreed that Mr. Sarrazin's statements incited to racial discrimination or contained ideas of racial superiority, I would not agree that the State party violated the Convention by failing to prosecute him.'¹¹

States differ in their readiness to allow an external body to pass judgment upon their actions in dealing with what they see as domestic obligations. They fear what is sometime called 'mission creep', that a treaty body may issue advisory opinions on matters state officials believe to be outside its competence. This would, in their view, intrude upon their sovereignty. Therefore when states nominate one of their nationals to serve as a judge on the International Court of Justice, the European Court of Justice, the European Court of Human Rights or the Inter-American Court of Human Rights, they nominate an eminent expert and that person receives a corresponding salary.¹²

Since the middle of the twentieth century, the UN has played the leading part in the creation of an international vocabulary for use in the definition and protection of human rights. The conception of race in the Convention is one designed to protect a human right; its meaning depends upon the context in which it is used and forms part of ordinary language usage. Whether the word 'racism' deserves a place in that vocabulary can be disputed.

Other International Action

The UN General Assembly, on a proposal from the USSR, first designated 1971 as the International Year to Combat Racism and Racial Discrimination, and then 'the ten-year period beginning on 10 De-

ember 1973 as the Decade for Action to Combat Racism and Racial Discrimination'; it did not consider what was gained by adding 'racism' to the definition of racial discrimination in the ICERD. The Assembly's failure to secure agreement on the meaning to be given to this word gave trouble soon afterwards.

At the General Assembly in 1975, the representative of Kuwait introduced Resolution 3379, declaring, 'Zionism is a form of racism and racial discrimination.' It was a major step in a campaign by Arab states against Israel and the movement, Zionism, which had created that state. The originators of the resolution did not draw any distinction between racism and racial discrimination; they saw the two as aspects of the same thing, in line with a description that is discussed in chapter 5. Supporters of the proposition argued that under Israel's law, only Jews could be proper citizens in Israel, and that, since Jews were a race, the Israeli state was racist.

Their arguments were criticized by Daniel Patrick Moynihan, the US ambassador to the UN, who was himself a social scientist. He quoted *Webster's Third New International Dictionary* that defined racism as 'the assumption that ... traits and capacities are determined by biological race and that the races differ decisively from one to another.' According to the dictionary, racism also involved 'a belief in the inherent superiority of a particular race and its right to domination over others.' Moynihan maintained that the assumption, and the belief to which the dictionary referred, were both alien to Zionism. He described this as a movement, established in 1897, that was to persons of the Jewish religion a Jewish form of what others called national liberation movements.

Moynihan followed the dictionary in insisting that 'racial discrimination is a practice, racism is a doctrine'. The UN had defined racial discrimination but not racism. The allegation that Zionism was a form of racism was 'incomparably the more serious charge'. When, earlier, the wording of a preambular paragraph to the ICERD was under discussion,

The distinguished representative of Tunisia argued that 'racism' should go first because, he said, Nazism was a form of racism. Not so, said the so less distinguished representative of the Union of Soviet Socialist Republics, for, he explained, Nazism contained all the main elements of racism within its ambit and should be mentioned first. That is to say that racism was merely a form of Nazism. ... If, as the distinguished representative

declared, racism is a form of Nazism, and if, as this resolution declares, Zionism is a form of racism, then we have step by step taken ourselves to the point of proclaiming – the United Nations is solemnly proclaiming – that Zionism is a form of Nazism.¹³

It will be noticed that the representatives of Tunisia and the USSR were relying on essentialist rather than nominalist definitions.

Each of the three decades culminated in an international conference at which political campaigning overshadowed consideration of better implementation of the Convention. The third of them was the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance convened in Durban, South Africa, 31 August–8 September 2001.¹⁴ The UN now conducts a periodic review of the implementation of the programme adopted at that conference. It has also established a Working Group of Experts on People of African Descent that follows up the conclusions of the International Year for People of African Descent in 2011.

Other global and regional international organizations have taken action to combat racial discrimination. Among them, particular notice should be taken of an initiative within the International Labour Organization. This was inspired by research undertaken in England in 1967–68 that had been instrumental in securing parliamentary approval for the extension of the prevailing anti-discrimination legislation. By measuring the frequency of actions of a racially discriminatory character when persons applied for employment, housing and financial services, the research had established that the incidence of racial discrimination was higher than had been believed (even by members of the black minority).

In Geneva in 1989, a programme, ‘Combating Discrimination against (Im)migrant Workers and Ethnic Minorities’ was started within the Migration Branch of the International Labour Organization.¹⁵ Within this programme, the lead study, conducted in the Netherlands, found that in one out of every three responses to advertisements of vacancies for semi-skilled employment, a Moroccan applicant received less favourable treatment than a Dutch applicant. When job seekers had to apply by post, even immigrants who had received a Dutch college education and spoke Dutch fluently were seriously disadvantaged. The research in Belgium, Germany, the Netherlands, Spain and the United States all reported an incidence of discrimination not greatly different from that found in the Netherlands and the United Kingdom.

Studies were conducted into the efficacy of anti-discrimination legislation in ten countries and anti-discrimination training in six countries. These studies concluded that the criminal law is relatively ineffective in preventing discrimination in the workplace and in enabling its victims to obtain compensation. A study of British figures, where allegations of discrimination in employment are adjudicated under civil law, concluded that the laws against racial discrimination in employment were slightly more effective than the law against burglary, and that their effectiveness was not very different from that of the law against robbery.¹⁶

Within the UN, there are five regional groups of states: the African Group with fifty-four members, the Asia-Pacific Group with fifty-three, the Eastern European Group with twenty-three and the Western European and Other Group with twenty-eight, plus one observer (the United States).¹⁷ There are other regional organizations, including the Organization of American States, with thirty-five members, the European Union (currently of twenty-nine states) and the Council of Europe with forty-seven. These regions have, or are planning, their own conventions, courts and other institutions for the protection of human rights. The Council of Europe in 1993 established the European Commission Against Racism and Intolerance (ECRI). This Commission examines reports from Council of Europe states on their implementation of their obligations as members of the Council. The examination is not conducted in public, as with the UN, but by teams of Commission members who visit states and discuss state reports with state officials and other bodies. ECRI then publishes its report.

Naming the Categories

As mentioned above, states that are parties to the ICERD submit periodic reports to the UN.¹⁸ These show that countries vary in their conceptions of race and of ethnic group, and that they fulfil their treaty obligations in different ways. For example, the approaches adopted in the United Kingdom resemble those in the United States much more than the approaches adopted in France. In the United Kingdom up to the late 1950s, it was customary to draw a dividing line between 'white' and 'coloured', and the first proposal for legislation against discrimination bore the title 'Colour Bar Bill'. A decision to extend the scope of legislation to cover discrimination against Jews lay be-

hind the Labour Party's adoption, in 1958, of the expression 'racial discrimination'. Trends in the United States (often taken up by West Indians in Britain) came to favour the idiom of race instead of colour. So did the mass media. In the 1960s, 'race' was a short but powerful headline word, signifying concern over New Commonwealth immigration, then it was used in connection with street disturbances, accusations of discrimination and so on. The UK government gave to its first law against racial discrimination the title Race Relations Act 1965. It has continued with this nomenclature in its 1968 and 1976 Acts and in subsequent amending legislation.

In the United Kingdom, what came to be called 'ethnic monitoring' was introduced in 1965 in order to ensure that no one school should have more than about 30 per cent of immigrant pupils. It was extended to the collection of data on employment, the allocation of social housing and to the provision of medical services. A parliamentary committee advised that whenever members of the public were requested to provide such information, the reason for the request should be given. The police introduced an 'identity code' for the identification of suspects, based on their appearance.¹⁹

When comparing experiences in different countries, it should never be forgotten that between 1939 and 1945 doctrines of racial inequality tore Europe apart. It is therefore not surprising that European states have long wanted to banish a mistaken conception of race. In preparation for the world conference at Durban in 2001, the fifteen states of the European Union stated their shared objection to any wording that might appear to endorse belief in the existence of different human races. This objection has been stated forcibly by the Swedish parliament, which in 1999 'declared that there is no scientific justification for dividing humanity into distinct races and from a biological standpoint consequently no justification for using the word race with reference to humans. ... The government in international connections should try to see that usage of the word race with reference to humans is avoided in official texts so far as is possible.' Since 1994, Sweden has had a law against ethnic discrimination that covers racial discrimination, rather than the other way round.

In Africa, however, many governments are fearful of any expression that might exacerbate tensions between ethnic minorities, and they are reluctant to collect information on ethnic origin in statewide censuses. Nor do the conceptions of race and ethnicity held in the West have equivalents in many Asian countries. This is discussed in chapter 6.

Though the response of the American Sociological Association in 2002 may have revealed a paradox in its conception of race, there is no paradox in respect of international law. Any problems about the relation between things and words employ the ordinary language meanings of words like ‘race’ and ‘ethnic origin’; these problems are dealt with in a legal framework, not a social science framework.

From an international perspective, the adoption of the ICERD, and the dialogue between the Committee and reporting states, have resulted in a great growth in practical knowledge about race and ethnicity and an impressive dissemination of that knowledge. It has drawn attention to the widespread incidence of discrimination in forms that members of majorities are inclined to regard as only ‘natural’, and shown how the circumstances of marginalized groups, such as the Roma, are to be addressed within the framework of human rights law.

Notes

1. Michael Banton, *International Action Against Racial Discrimination* (Oxford: Clarendon Press, 1986), 99–100.
2. For ratification by the United States and the reservations, see Michael Banton, *The International Politics of Race* (Cambridge: Polity, 2002), 98–102.
3. The distinction between ‘purpose’ and ‘effect’ was later drawn in US law in the Griggs case of 1971 by the differentiating ‘disparate treatment’ from ‘disparate impact’; in the UK, the Racial Relations Act of 1976 similarly distinguished between ‘direct’ and ‘indirect’ discrimination and this was the terminology employed the European Union directive of 2000/43/EC.
4. A/64/18 Annex VIII.
5. CERD General recommendation XV of 1993 (UN document HRI/GEN/1/Rev.9, 279). Other general recommendations concern the rights of non-citizens, the rights of indigenous peoples, gender-related dimensions, discrimination against Roma, discrimination on grounds of descent, discrimination in the criminal justice system and hate speech.
6. General Recommendation VIII, 1990 (UN document HRI/GEN/1/Rev.9, 274).
7. Michael Banton, ‘States and Civil Society in the Campaign against Racial Discrimination’, *Nationalism and Ethnic Politics* 2012 18(4): 385–405.
8. In chapter 1 it was noted that US genomicists complain about their being obliged to employ racial categories defined by the US Office of Management and Budget. If these have not been already revised, the examination of the next periodic report of the United States would provide an opportunity for the US delegation to be questioned on their suitability.
9. UN document CERD/C/USA/CO/6/Add.1, 5 February 2009.
10. Retrieved 7 August 2013 from <https://fr.wikipedia.org>.
11. UN document A/68/18 Annex III, Decision concerning communication No. 48/2010.

12. Though members of UN treaty bodies exercise judicial functions, they are not remunerated accordingly, but receive an allowance for travel and subsistence expenses.
13. General Assembly records A/PV.2400, 152–165.
14. For an assessment of the conference, see Banton, *The International Politics of Race*, 142–169.
15. Believing that it might be a sensitive issue within the ILO, the research was initially funded by individual governments and trade union-linked foundations. Though eleven countries were invited to participate, in only Belgium, Germany, the Netherlands, Spain and the United States could the plans be implemented as intended. Because of the early death of the principal investigator, the findings were not publicized as widely or as well as might have been expected. The best account is that in Roger Zegers de Beijl, Irene McClure and Patrick Taran, 'Inequality in Access to Employment: A statement of the challenge', *UNESCO, United to Combat Racism* (Paris: UNESCO, 2001), 153–167.
16. Michael Banton, *Discrimination* (Buckingham: Open University Press, 1994), 59–61.
17. Israel has temporary membership in the Western European and Other Group.
18. These reports contain much information useful for the study of racial and ethnic relations. The United Nations Human Rights website, <http://www.un.org/en/rights>, leads to UN bodies – Charter-based and Treaty-based – and then to the Treaty bodies database; alternatively, the reader can go to <http://tb.ohchr.org/default.aspx> or the Official Document System, <http://ods.un.org/>.

To minimize duplication when submitting reports under different human rights treaties, states are invited to submit a Core Document describing the state and the framework within which it protects human rights (e.g. for the USA, HRI/CORE/USA/2008); these documents can be very helpful. The United States' 7th–9th periodic reports are combined in CERD/C/USA/7–9; the summary record of the dialogue between CERD and the US delegation on these reports can be located on the second and third of these websites at CERD/C/SR.2299–2300, while the concluding observations are included in the annual report A/70/18.

19. Michael Banton, 'Ethnic Monitoring in Britain', in Andrea Krizsán (ed.), *Ethnic Monitoring and Data Protection: The European Context* (Budapest: Central European University Press, 2001), 252–264. The police 'identity code' had the following categories:
 - IC1 – White person, northern European type
 - I2 – Mediterranean European/Hispanic
 - IC3 – African/Afro-Caribbean person
 - IC4 – Indian, Pakistani, Nepalese, Maldivian, Sri Lankan, Bangladeshi or any other (South) Asian person
 - IC5 – Chinese, Japanese or South-East Asian person
 - IC6 – Arab person
 - IC0, IC7 or IC9 – Origin unknown