



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

Distr.: Restricted\*  
16 August 2013  
English  
Original: French

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## Committee on the Elimination of Racial Discrimination Sixty-fifth session

### Summary record of 1670th meeting (closed)

Held at the Palais des Nations, Geneva, on Thursday, 19 August 2004, at 3 p.m.

*Chairperson:* Mr. Yutzis

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*The meeting was called to order at 3.35 p.m.*

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

*Draft concluding observations on the initial report and the second to fifth periodic reports of Tajikistan (CERD/C/65/CO/8; document distributed in the meeting room in English only)*

*Paragraph 1*

1. *Paragraph 1 was adopted.*

*Paragraph 2*

2. **Mr. Pillai** proposed that, in the fourth line, the word “attendance” should be replaced by “presence”.

3. *Paragraph 2, as amended, was adopted.*

*Paragraphs 3 to 10*

4. *Paragraphs 3 to 10 were adopted.*

*Paragraph 11*

*Subparagraph*

5. Following an exchange of views in which **Mr. Aboul-Naser**, **Mr. Kjaerum** and **Mr. Avtonomov** (Rapporteur) participated, **Mr. Valencia Rodríguez** suggested that the subparagraph should be modified to read: “The Committee is of the view that the elaboration of a legislation on racial discrimination including all elements provided by article 1 of the Convention would be a useful tool for combating racial discrimination.”

6. *Paragraph 11, as amended, was adopted.*

*Paragraphs 12 to 29*

7. *Paragraphs 12 to 29 were adopted.*

8. *The draft concluding observations on the initial report and the second to fifth periodic reports of Tajikistan as a whole, as amended, were adopted.*

*Draft concluding observations on the tenth and eleventh periodic reports of Portugal (CERD/C/65/CO/6; document distributed in the meeting room in English only)*

*Paragraph 1*

9. *Paragraph 1 was adopted.*

*Paragraph 2*

10. **Mr. Herndl** proposed that, in the third line, the adjective “frank” should be deleted.

11. **Mr. Pillai** proposed that the first line should read: “The Committee welcomes the timely submission of the report by the State party.”

12. *Paragraph 2, as amended, was adopted.*

*Paragraphs 3 to 13*

13. *Paragraphs 3 to 13 were adopted.*

*Paragraph 14*

14. *Paragraph 14 was adopted with a minor drafting change.*

*Paragraphs 15 to 20*

15. *Paragraphs 15 to 20 were adopted.*
16. *The draft concluding observations on the tenth and eleventh periodic reports of Portugal as a whole, as amended, were adopted.*

*Draft concluding observations on the initial report and the second and third periodic reports of Kazakhstan (CERD/C/65/CO/3; document distributed in the meeting room in English only)*

*Paragraph 1*

17. *Paragraph 1 was adopted.*

*Paragraph 2*

18. **Mr. Pillai** proposed that, in the third line, the word “attendance” should be replaced by “presence”.

19. **Mr. Avtonomov** requested that it should be specified in the second line that the delegation in question was a high-ranking delegation.

20. *Paragraph 2, as amended, was adopted.*

*Paragraph 3*

21. *Paragraph 3 was adopted.*

*Paragraph 4*

22. *Paragraph 4 was adopted with a minor drafting change.*

*Paragraphs 5 to 13*

23. *Paragraphs 5 to 13 were adopted.*

*Paragraph 14*

24. *Paragraph 14 was adopted with a minor drafting change.*

*Paragraphs 15 to 26*

25. *Paragraphs 15 to 26 were adopted.*
26. *The draft concluding observations on the initial report and the second and third periodic reports of Kazakhstan as a whole, as amended, were adopted.*

**Prevention of racial discrimination, including early warning measures and urgent action procedures** *(continued)**Activities of the working group on early warning measures and urgent action procedures*

27. **Mr. Kjaerum** (Special coordinator for follow up to the Committee's concluding observations) recalled that the matter of Botswana had been raised in August 2002, prior to the establishment of his post. It would therefore be more appropriate for the Chairperson of the Committee to write to the Government of Botswana in order to inform it of the Committee's concerns about the situation in the country.

28. **The Chairperson** said that he had no objection to the suggestion.

29. **Mr. de Gouttes** said that the Working Group had defined two criteria under which the launching of an early warning and urgent action procedure would be justified: the existence of massive and serious discrimination and the application of national laws contrary to the Convention. On the basis of those criteria, the Working Group had decided to draft a decision on the situation in Darfur, to entrust the question of Botswana to the Special Coordinator, and to request the Chairperson of the Committee to address a letter to the Government of Israel concerning the Citizenship and Entry into Israel Law (Temporary Order). In addition, the Working Group and the Chairperson of the Committee had met that very morning with representatives of the Permanent Mission of New Zealand to discuss a draft bill on the rights of Maoris, which the Committee feared might discriminate against the indigenous population. The Ambassador of New Zealand having confirmed that the drafting and adoption process was very complex and might take several more months and the Working Group having considered it necessary to obtain more information, it had been decided to hold another meeting in March 2005, during the Committee's sixty-sixth session.

30. **Mr. Thornberry**, noting some similarities between New Zealand and Australia, where legislation establishing a distinction between indigenous and non-indigenous populations in the area of property rights had been adopted, said that the Committee should take the case of New Zealand very seriously and not wait until the next session to act. According to a New Zealand non-governmental organization (NGO), the law on Maori rights should be ready for adoption starting in October 2004. It was important for the Committee to obtain more information in order to verify the accuracy of that claim because, if it turned out to be true, holding a meeting with the New Zealand Mission in March 2005 would no longer make sense.

31. **Mr. Pillai** said that the Committee had received two notes verbales from NGOs in New Zealand warning that the draft bill, if it were to be adopted, would seriously violate the rights of the indigenous population. It was therefore imperative that the Committee take measures under the urgent action procedure.

32. **Mr. Cali Tzay**, endorsing that view, said that the sense of urgency was all the more heightened because the law had already been approved on first reading. Moreover, a great deal of information that could be found on the Internet showed that tensions between Maoris and the non-indigenous population were on the rise, and that the law clearly discriminated against the Maoris.

33. **The Chairperson** said that it was important to gather as much information as possible from civil society as well as from the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, Mr. Stavenhagen.

34. **Mr. de Gouttes** proposed that a letter should be sent to the Permanent Mission of New Zealand urging it to communicate information regularly to the Committee to enable it to follow closely the process of adoption of the law on Maori rights, and asking it to verify whether it was the case that the law might be adopted before the end of 2004, as NGOs were claiming. Another letter could be sent to the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in order to bring the matter to his attention.

35. **Mr. Aboul-Nasr** reminded the Committee that it had been decided to send a letter to the Israeli Government as well.

36. Following an exchange of views in which **Mr. Aboul-Naser, Mr. Amir, Mr. Kjaerum, Mr. Cali Tzay, Mr. Valencia Rodríguez, Mr. de Gouttes** and **Mr. Pillai** participated, it was decided not to send a letter to the Israeli Government, but instead to adopt a decision based on the language of decision 2 (63) on Israel adopted by the Committee on 14 August 2003 at its 1599th meeting, in which the Committee would express once again its concern with regard to the prolongation of the Citizenship and Entry into Israel Law (Temporary Order).

**Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention**

37. **Mr. Pillai** recalled that pursuant to article 15 of the Convention, the Committee was authorized to consider copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applied, which were transmitted to it by the competent bodies of the United Nations, and to submit to them, as well as to the General Assembly, its opinion and recommendations with regard to the principles and objectives of the Convention in those territories.

38. At the request of the Committee, he had examined the working documents relating to the 16 territories, a list of which was included in document CERD/C/479, which had been made available to the Committee to assist it in fulfilling its mandate under article 15 of the Convention.

39. He noted first of all that the population in some of those territories, including Gibraltar, St Helena and Pitcairn, was declining, with the latter territory having no more than 45 inhabitants. Secondly, certain incidents that had occurred in the territories listed in document CERD/C/479 were linked to the ethnic composition of the population. In New Caledonia, following violent conflicts between Wallisians and Kanaks in 2001, the two communities had decided to resolve their differences peacefully. Elsewhere, Haitians who had tried to emigrate illegally to the Turks and Caicos Islands in 2002 had been sent back to their country. The situation in Guam — where the Chamorro people, which constituted 37 per cent of the population, were claiming the right to self-determination as part of the decolonization movement — should perhaps be included in the 2004 annual report, the adoption of which was scheduled for the next session.

*The meeting rose at 6.05 p.m.*