

PANAMA

Special Action or Decisions Taken Re: Reporting, Including Urgent Action Procedure

CERD A/8418 (1971)

VII. DECISIONS ADOPTED BY THE COMMITTEE AT ITS THIRD AND FOURTH SESSIONS

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A. THIRD SESSION

3 (IV). Information supplied by Panama relating to the situation in the Panama Canal Zone ^{16/}

1. The Committee on the Elimination of Racial Discrimination takes note of the information formally furnished by the Government of Panama to the effect that in part of its national territory known as the Panama Canal Zone, which is under the control of the Government of the United States of America, certain forms of racial discrimination have been and are being systematically practiced.

2. The Committee did not have the competence to request the relevant information on this question from the Government of the United States of America, since the United States of America is not a Party to the Convention.

3. However, the Committee wishes to draw the attention of the General Assembly to this situation.

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^{16/} Adopted at the 66th meeting on 26 August 1971. See chap. III, paras. 71 and 72.

Annex V

Text of communication sent to 17 states parties under article 9 of the Convention adopted at the third session of the Committee on 23 April 1971

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

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

In its communication adopted at its first session on 28 January 1970 (CERD/C/R.12 contained in A/8027, annex III A) and transmitted to the States Parties in a note verbale by the Secretary-General on 27 February 1970, a copy of which is forwarded herewith, the Committee has laid down the type of information which it would expect to receive in pursuance of the provisions of article 9 of the Convention.

At its second session, on 16 September 1970, the Committee adopted a communication (A/8027, annex III B) addressed to States Parties whose reports under article 9 had been received, requesting them to compare the reports they had submitted with the communication adopted at the first session (CERD/C/R.12) and to furnish the Committee with information on those points which their reports did not cover. This communication was transmitted to the States Parties concerned by the Secretary-General in a note verbale dated 13 October 1970.

The Committee would appreciate it if the Government of [Panama] would once again compare the information it has submitted with the communication adopted at the first session of the Committee and to furnish the Committee with all pertinent information by 15 July 1971. In this connection, attention is drawn to the summary records of the [41st - 58th] meetings of the third session of the Committee (CERD/C/SR.[41-58]), at which it discussed the report already submitted by [Panama].

The summary records referred to above will be forwarded by the Secretary-General as soon as they are available in final form.

CERD A/32/18 (1977)

CHAPTER VIII

DECISIONS ADOPTED BY THE COMMITTEE AT ITS FIFTEENTH AND SIXTEENTH SESSIONS

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2 (XV). Information supplied by Panama relating to the situation in the Panama Canal Zone
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The Committee on the Elimination of Racial Discrimination,

Recalling its decision 3 (IV) of 26 August 1971,

Having examined the fourth periodic report of the Government of Panama under article 9 of the Convention,

Taking note of the information contained therein on the situation obtaining in that part of the sovereign territory of the Republic of Panama known as the "Panama Canal Zone" in so far as it relates to the problem of racial discrimination,

1. Concerned at the fact that the Government of the Republic of Panama is unable, for reasons beyond its control and contrary to its own determination, to fulfil the responsibilities undertaken by it as a State party to the Convention, in a part of its national territory;
2. Expresses the hope that the situation will be resolved at an early date so that, throughout the territory of the Republic of Panama, the laws and measures adopted by its Government in conformity with the purposes and principles of the Convention may be equally applied;
3. Invites the Government of the Republic of Panama to keep the Committee informed of any developments in the situation;
4. Draws again the attention of the General Assembly of the United Nations to the situation and asks it to ensure that no practices of racial discrimination in the "Panama Canal Zone" are permitted.

334th meeting
8 April 1977

25/ See chap. IV, paras. 188-201.

CERD, A/63/18 (2008)

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Chapter II

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURES

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19. During the reporting period, the Committee again considered a number of situations under its early warning and urgent action procedure, including in particular the following:

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32. In light of information on arbitrary displacements and other abuses suffered by members of the indigenous Charco la Pava community in Panama in connection with a dam construction project, the Committee, by a letter dated 15 August 2008, expressed its concern about the situation and requested to be urgently provided with information.

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Chapter V: Review of the Implementation of the Convention in States Parties the Reports of Which are Seriously Overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

525. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by States parties whose reports were overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were overdue by five years or more would also be scheduled for a review of the implementation of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources, including from non-governmental organizations, whether it is an initial or periodic

report that is seriously overdue.

526. Following its seventy-first session, the Committee decided to schedule for its seventy-second session the review of the implementation of the Convention in the following States parties whose periodic reports were seriously overdue: Bulgaria, Gambia, Monaco, Panama and the United Arab Emirates. Bulgaria's report was subsequently received, prior to the seventy-second session. In the cases of Monaco, Panama and the United Arab Emirates, the reviews were postponed at the request of the States parties, which indicated their intention to submit the requested reports shortly. The reports of Monaco and the United Arab Emirates have been received in the meantime.

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Chapter II: Prevention of racial discrimination, including early warning and urgent procedures

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15. During the reporting period, the Committee again considered a number of situations under its early warning and urgent action procedure, including in particular the following.

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26. In the light of information concerning the potential impact of a hydroelectric dam project on the situation of certain indigenous communities in **Panama**, it was decided at the seventy-fifth session that this issue should be raised in the list of issues to be transmitted to the State party in advance of its meeting with the Committee at the seventh-sixth session in February 2010.

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Chapter V: Review of the Implementation of the Convention in States Parties the Reports of Which are Seriously Overdue

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C. Action taken by the Committee to ensure submission of reports by States parties

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56. At its seventy-fourth session, the Committee reviewed the implementation of the Convention in the Gambia and adopted concluding observations in the absence of a delegation. Panama, which had also been scheduled for review at the seventy-fourth session, submitted its report prior to that session.

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