



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 1360th meeting

Held at the Palais des Nations, Geneva, on Thursday, 19 August 1999, at 3 p.m.

Chairman: Mr. Aboul Nasr

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The meeting was called to order at 3.15 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (agenda item 4) *(continued)*

Draft concluding observations of the Committee on the twelfth to fifteenth periodic reports of Romania (continued) (CERD/C/55/Misc.27/Rev.2 – English only)

1. **The Chairman** invited the working group in charge of redrafting paragraph 11 of the draft to present the results of their discussions.
2. **Mr. van Boven** proposed adding the adjective “unacceptable” before the word “prevalence” in the fourth line, and phrasing the last sentence as follows: “Given its disadvantaged situation in society, particular concern is caused by the absence of economic and social measures of the kind envisaged in article 2 (2) of the Convention in favour of this minority, Romania’s current difficulties notwithstanding”.
3. *Paragraph 11, as amended, was adopted.*
4. *The draft concluding observations on the twelfth to fifteenth periodic reports of Romania as a whole, as orally amended, were adopted.*

Draft concluding observations of the Committee on the fourteenth periodic report of Iraq (CERD/C/55/Misc.35/Rev. 2 – English only)

Paragraphs 1 and 2

5. *Paragraphs 1 and 2 were adopted.*

Paragraph 3

6. **The Chairman** proposed including the following phrase in the first sentence of this paragraph, after the words “economic sanctions”: “as well as foreign military incursions in different areas of the country”.
7. **Mr. Banton** suggested replacing the adjective “considerable” with “continuing”.
8. *Paragraph 3, as amended, was adopted.*

Paragraph 4

9. **Mr. Garvalov** proposed adding the words “and the United Nations” after “international community”.
10. *Paragraph 4, as amended, was adopted.*

Paragraph 5

11. **Mr. Sherifis** suggested replacing the phrase “military action by foreign powers” with “foreign military incursions”, as had been done in paragraph 3.
12. *Paragraph 5, as amended, was adopted.*

Paragraph 6

13. **Mr. Shahi**, supported by **Mr. Rechetov**, said the Iraqi Government could not be expected to ensure the protection of human rights in regions it did not control.

14. **Mr. van Boven** said that under international law, the Iraqi Government remained responsible for the implementation of the Convention in its territory, regardless of any difficulties it might encounter.

15. **Mr. Shahi** proposed nuancing the paragraph by saying that the Government remained responsible for the respect of its obligations under the Convention, but only “to the extent possible”.

16. **Mr. Diaconu**, supported by **Mr. Yutzis**, opposed that idea, arguing that other States that did not control all of their territory could use this as a pretext for avoiding their obligations.

17. **Mr. Sherifis**, supported by **Mr. de Gouttes** and **the Chairman**, said that the word “responsibility” had too negative vis-à-vis the Iraqi Government, which could not be held responsible for the suffering endured by the population today. He therefore proposed replacing the words “remains responsible” with “maintains the competence”.

18. *Paragraph 6, as amended, was adopted.*

Paragraph 7

19. *Paragraph 7 was adopted, with minor drafting changes.*

Paragraphs 8 and 9

20. Following an exchange of views among **Mr. Sherifis**, **Mr. Garvalov**, **Mr. van Boven**, **Mr. Shahi**, **Mr. Rechetov**, **Mr. de Gouttes** and **the Chairman**, it was decided to use the phrase “The Committee welcomes...” at the beginning of the paragraph, rather than “The Committee takes note...” and “The Committee notes...”, so as to better reflect the Committee’s appreciation of the State party’s efforts.

21. *Paragraphs 8 and 9, as amended, were adopted.*

Paragraph 10

22. **Mr. Rechetov** proposed amending the beginning of the paragraph as follows: “It also welcomes the information that...”, and specifying that it was Iraqi legislation that contained the provisions punishing racial discrimination by adding the words “that the Iraqi legislation” between “and” and “contains provisions”.

23. *Paragraph 10, as amended, was adopted.*

Paragraph 11

24. *Paragraph 11 was adopted.*

Paragraphs 12 and 13

25. **The Chairman** asked the Committee members to review the wording of paragraphs 12 and 13 and proposed deferring their adoption.

26. *It was so decided.*

Paragraph 14

27. *Paragraph 14 was adopted.*

Paragraph 15

28. **Mr. Rechetov** suggested that in the last line, the words “all individuals” be replaced by “all persons”.

29. **Mr. Garvalov** and **Mr. Sherifis** suggested that the Convention be cited before the other international treaties. The phrase would then read, “under the Convention and international human rights treaties”.

30. *Paragraph 15, as amended, was adopted.*

Paragraph 16

31. **Mr. Shahi** suggested that the first line of this paragraph should read “The Iraqi Government retains the confidence” instead of “remains competent”, in order to be consistent with the wording of paragraph 6, as amended by the Committee.

32. **Mr. Sherifis** supported Mr. Shahi’s proposal and asked if it was only Kurds who lived in the northern region or if there were also members of the Arab population.

33. **The Chairman** suggested that the end of the first sentence should read “between Kurds and other persons” instead of “Kurds and the minorities”.

34. *Paragraph 16, as amended, was adopted.*

Paragraph 17

35. Following an exchange of views with **the Chairman** on the identity of the sources of the allegations referred to in this paragraph, **Mr. Diaconu** proposed rewording it as follows: In the first sentence, the phrase “should be fully and impartially investigated” should be replaced by “should be examined by the State party”, and in the last sentence, “the result of such examination” should replace “of such investigation”.

36. **Mr. Sherifis** proposed that the last sentence of the paragraph should read as follows: “The Committee requests to be informed about the result of such examination”.

37. *Paragraph 17, as amended, was adopted.*

Paragraph 18

38. *Paragraph 18 was adopted.*

Paragraph 19

39. **Mr. Banton** proposed replacing “all aspects” by “all matters”.

40. *Paragraph 19, as amended, was adopted.*

Paragraph 20

41. *Paragraph 20 was adopted.*

Paragraph 21

42. **Mr. Sherifis** proposed replacing “additional” in the first line by “further”.

43. *Paragraph 21, as amended, was adopted.*

Paragraphs 22 and 23

44. *Paragraphs 22 and 23 were adopted.*

Paragraph 24

45. **Mr. Sherifis** asked that the words “of the” be deleted from the second line.

46. *Paragraph 24, as amended, was adopted.*

Paragraph 25

47. *Paragraph 25 was adopted.*

48. **The Chairman** proposed suspending the meeting so that the Country Rapporteur, Mr. Diaconu, and interested experts could prepare a new draft of paragraphs 12 and 13, the consideration of which had been deferred.

49. *It was so decided.*

The meeting was suspended at 5.05 p.m. and resumed at 5.25 p.m.

Paragraph 12

50. **Mr. Diaconu** proposed several changes. The first line would begin with, “Concern is also expressed over allegations that the non-Arab population”. The third line would read in part, “Assyrians have been subjected”. In the last line, the word “linked” would be replaced by “related”.

51. *Paragraph 12, as amended, was adopted.*

Paragraph 13

52. **Mr. Diaconu** proposed redrafting this paragraph as follows: In the second line, “region” would be replaced by “governorates” and “an important number of victims” would be replaced by “much suffering”. In the third line, the full stop would be replaced by a comma, and the last phrase would be replaced by “including members of ethnic groups living in the area”.

53. *Paragraph 13, as amended, was adopted.*

54. *The draft concluding observations of the Committee on the fourteenth periodic report of Iraq as a whole, as orally amended, were adopted.*

Draft concluding observations of the Committee on the eleventh to fourteenth periodic reports of Chile (continued) (CERD/C/55/MISC.36/Rev.2 – English only)

Paragraph 1

55. *Paragraph 1 was adopted.*

Paragraph 2

56. *Paragraph 2 was adopted.*

Paragraph 3

57. Following an exchange of views among **Mr. Garvalov**, **Mr. Shahi**, **Mr. Valencia-Rodriguez** and **Mr. Banton**, it was decided to delete the words “appreciates and” in the first line.

58. *Paragraph 3, as amended, was adopted.*

Paragraph 4

59. Following an exchange of views among **Mr. Valencia-Rodriguez**, **Mr. Banton** and **Mr. Garvalov**, it was decided to replace the word “fact” in the first line by “information”.

60. *Paragraph 4, as amended, was adopted.*

Paragraph 5

61. **Mr. Sherifis** proposed replacing the word “ensure” in the second line by “promote”.

62. **Mr. Banton** proposed linking the first sentence and the beginning of the second as follows: “The Committee welcomes the initiatives taken by the State party in order to promote the rights of its indigenous population, including the enactment...”.

63. *Paragraph 5, as amended, was adopted.*

Paragraph 6

64. Following remarks by **the Chairman** and **Mr. Garvalov**, **Mr. Banton** proposed replacing the words “if adopted, would” in the fifth line by “is designed to”.

65. **Mr. Garvalov** proposed deleting the word “also” from the first line.

66. **Mr. Sherifis** proposed deleting the words “with interest” from the first line.

67. *Paragraph 6, as amended, was adopted.*

Paragraph 7

68. *Paragraph 7 was adopted.*

Paragraph 8

69. **Mr. Sherifis** proposed deleting the words “with interest” from the first sentence.

70. **Mr. Diaconu** proposed adding the words “Teaching about” before “human rights and their implementation” in the third line.

71. *Paragraph 8, as amended, was adopted.*

Paragraph 9

72. Following a remark by **the Chairman**, **Mr. Banton** proposed adding the words “reported findings of” after “about” in the first line.

73. *Paragraph 9, as amended, was adopted.*

Paragraph 10

74. **The Chairman**, supported by **Mr. Diaconu** and **Mr. de Gouttes**, noted that the Convention was not directly applicable under “self-executing” domestic law since States parties had the obligation to adopt national legislation that gave effect to it.

75. **Mr. Valencia-Rodriguez** proposed amending the first sentence as follows: “The Committee expresses its concern at the absence of specific legislation to enforce some of the provisions of the Convention”.

76. *Paragraph 10, as amended, was adopted.*

Paragraph 11

77. *Paragraph 11 was adopted.*

Paragraph 12

78. **Mr. Sherifis** proposed replacing the word “time” by “period”, and replacing the phrase “according to information received by the Committee” by “allegedly led to”.

79. *Paragraph 12, as amended, was adopted.*

80. **Mr. Garvalov** proposed inverting paragraphs 11 and 12 in order to respect the Committee’s priorities.

81. *Paragraphs 11 and 12 were inverted.*

82. **The Chairman** proposed that the Committee should continue its consideration of the draft concluding observations on Chile at its next meeting.

83. *It was so decided.*

The meeting rose at 6 p.m.