



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Fifty-fifth session

Summary record of the 1368th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 25 August 1999, at 3 p.m.

Chairman: Mr. Aboul Nasr

later: Mr. Sherifis

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The meeting was called to order at 3.10 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 concerning the initial and second periodic reports of Azerbaijan (continued) (CERD/C/55/Misc.51/Rev.4 – English only)

1. **The Chairman** invited Committee members to consider the paragraphs of the draft concluding observations that had not been adopted during its previous consideration.

Paragraph 3

2. *Paragraph 3 was adopted.*

Paragraph 11

3. **The Chairman** said that the existence of displaced persons and refugees was not due solely to the conflict in which the State party was involved.

4. **Mr. Banton** proposed rephrasing the end of the paragraph as follows: "... which has resulted from the conflict and the occupation of part of the State party's territory".

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

Paragraph 13

6. Following an exchange of views among **Mr. Garvalov, Mr. Rechetov, Mr. Diaconu, Mr. Valencia-Rodriguez, Mr. Shahi, Mr. Banton and the Chairman**, the Chairman proposed deleting the second part of the paragraph, given the reservations expressed by some Committee members.

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

Paragraph 15

8. *Paragraph 15 was adopted.*

Paragraph 16

9. **The Chairman** said that usually, when a Committee looked into the situation of refugees, it was more concerned with the possibilities of repatriation than with access to education, employment or housing.

10. **Mr. Shahi** proposed adding the following phrase at the end of the paragraph: "pending their return to their home".

11. **Mr. Sherifis** said that the words "under conditions of safety" should be added in keeping with the hallowed formula.

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

Paragraph 17

13. **The Chairman** expressed reservations about this paragraph.

14. *Paragraph 17 was adopted.*

Paragraph 20

15. *Paragraph 20 was adopted.*

16. *The draft concluding observations on the initial and second periodic reports of Azerbaijan, as a whole, as orally amended, were adopted.*

17. **The Chairman**, speaking in his personal capacity, said that if the draft concluding observations had been put to the vote, he would have voted against them. The text did not take account of the points raised during the discussion with the delegation or of the responses the delegation had provided. He did not see how a State party could be asked to show tolerance towards an aggressor, in this case the Armenians. He would have preferred that the Committee make a greater effort to encourage the State party to seek solutions to the conflict.

18. **Mr. Shahi** said that the Committee had failed to mention in the draft concluding observations the Security Council resolutions condemning the occupation of Azerbaijani territory. He would have abstained had the text been put to the vote.

Prevention of racial discrimination, including early warning and urgent procedures (agenda item 3) (*continued*)

Draft decision of the Committee on the Democratic Republic of Congo
(CERD/C/55/Misc.45/Rev.3 – English only)

19. **The Chairman** invited the Committee members to consider the draft decision on the Democratic Republic of Congo.

Paragraph 1

20. **The Chairman** said it should be indicated that the Committee had invited the State party to be represented during consideration of the report and that it regretted that no delegation had been present.

21. **Mr. Sherifis** agreed and proposed inserting the following sentence after the first: “The Committee regrets that the State party, although invited, was unable to be represented”.

22. *Paragraph 1, as amended, was adopted.*

Paragraphs 2 to 4

23. *Paragraphs 2 to 4 were adopted.*

24. *The draft decision on the Democratic Republic of Congo as a whole, as orally amended, was adopted.*

Third decade to combat racism and racial discrimination; World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (agenda item 9) (*continued*)

Draft resolution of the Committee on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (CERD/C/55/Misc.38/Rev.2 – English only)

25. **The Chairman** invited Mr. Garvalov, member of the contact group that had drafted the text, to introduce the draft resolution.

26. **Mr. Garvalov** said that the Committee had already dealt with the World Conference against Racism at its current session, once when the contact group had introduced its report, and again during the dialogue with the High Commissioner for Human Rights. The draft reflected the important role the Committee could play in preparations for the Conference.

There were some points that the Committee proposed for inclusion on the Conference agenda, as presented in decision 9 (53) adopted by the Committee on 21 August 1998, as well as studies prepared by Committee members as part of the preparatory process. Paragraphs that had been proposed for deletion by some Committee members had been placed in square brackets.

27. **The Chairman** invited Committee members to say how they felt about the text.
28. **Mr. Diaconu** wondered how the Committee could, as stipulated in paragraph 5 of the draft, present to the Preparatory Committee for the Conference an assessment of the best practices that had been implemented in States parties in combating racial discrimination. More than a hundred reports would have to be considered by May 2000, which was probably physically impossible.
29. **Ms. McDougall**, supported by **Mr. Garvalov**, said it was the Committee itself that had decided to make this contribution. If this could not be done before the next meeting of the Preparatory Committee, then the assessment could be presented directly to the Conference. The Office of the High Commissioner for Human Rights should be asked to assist.
30. **The Chairman** said the text could be improved by deleting the passages that recalled the pertinent resolutions of the General Assembly and the Commission on Human Rights, as well as those that repeated the text of Committee decision 9 (53).
31. **Mr. Garvalov** said that on the contrary, the Committee's action should be outlined in the context of requests that had been made of it, and that the questions it felt should be addressed by the Conference should be recalled.

The meeting was suspended at 4.20 p.m. and resumed at 4.30 p.m.

32. **The Chairman** proposed that the Committee should consider the draft resolution paragraph by paragraph.

Preamble

First, second and third paragraphs

33. *The first, second and third paragraphs were adopted.*

Fourth paragraph

34. *Mr. Shahi suggested deleting the word “been” from the first sentence.*

35. *The fourth paragraph, as amended, was adopted.*

36. **Ms. McDougall** proposed proceeding directly to consideration of operative paragraph 3 and returning later to the other preambular paragraphs.

37. *The proposal was accepted.*

Operative paragraphs

Paragraph 3

38. **Mr. Diaconu** proposed deleting the word “of” after “persons” in the fourth line and replacing it with “belonging to”.

39. **Mr. Sherifis** said that he supported the proposal. He suggested adding, in the fifth line, the phrase “to urgently and adequately respond”. The reference to the three continents

of Europe, Africa and Asia should be deleted and replaced by “in different parts of the world”.

40. **Mr. Shahi** said that he opposed the proposal. Why keep quiet about something that was common knowledge? The whole world knew that genocide was under way in Rwanda, and that more than 800,000 had already died. The same thing had happened in Bosnia-Herzegovina, but no one had intervened. Why, then, not name the continents where these atrocities had been committed? It would be better to say that the genocides had taken place in parts of these continents. After all, there had been only one genocide in Asia, that of Cambodia, and there was thus no need to say “in Asia”. As to Latin America, there was no need to mention it since, even though atrocities had been committed there, along with very serious human rights violations, no genocide had ever been committed in that part of the American continent.

41. *Mr. Sherifis took the Chair.*

42. **The Chairman** said that if all the countries were named where genocide had occurred, there was a risk that one country might be forgotten. He therefore proposed a reference to “numerous conflicts around the world”.

43. **Mr. Diaconu** suggested adding the phrase “which have resulted in genocide”.

44. **Mr. Shahi** said that he opposed the proposal. The Committee’s task was to draw the attention of the World Conference to a fundamental issue, that of the incapacity of the international community to react effectively to the large-scale atrocities that had been committed openly in some parts of the three continents. He asked for a separate vote on the Chairman’s proposal to substitute “around the world” for “in Europe, Africa and Asia”.

45. *Following an informal vote by show of hands, the phrase “around the world” was adopted.*

46. *Following an informal vote by show of hands, paragraph 3 as a whole, as amended, was adopted.*

Paragraph 4

Subparagraph (a)

47. Following an exchange of views among **Mr. van Boven**, **Mr. Shahi**, **Mr. Garvalov**, **Mr. Diaconu** and **Mr. Banton**, **the Chairman** proposed amending subparagraph (a) as follows: “reference document containing CERD’s concluding observations and all the decisions of substance, including those taken under the early warning and urgent procedures, as well as its latest concluding observations on the contracting parties”.

48. *Subparagraph (a), as amended, was adopted.*

Subparagraphs (b) and (c)

49. **The Chairman**, supported by **Mr. Garvalov**, proposed merging subparagraphs (b) and (c).

50. *It was so decided.*

51. **Mr. Diaconu** proposed the following wording for the new subparagraph (b): “information about State parties which have amended their constitutions, legislation, judicial and administrative practices or which have introduced special legislation with a view to implementing the Convention”.

52. *Subparagraph (b), as amended, was adopted.*

Subparagraph (d)

53. **The Chairman** proposed replacing the word “information” with “list”.

54. *Subparagraph (d), as amended, was adopted.*

Subparagraph (e)

55. **The Chairman** said that the wording of the subparagraph could be improved. **Mr. Diaconu** proposed the following: “list of State parties ... have made reservations, and the text of such reservations”.

56. *Subparagraph (e), as amended, was adopted.*

57. *Paragraph 4 as a whole, as amended, was adopted.*

Paragraph 5

58. Following an exchange of views among **Mr. Diaconu**, **Mr. Garvalov** and **Mr. Banton**, it was proposed to amend paragraph 5 as follows: “Decides that it will, with the assistance of the Office of the High Commissioner, prepare an assessment of the best practices of State parties ... 28 April 1998. Such an assessment should be made available to the Preparatory Committee ... itself”.

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

Paragraph 6

60. **Mr. van Boven** said that while he was certainly in favour of listing the studies carried out by some members of the Committee, he would nonetheless prefer that the list of such works appear as an annex to the draft resolution.

61. Following an exchange of views among **Mr. van Boven**, **Mr. Banton** and **Mr. Garvalov**, it was proposed to amend the first sentence of paragraph 6 as follows: “Welcomes the studies prepared by individual members of the CERD, ... itself, as listed in the annex to this resolution”.

62. **Mr. Banton** proposed mentioning the particular effort deployed by South Africa — which would host the World Conference — with respect to racial reconciliation, and that a study on indigenous peoples was envisaged.

63. *The proposal was accepted.*

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

65. **The Chairman** proposed that consideration of the draft resolution should be continued at the Committee’s next meeting.

66. *It was so decided.*

The meeting rose at 6.05 p.m.