



**International Convention on the  
Elimination of All Forms of Racial  
Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-eighth session

SUMMARY RECORD OF THE 1746th MEETING

Held at the Palais Wilson, Geneva,  
on Thursday, 2 March 2006, at 10 a.m.

Chairman: Mr. de GOUTTES

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*The meeting was called to order at 10.25 a.m.*

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION  
SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE  
CONVENTION (agenda item 6) (*continued*)

Progress of the implementation of the Convention in States parties submitting  
long overdue periodic reports

Ethiopia

1. Mr. THORNBERRY (Rapporteur on Ethiopia), submitting a draft list of questions with regard to the seventh to fifteenth periodic reports of Ethiopia (document without reference distributed in the meeting in English only), noted that the document under consideration, given the delays, had been compiled to help the State party prepare its own report and not to consider the situation in the country in the absence of a report.
2. Briefly dwelling on the situation in Ethiopia, Mr. Thornberry pointed out that the State had ratified the Convention in 1976 and had submitted its periodic reports on a regular basis all the way up to 1987. The Committee considered the last periodic report of that country, the sixth (CERD/C/156/Add.3), in August 1990, after which Ethiopia requested that it be given additional time to prepare the seventh to fifteenth periodic reports, which time was given, but which expired in November 2005. In addition, Ethiopia had not submitted a core document, which, as explained by the Ethiopian delegation during the consideration of the sixth periodic report, was due to a lack of the funds and manpower necessary to prepare the basic statistical data.
3. Ethiopia, long an independent country, had recently undergone a series of major political changes. Since a new party, the Ethiopian Peoples Revolutionary Democratic Front, had come to power in 1991, the current government had nothing to do with the reports submitted to the committee up to 1987. In the 1990s, an ethnic federal system was formed in the country. Ethiopia was divided into nine regions that were populated by 80 ethnic groups. A new Constitution was adopted in 2004, and elections were held in 2005, the results of which gave rise to public comments by the opposition that led to a number of casualties. Some of the questions included in the document under consideration are devoted to those very events, as well as to incidents of violence against individual ethnic groups in several regions.
4. Commenting on individual questions from the draft list, Mr. Thornberry explained that the first question was to obtain information not only on the ethnic makeup of the population of Ethiopia, but also on the geographic locations of the ethnic groups, as well as to better understand to which groups internally displaced persons belonged. The response to the fourth question was to shed light on the legal and regulatory framework ensuring protection against racial discrimination under conditions in which the transition to a federal State structure had led to the adoption of a multitude of regional laws and even constitutions. Underlying the sixth question were reports that the majority of those living in Ethiopia preferred tribal and religious courts to federal courts, which did not ensure the proper respect for women's rights and gave rise to questions of the knowledge of tribal judges of human rights issues in general and of the Convention in particular, especially in rural areas. The Rapporteur explained that the tenth question, which was intended to shed light on measures for protecting minorities, had been included on the list in connection with massacres in 2004 of representatives of the Anuak and Oromo minorities in the vicinity of

Gambella. It was important to learn what role government armed forces had played in that tragedy and to what extent it had been a result of ethnic tensions. The purpose of the fifteenth question was to clarify whether groups of beneficiaries of the resettlement programme dictated by food security were being screened on the basis of ethnic affiliation. Mr. Thornberry proposed that Committee members comment on the draft list under consideration and, perhaps, suggest additional questions.

5. Mr. AMIR, recalling the grave difficulties Ethiopia had been forced to confront after the regime change, including chronic drought, poverty, and hunger, as well as the requirements of the various ethnic groups, supported Mr. Thornberry's idea of helping the country to prepare the periodic report by providing it a list of questions that were of interest to the Committee.

6. The CHAIRPERSON noted that more than 10 years ago, the State party had created a national tribunal for bringing guilty parties to trial for the commission of crimes against humanity during the period of "Red Terror". He was interested in adding a question to the list about whether that tribunal was still functioning.

7. Mr. AVTONOMOV suggested asking the State party in the 19th question of the document under consideration, which pertained to discrimination against Eritreans living in Ethiopia, to direct its attention to the Committee's general recommendation XI on non-citizens.

8. Mr. SICILIANOS asked what strategy the Committee intended to take in the event that the State party did not respond to the list of questions. Would the Committee in that case include consideration of the question of the situation in that country in the agenda for the next session?

9. Mr. THORNBERRY (Country Rapporteur) thanked the Chairperson and Mr. Avtonomov for their valuable suggestions, which he would put in the text of the document. As for the question of Mr. Sicilianos, he expressed the hope that the State party would respond properly to the list of questions and would submit its periodic report as it had in 2002 with the Committee on the Rights of the Child and 10 years earlier with the Committee on the Elimination of Discrimination against Women.

10. The CHAIRPERSON explained that, in keeping with current practice, the list of questions was being sent to the State party along with a letter from the Committee Chairperson informing it that if the Committee's request were not honoured, the situation in the country would be considered without the report.

11. Mr. EWOMSAN felt that since Ethiopia had been able to submit periodic reports to two other treaty bodies, the problem consisted not in the absence of funds, but in a lack of understanding by the State party of the overall importance of the Convention. For that reason, advocacy work was needed with the State party to make it aware of the fundamental role of the Convention.

12. Mr. ABoul-NASR asked whether the office of the Committee had any contacts with the State party.

13. Ms. PROUVEZ (Committee secretary) explained that the Committee had received from the Permanent Mission of Ethiopia in Geneva a letter that was dated 5 November 2005 and in which the State party, nonetheless, did not ask the Office of the Higher Commissioner for Human Rights for technical assistance in the preparation of a periodic report.

14. Mr. AVTONOMOV noted that since many States parties had long ended any dialogue with the Committee, it should develop a special procedure for them.

15. Mr. AMIR said that the case of Ethiopia, as with many other States parties that had not submitted reports for more than five years, indicated that they did not attach enough importance to the Convention. In that connection, everything possible should be done to publicize its provisions, so as to prompt States parties to submit reports to the Committee on its application.

16. The CHAIRPERSON, speaking in a personal capacity, said that he shared Mr. Amir's point of view and that he regretted that the States parties and mass media were not focusing much attention on the Committee's work at a time when instances of racism and racial discrimination were increasing across the globe. He stressed that each Committee member should publicize the Convention and that non-governmental organizations such as ARIS (Anti-Racism Information Service) were playing an important role in that area. He directed the Committee members' attention to Section V of the Committee's annual report to the General Assembly (A/60/18), which included an accurate list of the States parties that had not submitted their reports for at least 10 years at that point. It had to be said that too many countries were not fulfilling their obligations. The Chairperson felt that the Committee should perhaps appoint one of its members to prepare a document on the situation in the countries that were not submitting their reports in a timely manner.

17. Ms. JANUARY-BARDILL noted that the International Convention on the Elimination of All Forms of Racial Discrimination was more "politicized" than other conventions, which could explain the fact that States parties sometimes ran into difficulties fulfilling their obligations in submitting reports. As for Ethiopia, for this instance, she suggested the following solution: the Chairperson, the Follow-up Coordinator, or the Committee office should inform the State party that it must submit its report before the end of the year.

18. Mr. THORNBERRY felt that, in the future, the Committee could establish a working group that would consider the situation in countries that were not submitting their reports in a timely manner. As for Ethiopia, he would recommend that the Committee approve the draft list of questions along with the orally proposed amendments to it.

19. Mr. ABOUL-NASR shared the opinion of the Committee members who felt it necessary to more actively publicize the importance of the Convention. The Committee should perhaps petition to have its sessions held at the seat of the United Nations in New York, where its work could capture more attention from the delegations and the mass media. It would also be possible to send one of the Committee members to the seat of the UN to meet with representatives of States parties and acquaint those representatives with the work of the Committee.

20. Ms. PROUVEZ (Committee secretary) pointed out what the Committee office usually did when the Committee planned on considering a situation involving racial discrimination in a given State party. The State party was sent a first note verbale informing it of the Committee's intentions. In the absence of a response, the State party was sent a second note verbale that gave the date and time of the meeting at which the Committee would be considering the issue, along with a suggestion that a list be sent to the Committee office, apprising it of the members of the delegation that the State party planned to send. At the same time, the Committee office

contacted the permanent mission of the State party to inform it of how the Committee's consideration of the situation in the State party would be conducted.

21. Mr. KJAERUM spoke in favour of approving the draft list of questions and the orally proposed amendments to it. As to the broader problem of States parties that were holding back the submission of their reports for lengthy periods of time, Mr. Kjaerum suggested that the Committee draft a working document for the roughly 40 countries whose reports were delinquent for more than five years and recommend ways to resume the dialogue with the States parties. Addressing the lack of importance that was being attached to the Convention and to the work of the Committee, he did not feel it vitally necessary to draw the media's attention to them, preferring instead work that was more task-specific in terms of acquainting State institutions, ministries, and leading non-governmental organizations with the Committee's activities.

22. Ms. DAH, returning to the subject of Ethiopia, recommended sending the State party the list of questions along with a letter saying that the Committee would be considering the situation in that country with or without a response from it. In addition, she did not feel that Ethiopia required the assistance of the Office of the Higher Commissioner for Human Rights to submit the report to the Committee. Overall, she thought that, instead of developing some rigid overall methodology, creating a working group, or drafting an additional working document, the Committee should adhere to a more pragmatic approach and consider each specific case individually. Finally, she regarded as utopian the idea of holding Committee sessions in New York at a time when the United Nations had begun large-scale reform geared specifically to streamlining the activities of treaty bodies.

23. Mr. SHAHI felt it best to create a working group to study ways of resuming the dialogue with States parties that had not submitted periodic reports for more than five years. Furthermore, to publicize the activities of the Committee, he recommended offering meeting records and the summary records themselves of the Committee meetings to the public and to the mass media.

24. Mr. SICILIANOS approved the list of questions prepared by the Chairperson for Ethiopia, but at the same time, based on the comments of Ms. Dah, he recommended deleting from it the second question, in which it was suggested that the State party make use of technical assistance from the Office of the High Commissioner for Human Rights. Pointing out that four of the members of the Committee were citizens of four of the States parties that had been holding periodic reports back for a long time, he suggested that those experts petition the authorities of their countries to speedily fulfill their obligations under Article 9 of the Convention.

25. In addition to that, Mr. Sicilianos suggested that the next inter-committee meeting of the chairpersons of human rights treaty bodies consider the possibilities for the activities of the Committee to be publicized by the recently created Human Rights Council, which, beginning in June 2006, would hold its own annual meetings in Geneva. He also supported Mr. Kjaerum's suggestion that a working document be prepared on States parties that had not submitted their periodic reports for more than five years, so as to make use of every opportunity to resume a dialogue with the States parties.

26. The CHAIRPERSON said that if he understood correctly, the members of the Committee wanted to approve the list of questions drawn up by the Rapporteur on Ethiopia and send it to the Ethiopian government along with a letter from the

Committee Chairperson that indicated that the committee would consider the situation in Ethiopia against the backdrop of the Convention, even if the State party did not submit a periodic report.

Papua New Guinea

27. Mr. AMIR (Rapporteur on Papua New Guinea) recalled that on 11 March 2005, the Committee Chair, Mr. Yutzis, had sent the Permanent Mission of Papua New Guinea at the United Nations in New York a letter informing it that, on 8 March 2005, the Committee had considered the situation in its country without a report. The Committee Chairperson's letter expressed regret that, despite the numerous requests from the Committee, Papua New Guinea had failed to fulfill its obligations under Article 9 of the Convention by submitting neither a periodic report nor the requested additional information on the situation with the island of Bougainville. The Committee Chairperson also directed the attention of the authorities to the conclusions formulated by the Committee in March 2003 (CERD/C/62/CO/12) within the context of the consideration of the progress made in the implementation of the Convention in States parties that were holding back periodic reports, in which conclusions the Committee had requested the State party to immediately resume with it the dialogue that had been broken off in 1984 and to submit its report in accordance with Article 9 of the Convention. In order to make more substantive the discussion of the application of the Convention in Papua New Guinea slated for the sixty-eighth session, the Chairperson had appended to the letter a list of Committee questions to which he requested responses before 31 November 2005. But the letter went unanswered, and the personal meetings of Mr. Amir with the staff of the Permanent Mission of Papua New Guinea at the United Nations in New York also produced no results.

28. The Rapporteur noted that in a country consisting of 19 provinces, which are administered by governors and which have their own constitutions, which are similar to the national constitution, there was serious unrest in 2003 on the island of Bougainville. In March of that same year, the national parliament adopted several laws that gave Bougainville political autonomy and that called for a referendum on independence within 10–15 years. The armed forces left the province, and the authorities of Bougainville began preparing a draft constitution for the future autonomous entity. Mr. Amir added that there were supposed to be elections in April 2005, but they were postponed, because the draft constitution had not yet been finalized. According to recent information, the preparation of the text of the constitution was virtually complete at this moment.

29. Based on the above, Mr. Amir recommended that the Committee postpone consideration of the situation in Papua New Guinea until the next session, in August 2006, in the hope that, by that time, the Bougainville Constitution would be adopted and the authorities would be in a position to resume the dialogue with the Committee.

30. Mr. TANG supported Mr. Amir's recommendation and expressed the hope that the Office of the High Commissioner for Human Rights would offer Papua New Guinea technical assistance.

31. The CHAIRPERSON said that, according to latest information he had, the head of the regional office of High Commissioner for Human rights was to visit Papua New Guinea in June 2006. For that reason, if he understood correctly, the Committee members wanted to wait for the results of that visit and the adoption of

the Bougainville Constitution before beginning consideration of the progress in the application of the Convention in Papua New Guinea at the sixty-ninth session of the Committee in August 2006.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY  
WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 5)  
(*continued*)

Situation of the Western Shoshone

32. Ms. JANUARY-BARDILL reported that the Working Group on Early Warning Measures and Urgent Action Procedures had carefully studied the situation with the Western Shoshone. The Working Group wanted to formulate recommendations with regard to the possibility of continuing the consideration of that matter within the framework of these procedures on the basis of a letter received from the Permanent Mission of the United States in response to a request by the Committee Chairperson to provide information on the situation with the Shoshone, which request he had sent to the government of the United States in August 2005; on the basis of the absence of information from the State party in response to that letter; and on the basis of information on the latest changes in the situation received by the Committee from the delegation that had represented the Shoshone since August 2005. During an unofficial meeting organized the day before with representatives of the Shoshone, Committee members received additional oral and written information, including video evidence, indicating a marked intensification of destructive activities being carried on by the government of the United States on Shoshone land, as well as on numerous unceasing cases of racial discrimination against them.

33. Ms. January-Bardill pointed out that underlying the early warning measures and urgent action procedures was the concept of preventive diplomacy formulated by the Secretary-General in 1992 in his report to the Security Council, titled "An Agenda for Peace" (A/47/277-S/24111). The sense of it consisted in seeking to "identify at the earliest possible stage situations that could produce conflict" and trying to "prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur", paying special attention to the rights of minorities. The chairs of human rights treaty bodies, at their fourth regular meeting, which took place that same year, noted that the bodies they headed had been called upon to play an important role in preventing human rights violations and combating such violations. Many of those bodies, including the Committee for the Elimination of Racial Discrimination, adopted a decision to develop special procedures for responding to emergency situations.

34. Ms. January-Bardill stressed that, given the differences that sometimes arose with regard to the advisability of applying those procedures in certain situations, it paid to remember what the original purpose of the procedures was. In that connection, the speaker noted that contrary to what the State party said, the Committee never intended to employ Article 14 of the Convention. Based on the above, the Working Group decided to recommend to the Committee to continue consideration of the situation with the Western Shoshone within the framework of the early warning measures and urgent action procedures not for the purpose of provoking the government of the United States, but for the purpose of averting violation of the Convention. The Group intended to prepare a draft response to the State party, which it would submit for review and approval by the entire Committee in its current session.

35. Mr. AMIR asked whether the Working Group's prepared text would make mention of the position of the Inter-American Commission on Human Rights, which acknowledged the right cause of the Shoshone.

36. Ms. JANUARY-BARDILL said that that would be mentioned in the draft letter.

37. The CHAIRPERSON said that, if he understood correctly, the draft letter that the Working Group would submit to the Committee members would contain new information that would fortify its position. He noted the recommendation of the Working Group, which was suggesting that the Committee continue consideration of the situation of the Western Shoshone within the framework of the early warning measures and urgent action procedures, and he proposed that it be approved.

*It was so decided.*

ORGANIZATIONAL AND OTHER MATTERS (agenda item 4) (*continued*)

38. Mr. LINDGREN ALVES said that, at the sixty-seventh session of the Committee, he, with the support of Ms. January-Bardill, had suggested discussion the problem of the resurgence of neo-fascist and neo-Nazi movements throughout the world. He was put onto that thought by an NGO's screening of a film on that topic, which made a strong impression on him. The speaker was interested in knowing how Committee members felt about the possibility of conducting a discussion of that topic in the next session. In addition, Mr. Lindgren Alves was ready to prepare a document or recommendation on the results of a general discussion of cultural diversity in the sixty-seventh session. He was also interested in learning the opinion of the Committee members on that question.

39. The CHAIRPERSON felt that, given the extremely busy agenda for the sixty-ninth session even without that, it would be rather difficult to fit in such a discussion.

40. Mr. AMIR said that, although studying the past was, without a doubt, important to understanding the future, such work, in his opinion, should be left to historians and the Committee should focus on seeking ways to strengthen peace in the interests of all peoples.

41. The CHAIRPERSON pointed out that the matter raised by Mr. Lindgren Alves had greatly disturbed Committee members during consideration of the periodic reports of various States parties. Perhaps the Committee office should be assigned to gather documents on how other international and regional organizations were approaching the problem of neo-fascist and neo-Nazi movements. The Committee had to ask itself also the question of how valuable its contribution would be to the understanding of such an important question. In addition, the Chairperson asked Mr. Lindgren Alves to outline the general points of the cultural diversity document that he was interested in preparing.

42. Mr. ABOUL-NASR asked the Chairperson to summarize what had been said not in the middle of the discussions, but at the end, so that each person could give his or her viewpoint. In the opinion of the speaker, there were more urgent questions to be discussed than the problem of Nazism, which belongs to history, and he was against the Committee having its office gather materials in preparation for a discussion of that. The speaker regarded the problem of Islamophobia in Europe to be more pressing. If the decision was nonetheless taken to discuss the topic



proposed by Mr. Lindgren Alves, all its aspects should be taken into consideration and should be covered to an equal extent.

43. Mr. AVTONOMOV supported the suggestion of Mr. Lindgren Alves, given that the resurgence of ideologies that considered it appropriate to exterminate peoples on the basis of race, ethnicity, or religious affiliation had today become a real problem to which the Committee should pay attention. At the same time, the speaker doubted that the Committee would have enough time to consider that topic in the sixty-ninth session and suggested that it postpone its discussion until the following session, so as to be properly prepared for it.

44. Ms. JANUARY-BARDILL was surprised at how the issue being discussed had emerged. In order for the work of the Committee to produce the desired results, it was important to carefully track how questions came up. Ms. January-Bardill explained that Mr. Lindgren Alves and she herself, after the screening of the frightening film on new forms of intolerance in Europe, felt that its content could be of interest to the Committee. She supported Mr. Avtonomov in that, the unquestionable gravity and importance of the topic notwithstanding, they should not be hasty in the formulation of ideas and the organization of the discussions.

45. Mr. EWOMSAN said that the problem of racism was complex and that such problems often should be approached from every possible point of view. Thus, the Committee should, starting out from the central theme of racism, also analyze related problems such as the resurgence of fascism and Islamophobia.

46. Mr. LINDGREN ALVES, feeling it inadvisable to discuss that issue in the next session, nonetheless suggested considering it on a priority basis in one of the subsequent sessions. New forms of fascism were being encountered today on various parts of the planet, and the Committee had an opportunity to assess its seriousness at each of its sessions, reading reports of attacks that neo-fascist groups were unleashing throughout the world on Jews, Arabs, foreigners, and migrants.

47. As to his suggestion to discuss cultural diversity, Mr. Lindgren Alves acknowledged the immense difficulty of generating recommendations on it. At the same time, an entire array of Committee members had suggested preparing a document on cultural diversity. The document could be one that was intended for Committee members and that would help each of them to better understand the positions of their colleagues and to elaborate on common areas of work.

48. Mr. THORNBERRY felt that a discussion of cultural diversity could possibly be included in a general discussion of the link between the prevention of discrimination and the protection of minorities, which could take place in the Committee in 2007. As for a possible discussion of new forms of racism, an attempt should be made to structure the work such that each Committee member could focus on the problems that he or she regarded as the most urgent.

49. Mr. SHAHI, like Mr. Aboul-Nasr, felt that the planned discussion should also touch upon the problems of Islamophobia. Furthermore, although the speaker was among those who supported the suggestion to prepare a recommendation on cultural diversity, he was of the opinion that any of the experts could always submit to the Committee a draft document without the prior consent of other Committee members. After that, the Committee would have to decide whether it wished to develop that topic.

*The meeting rose at 1 p.m.*