



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

Provisional

22 November 2002

English

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**Meeting of the States Parties to the International
Convention on the Elimination of All Forms of
Racial Discrimination
28th Meeting**

Provisional summary record of the 28th meeting

Held at Headquarters, New York, on Thursday, 17 January 2002, at 10 a.m.

Temporary Chairman: Mr. Ndiaye (Representative of the Secretary-General)

Chairman: Mr. Wurth (Luxembourg)

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2002, in accordance with article 8, paragraphs 1 to 5, of the Convention
(CERD/SP/63)
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The meeting was called to order at 10.25 a.m.

Opening of the Meeting by the representative of the Secretary-General

1. **The Temporary Chairman**, speaking on behalf of the Secretary-General, declared open the Nineteenth Meeting of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. Since the Eighteenth Meeting, six countries — Belize, Benin, Eritrea, Ireland, Kenya and Liechtenstein — had become parties to the Convention, thus bringing to 161 the number of States that had ratified or acceded to it. At its sessions in 2000 and 2001, the Committee on the Elimination of Racial Discrimination had considered the reports of 43 States parties and had continued to review the implementation of the Convention in States parties whose submission of reports was seriously overdue. It had also continued to carry out the functions assigned to it pursuant to article 14 of the Convention whereby it considered communications received from individuals or groups that alleged that their rights under the Convention had been violated. Over the previous two years, the Committee had taken ten decisions on that matter.

2. In 2000, the Committee had adopted three general recommendations with a view to assisting States parties to improve the implementation of the Convention at the national level.

3. The Committee's activities in relation to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had included the preparation of a comprehensive written contribution to the Conference (A/CONF.189/PC.2/13). It had also participated in the World Conference, in the meetings of its Preparatory Committee and in other related events.

4. As important as the Committee's contributions had been to date, there were obviously some areas for improvement. For example, only 38 States parties had so far made the declaration under article 14 permitting communications to be considered by the Committee. The individual communications procedure was thus underutilized, as was the inter-State complaints procedure.

5. In connection with the financing of the activities under the Convention, the General Assembly, in its resolution 47/111 of 16 December 1992, had endorsed

the amendment to the Convention providing for the financing of the Committee from the regular budget of the United Nations and had requested the Secretary-General to take appropriate measures to provide for the financing of the Committee on that basis, beginning with the biennium 1994-1995. The Secretary-General had taken the necessary measures but, in order for the amendment to enter into force, acceptance must be received from two thirds of the States parties. To date, however, only 32 States parties had ratified the amendments, despite repeated calls by the General Assembly. Special arrangements had been made by the Secretariat to enable the Office of Legal Affairs to assist States parties wishing to make the declaration under article 14 and to accept the amendments. States parties were invited to make use of those arrangements.

6. With regard to the election of nine members of the Committee to replace those whose terms of office would expire on 19 January 2002, it should be recalled that the Secretary-General, in a note verbale dated 6 July 2001 had invited the States parties to submit their nominations before 6 September 2001. The names of the nominees and an indication of the States parties that had nominated them were contained in document CERD/SP/63. The names of the nine members of the Committee who would continue to serve until 19 January 2002 were listed in annex II, and the biographical data of the nominees appeared in annex III. He pointed out that there had not been time to prepare the Arabic and Chinese versions of annex III which would not be ready until the following month.

Election of the Chairperson

7. **Mr. Vixay** (Lao People's Democratic Republic) speaking as the Permanent Representative of his country and as Chairman of the Eighteenth Meeting of the States Parties to the Convention, nominated Mr. Wurth (Luxembourg).

8. **The Temporary Chairman** said that, if there were no objection, he would take it that the representatives of the States parties wished to elect Mr. Wurth as Chairman of the Meeting by acclamation.

9. *It was so decided.*

10. *Mr. Wurth (Luxembourg) took the Chair.*

Adoption of the agenda (CERD/SP/64 and Add.1)

11. *The agenda was adopted.*

12. **The Chairman** drew attention to rules 2 and 3 of the rules of procedure contained in document CERD/SP/2/Rev.1. Under rule 2, the credentials of representatives and the names of the members of delegations should, as far as possible, be submitted to the Secretary-General at least one week prior to the date set for the opening of the Meeting. The Secretary-General had communicated the content of that article to the States parties in a note verbale but had not yet received credentials in the prescribed form from a number of States parties represented at the Meeting. He therefore suggested, in accordance with rule 3 of the rules of procedure, that, if there were no objection, the representatives of those States parties be provisionally entitled to participate in the Meeting, and urged them to ensure that their credentials were submitted to the Secretary-General as soon as possible.

13. *It was so decided.*

Election of other officers of the meeting

14. **The Chairman** said that, under rule 4 of the rules of procedure, the Meeting should elect one to four Vice-Chairmen from among the representatives of the States parties.

15. He had been informed that Mr. de Alba (Mexico), Mr. Lordkipanidze (Georgia), Mr. Hadjiargyrou (Cyprus) and Mr. Kafando (Burkina Faso), had been nominated, respectively, by the Group of Latin American and Caribbean States, the Group of Asian States, the Group of Western European and other States and the Group of African States.

16. He took it that the Meeting wished to elect those candidates to the office of Vice-Chairman.

17. *It was so decided.*

Election of nine members of the Committee on the Elimination of Racial Discrimination to replace those whose terms of office will expire on 19 January 2002, in accordance with article 8, paragraphs 1 to 5 of the Convention (CERD/SP/63 and Add.1)

18. **The Chairman** drew attention to documents CERD/SP/63 and Add.1, containing information about persons who had been nominated or whose nominations had been withdrawn by the States parties,

as well as their biographical data. Altogether, 13 candidates had been nominated for the nine vacancies.

19. He drew attention further to paragraphs 1, 2 and 4 of article 8 of the Convention, relating to the election of members of the Committee.

20. *At the invitation of the Chairman, Mr. Al-Sulaiti (Qatar), Mr. Dragulescu (Romania) and Ms. Khan-Cummings (Trinidad and Tobago) acted as tellers.*

21. *A vote was taken by secret ballot*

22. **The Chairman** said that he would suspend the meeting while awaiting the results of the vote.

The meeting was suspended from 11.15 a.m. to 11:55a.m.

23. **The Chairman** announced the results of the vote:

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| <i>Number of ballot papers:</i> | 160 |
| <i>Invalid ballots:</i> | 0 |
| <i>Number of valid ballots:</i> | 160 |
| <i>Abstentions:</i> | |
| <i>Number of members voting:</i> | 160 |
| <i>Required majority:</i> | 81 |
| <i>Number of votes obtained:</i> | |
| Mr. Herndl (Austria): | 130 |
| Mr. Thornberry (United Kingdom) | 128 |
| Mr. de Gouttes (France) | 127 |
| Mr. Lindgren Alves (Brazil) | 119 |
| Mr. Shahi (Pakistan) | 117 |
| Mr. Aboul-Nasr (Egypt) | 113 |
| Mr. Sicilianos (Greece) | 110 |
| Mr. Amir (Algeria) | 107 |
| Mr. Kjaerum (Denmark) | 100 |
| Mr. Cheddadi (Morocco) | 93 |
| Mr. Sherifis (Cyprus) | 93 |
| Mr. Sabel (Israel) | 83 |
| Mr. Komac (Slovenia) | 77 |

24. *Having obtained the required majority and the largest number of votes, Mr. Herndl (Austria), Mr. Thornberry (United Kingdom), Mr. de Gouttes (France), Mr. Lindgren Alves (Brazil), Mr. Shahi (Pakistan), Mr. Aboul-Nasr (Egypt), Mr. Sicilianos (Greece), Mr. Amir (Algeria), and Mr. Kjaerum (Denmark) were elected members of the Committee on the Elimination of Racial Discrimination.*

Other matters

25. **The Chairman** recalled that, by decision 1 (56) of 24 March 2000, the Committee on the Elimination of Racial Discrimination had requested that its fifty-eighth session be held at United Nations Headquarters from 8 to 26 January 2001, in order to examine with priority the reports of States parties which encountered difficulties in attending meetings of the Committee in Geneva, and had requested the General Assembly to take appropriate measures to implement that decision (A/55/18, para. 13). By decision 55/419 of 4 December 2000, the General Assembly had referred the decision back to the Committee for further consideration and consultation with the States parties to the Convention. The Committee had subsequently decided to be represented by its Chairperson at the current Meeting, and he invited him to take the floor.

26. **Mr. Sherifis** (Chairperson of the Committee on the Elimination of Racial Discrimination) said that decision 1 (56) in no way contravened article 10, paragraph 4, of the Convention, which stipulated that the meetings of the Committee should normally be held at United Nations Headquarters, and he urged the representatives of the States parties to take serious account of the reasons which had led the Committee to adopt the decision. He recalled also that at their fourteenth Meeting, the Contracting Parties had adopted amendments to article 8, paragraph 6, of the Convention concerning the financing of Committee expenses. For the amendments to enter into force, two thirds of the States parties to the Convention, namely, 106 States, had to notify their acceptance. Only 32 such notifications had been received thus far, and he asked States to expedite the ratification of those amendments. There was also the question of the reporting schedule for periodic reports to the Committee, set out in article 9 of the Convention. Aware of the reporting difficulties of some States, the Committee had in March 2000 adopted a decision proposed jointly by its Chairperson and its Rapporteur, to the effect that when the period between the examination of the last periodic report and the scheduled date for the submission of the next periodic report was less than two years, the State party concerned could, if it so wished, submit the two reports jointly in one. Furthermore, he invited those States parties which were having difficulties especially in the preparation of their initial reports to avail themselves of the assistance that the technical services of the Office of the United Nations High Commissioner for

Human Rights, or individual members of the Committee, could offer.

27. **The Chairman** invited representatives to make comments or ask questions of the Chairperson of the Committee.

28. **Mr. Davison** (United States of America) observed that it might set a precedent to hold a session of the Committee at Headquarters, and that to do so would also raise some budgetary issues, and he asked the Chairperson of the Committee how he intended to proceed.

29. **Mr. Sherifis** (Chairperson of the Committee on the Elimination of Racial Discrimination) replied that he had taken note of the question and would bring it to the attention of his colleagues on the Committee.

30. **Mr. Mekdad** (Syrian Arab Republic) said that his delegation supported the proposal to hold the session of the Committee in New York, because that would help developing States to enter into a useful dialogue with the Committee. He also referred to the indication of the representative of the Secretary-General that the Arabic and Chinese versions of the working documents of the current meeting would not be available in time. He recalled that General Assembly procedures and its relevant resolutions called for documents to be made available to all Member States in all official working languages by the scheduled date, without discrimination. His delegation therefore hoped very much that such an occurrence would not be repeated.

31. **The Chairman** said that he had taken note of that statement.

The meeting rose at noon.