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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-second session

SUMMARY RECORD OF THE 1568th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 12 March 2003, at 3 p.m.

Chairman: Mr. DIACONU

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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 5) (continued)

Fifth to fourteenth periodic reports of Côte d'Ivoire (CERD/C/382/Add.2)

1. At the invitation of the Chairman, the members of the delegation of Côte d'Ivoire took places at the Committee table.
2. Ms. WODIÉ (Côte d'Ivoire), introducing her country's fourteenth periodic report (CERD/C/382/Add.2), said that until recently her country had had no technical structure for drafting reports, which was why it had taken such a long time to report to the Committee. However, an inter-ministerial committee and a Ministry of Human Rights had now been set up to deal with the task. Among the measures taken to establish the rule of law, the Government had abolished the death penalty; it had ratified International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition of the Worst Forms of Child Labour, and had made plans to set up a National Human Rights Commission.
3. The country had acquired its independence from France and had adopted its Constitution in 1960. Since then it had been governed by a presidential system, in which the executive branch wielded most power. According to the 1998 general census, the country had 66 different ethnic groups and a population of 16 million, 26 per cent of whom were foreigners. The country's political life was governed by the Constitution, on the basis of which new administrative institutions, such as the National Assembly and General Councils, had been set up.
4. The economic situation had constantly fluctuated since the country's independence. As a result of poor economic conditions, the rate of growth had fallen sharply, from an average of around 7.6 per cent between 1960 and 1980 to just 1 per cent in 1990. In 1994, the devaluation of the CFA franc had given rise to positive expectations. However, the coup d'état of 24 December 1999 had wiped out all the positive effects of the devaluation and had plunged the country into an unprecedented economic slump. On 26 October 2000, the Second Republic had been established, marking a new start for the Ivorian people. The new broad-based Government had placed the economy, and in particular the public finances, under strict government control. Cooperation with the European Union, the World Bank and the International Monetary Fund (IMF) had been resumed. Unfortunately, the war that had broken out on 19 September 2002 was undermining those efforts.
5. In November 1960 already, as the first step in its struggle against racial discrimination the country had subscribed to the Universal Declaration of Human Rights. The current Constitution, which had last been amended on 1 August 2000, contained 22 articles which dealt exclusively with issues related to human rights and political freedoms. The Government had moreover taken all the measures required to implement the Convention on the Elimination of All Forms of Racial Discrimination which it had ratified on 3 January 1973. For example, article 2

of the Constitution condemned all forms of discrimination and established equal rights to health, education, culture, vocational training and work. The country's legislation contained strict provisions with regard to nationality, public freedoms, the right to property and the right to inherit.

6. Numerous measures had been taken to protect vulnerable sectors of the population, such as women and children. Examples included a plan of action for women for the period 2003-2007 and the creation of a Committee on combating violence against women and a Committee dealing with the situation of street children. A special directorate had been created within the Ministry of Human Rights with a view to providing assistance to vulnerable groups. A guidance law adopted on 10 November 1998 advocated measures to benefit the disabled in all sectors of activity, and in October 2000 a specialized Ministry had been established to facilitate their integration in society. Special funds had also been earmarked to assist other disadvantaged social strata. A comprehensive sickness insurance scheme had been introduced with a view to ensuring easy and equal access to health care for all those living in the country, including non-nationals. The Government's identification policy rendered the mechanism as effective as possible. That policy, which had attracted criticism, had been intended solely as a reliable census, which would enable the Government to evaluate and better provide for the needs of the population.

7. The Government had set up an Observatory of press freedom, ethics and standards of conduct, a National Council for audio-visual communication and a National Press Council. It had also established an Electoral Commission to ensure the impartiality of elections. The fact that over 60 per cent of the population could not read or write had led the Government to set aside more than 40 per cent of its operating budget for education and training. The measure was intended to benefit all people normally residing in the country, as well as refugees, especially Liberians. The current crisis had caused significant displacement of the population from the rebel-controlled North to the Government-controlled South. The Government had budgeted 6 billion CFA francs in order to provide schooling for the displaced populations, commencing 6 June 2003.

8. She drew the Committee's attention to the immense difficulties the country's population was facing. The international community was more concerned with the future fate of victims of a possible war in Iraq, which had not even started, than with the drama of the 800,000 displaced persons in her country. She expressed hope that the United States and Iraq would find a solution to the crisis, but called upon the international community to accord more interest to the grave humanitarian crisis in Côte d'Ivoire.

9. In the recent months her country had repeatedly been criticized for being xenophobic and racist. Her delegation had no intention of side-stepping the extremely serious allegations related to the Government's identification policy, the Yopougon mass grave discovered in October 2000, the executions of Muslim populations, and the death squads, which a United Nations fact-finding mission had traced back to the entourage of the Head of State and his spouse. The delegation was ready to discuss such issues with the Committee. The Government had nothing to hide and had, on numerous occasions, provided proof of the defamatory nature of those allegations.

10. Abidjan, the country's economic capital, was home to over 4 million people, some of whom lived in neighbourhoods devoid of sanitation. Before the military and political crisis had broken out, the Government had considered preparing a universal urbanization plan, designed to improve living conditions in deprived neighbourhoods. The intention had been to destroy existing housing and move people to other areas. However, construction projects had to be halted owing to the unrest in the country.

11. Exactions and summary executions, brought upon the populations in the occupied areas as a result of the violent war, had been wilfully concealed by the foreign media. On 5 November 2002, she had officially requested the Secretary-General of the United Nations to send an urgent inquiry mission to the country in order to observe flagrant human rights violations. The Permanent Mission of Côte d'Ivoire to the United Nations at Geneva had later renewed the request, as she had again in person on 20 December 2002. The Government, which had just received a favourable reply, was awaiting the arrival of the mission. However, following her visit to the Office of the United Nations High Commissioner for Human Rights, she had been informed that a fact-finding mission had visited the country between 24 and 29 December 2002 and had produced a report, which contained erroneous and unfounded information and accusations and whose conclusions had been formally challenged by the Government. She was ready to present to the Committee her Government's comments in that regard.

12. The Government was doing all it could to restore peace, which was vital to the promotion of human rights in the country. Meanwhile, it would continue disseminating the Convention, raising the awareness of defence and security forces with regard to human rights, distributing the phone numbers available for reporting human rights violations, and setting up a permanent body to collect and update all relevant information.

13. The war had forced the Government to reduce the size of the law enforcement forces so as to strengthen national defence. That had had an impact on security in the areas under its control. The authorities had no access to conflict areas, which made up half the national territory. When the war ended, it should be possible to carry out the National Plan of Action for Human Rights, which had taken effect on 29 May 2002 and would include holding an annual session of Parliament on the situation of human rights in Côte d'Ivoire, combating poverty and promoting employment and income-generating activities, and bringing national legislation into line with the provisions of the international and regional human rights conventions to which Côte d'Ivoire was a party. A regulatory agency had been established to that end by the Ministry of Human Rights.

14. The Accra meeting of the previous week had opened the way to setting up a balanced government, which would work towards restoring peace in the country. She expressed gratitude for the important role played by the United Nations, the European Union, the African Union and the Economic Community of West African States, and she hoped that a definitive settlement of the crisis would make it possible to put an end to the suffering of the Côte d'Ivoire people and facilitate the implementation of that programme.

15. Mr. THIAM (Country Rapporteur) was pleased that Côte d'Ivoire had renewed its dialogue with the Committee. The presence of a high-ranking delegation was encouraging. Côte d'Ivoire was in the grips of a crisis, acts of xenophobic violence having been committed against the most vulnerable sectors of the population. That situation interfered with its efforts to implement the provisions of the Convention. It was worth noting that the fourteenth periodic report had been prepared prior to the rebellion which currently divided Côte d'Ivoire. The occupation of part of the country by the rebels made it difficult to assess the information contained in the report.

16. He first reviewed Côte d'Ivoire's political and economic situation, its religions and its demographic and ethnic composition as set out in the fourteenth periodic report. The deterioration of the situation had begun in December 1999 under President Henri Konan Bédié with the military rebellion led by General Guéi. A military junta had taken power and had formed a Government around General Guéi, composed of ministers from the main political parties. In July 2000, a constitutional referendum had amended the Constitution and set new conditions for participating in elections, including the requirement that candidates must be of parents born in Côte d'Ivoire. On those grounds, in its ruling of 6 October 2000, the Supreme Court had disqualified 14 of the 19 presidential candidates, including Alassane Ouattara and Bédié. Laurent Gbagbo had then won the presidential elections of 22 October 2000, whereupon General Guéi had dissolved the presidential commission and proclaimed himself President elect. On 24 October 2000, followers from several parties had demonstrated in the capital, and General Guéi had ordered troops to open fire. Côte d'Ivoire had then descended into xenophobic violence and brutality. Ethnic and religious tensions had led to bloody clashes. Ouattara's disqualification as candidate had triggered the fighting of 4 December 2000.

17. He then gave an account of a number of issues which had been cited as having led to the deterioration of the situation in the country. The manipulation of the question of nationality had corrupted the concept of "Ivoirité", or national identity. The new Constitution adopted in 2002 had introduced the multi-party system and the separation of powers, abolished the death penalty, promoted respect for human rights and established the Office of the Ombudsman. He welcomed those improvements. But article 35 of the new Constitution had caused resentment, because it required all candidates for the offices of the president of the Republic and of the National Assembly to be of direct Côte d'Ivoire descent.

18. Questions involving the ownership of rural land had led to many disputes both between Côte d'Ivoire nationals and with foreigners. Until 1998, the sale of rural property had taken place without a notary or land title. Under the new legislation, only persons holding a land title could claim ownership, and only Côte d'Ivoire nationals could acquire, sell or hand down rural property. That had been a great source of conflict. The 1998 legislation did not allow non-Côte d'Ivoire nationals to pass on their property to their descendants. They were only permitted to sell the property before it reverted to the public domain. The issues of land ownership and nationality were at the heart of the crisis facing Côte d'Ivoire. Moreover, the introduction in 1990 of residence permits for non-Côte d'Ivoire nationals had exacerbated relations between Côte d'Ivoire citizens and foreigners. Organized crime also played a role in the current crisis. Vandalism, rape, murder and drug trafficking had created an atmosphere of insecurity. Criminal groups had spread false rumours, which had set ethnic and religious groups against each other.

19. Turning to the implementation by the State party of its requirements under the Convention, he said that constitutional and legislative measures existed which punished racial discrimination, but the report made no mention of any penal provisions that made acts of racial discrimination a crime or punished such offences. At the meeting in December 2001 of the Forum of the Nation for National Reconciliation, 14 resolutions had been adopted, including some on questions concerning rural land, nationality, the status of foreigners and Côte d'Ivoire identity. Had those resolutions been incorporated in domestic legislation?

20. Thousands of Côte d'Ivoire nationals had fled to neighbouring countries; given the rural composition of the population, the risk of famine was growing. Allegations of arbitrary arrests, enforced disappearances, torture and other inhuman or degrading treatment had been received from numerous sources. Those acts had targeted individuals or groups on the basis of ethnic identity or religion. It had been alleged that the civilian population had taken part in acts of torture perpetrated against other ethnic groups or persons of other nationalities. Should the Government and rebel leaders alone be accused when it was clear that the political parties and religious leaders had been propagating ethnic hatred and xenophobia? Asking the Government alone to restore peace and national unity would be to expect it to accomplish a Herculean task. The assistance of the international community was essential to give impetus to the peace process and to the improvement of the human rights situation. The Marcoussis Agreement was an encouraging development in that regard, and he asked the delegation what measures had been taken by the Côte d'Ivoire Government to implement the agreement and achieve the objectives of peace, reconciliation, reconstruction and national unity. What steps were planned to prevent the press and political parties from propagating ethnic hatred and inciting acts of violence? How would the principles of the Convention be incorporated in the reconciliation policy? What measures had been taken to bring the perpetrators of racial violence to justice?

21. The international community must turn its attention to the disastrous humanitarian situation in Côte d'Ivoire resulting from the current crisis. According to humanitarian organizations, some 600,000 persons had been displaced throughout the country; 300,000 had fled Bouaké and 70,000 Daloa. In addition, there were an estimated 60,000 refugees in the northern areas. Many had also fled to Guinea, Mali and Liberia.

22. He asked the delegation to comment on allegations from a number of sources of the existence of mass graves in Côte d'Ivoire and reports of widespread killings of persons from certain ethnic groups. An inter-ministerial commission had been set up to investigate, and President Gbagbo had announced that he was inviting an international commission to take part in the investigation. Who had been involved in the killing of the 50 persons in Yopougon, and had the victims been identified? Could the delegation confirm reports that the victims were members of northern ethnic groups? Had the investigation made any progress? How had the national media responded? He noted that it was the international media which had broken the story on the mass graves. The International Federation of Human Rights Leagues (FIDH), reporting on the investigation, had said that the Côte d'Ivoire authorities were cooperating, but that the investigation had been marred by delays and other serious shortcomings. The Côte d'Ivoire

authorities should speed up the investigation and ensure that the perpetrators of mass killings were brought to trial, especially since other mass graves had been found in areas outside the Government's control. He noted that Côte d'Ivoire had recognized the competence of the International Criminal Court and had asked it to hear allegations of violations committed in the country.

23. FIDH had denounced the xenophobic excesses of certain sectors of the media. It must be said that all the political parties, including the party in power, had thrown oil in the fire. FIDH had also concluded that articles written by persons of all political tendencies had propagated ethnic and racial conflict and xenophobic attacks on expatriate Europeans. But journalists had also been threatened and had been the victims of police brutality and arbitrary arrest. On 19 September 2002, a mutiny had erupted, which continued to have consequences for the country. It was said to have been triggered by economic disparities between the poor Muslim north and the prosperous Christian south. Could the delegation comment on the reasons for the mutiny and indicate what measures were planned to overcome those disparities?

24. With regard to the right to education, the illiteracy rate seemed to be very high for a country such as Côte d'Ivoire (para. 38). He sought a clarification from the delegation on the last sentence of paragraph 38. The information provided in paragraphs 39, 41 and 42 on equal access to health care, education, culture, occupational training and employment was encouraging, but insufficient to judge whether Côte d'Ivoire effectively complied with its obligations under article 7 of the Convention. Were there any other measures?

25. The report failed to specify whether the Convention could be invoked in domestic courts or whether Côte d'Ivoire intended to make the declaration under article 14 recognizing the competence of the Committee to consider communications from individuals or groups. He asked whether provision was made for the assistance of a lawyer during police investigations, when violations of human rights occurred frequently. He also wondered whether the measures for immigrants set out in paragraph 61 were not in violation of the right to freedom of movement and residence. Paragraphs 66 to 68, which referred to the National Human Rights Commission, did not explain how its independence was guaranteed, what human and financial resources were at its disposal, how it cooperated with human rights NGOs and whether it had helped in drafting the country report. The functions of the Commission needed to be enhanced by legislative and administrative measures. Was the Commission a body of first instance or an appeals body?

26. He was pleased that in October 2002, a human rights training programme for law enforcement officials had been initiated with the cooperation of the United Nations Development Programme (UNDP). Did the Government plan to include classes on human rights in the curricula of schools and police academies on a regular basis? He also commended Côte d'Ivoire for joining the International Organization for Migration and for acceding to ILO Convention No. 184 on Occupational Safety and Health in Agriculture.

27. The events that had traumatized the country indicated that the measures taken by the Government were insufficient to eliminate the causes of racial discrimination and ensure compliance with its obligations under articles 1, 2, 4, 5, 6 and 7 of the Convention. The fourteenth report of Côte d'Ivoire was not entirely in conformity with the Committee's guidelines. It contained no data on violations of the human rights protected by the Convention.

Existing legislative and administrative measures were encouraging but insufficient. He welcomed the establishment of the Ministry of Human Rights, the National Human Rights Commission and Office of the Ombudsman, but it was important to take further steps to define their functions, ensure their effectiveness and independence and promote their cooperation with NGOs in the field.

28. Mr. VALENCIA RODRIGUEZ said that the implementation of the Convention in Côte d'Ivoire took on added importance given that there were 66 ethnic groups and that foreigners accounted for 26 per cent of the total population. He hoped that, despite the political crisis, the Government would give full effect to the democratic principles upon which respect for human rights depended. The 2000 Constitution demonstrated the country's awareness of its ethnic and cultural diversity and largely complied with the Government's obligations under article 4 (a) of the Convention. However, more information would be appreciated on its compliance with paragraph (b) of that article. The delegation should also supply the specific texts of the Penal Code which dealt with the sanctioning of acts of racial discrimination.

29. It was unclear whether individuals who had been naturalized enjoyed the right to vote and to stand for election after five years, or whether certain limitations applied to them. He also wondered whether there were any limitations on access to civil service employment for minorities and foreigners. According to article 6, paragraph 2, of the Nationality Code, it would appear that children born out of wedlock in Côte d'Ivoire could become stateless if the legislation of the country to which their parents, or one of their parents, belonged did not recognize their foreign nationality through *jus sanguinis*. Could the delegation comment on that article of the Nationality Code? Paragraph 31 of the fourteenth periodic report stated that a foreign woman who married a Côte d'Ivoire national acquired her husband's nationality. Was she required to give her consent in order to acquire that nationality?

30. He understood from paragraph 34 of the periodic report that a foreigner could not purchase rural immovable property. Did that restriction apply to all foreigners, or was there some proviso based on nationality? Given the large number of immigrants to the country, effective measures to facilitate employment under equal conditions for all foreigners should be implemented. Likewise, in view of the high illiteracy rate, innovative measures should be adopted to ensure equal access to education for everyone.

31. He asked how Resolution No. 6 on rural land, adopted by the Forum of the Nation for National Reconciliation, had been applied, and what effect it had had on resolving conflicts between ethnic minorities regarding land ownership. He would appreciate information on the composition of the National Human Rights Commission and would like to be kept informed of its activities and results. Particular attention should be given to the training of law enforcement officials in ensuring respect for human rights and the principles of the Convention.

32. Mr. de GOUTTES said he would welcome more information on the agreement that had been reached in Accra the previous week between the main Ivorian political parties and rebel groups to form a government of national unity. It was hoped that the agreement would end the civil war that had claimed the lives of thousands, displaced large segments of the population and

seriously impacted the economy. A compromise had apparently been reached on designating the key ministerial portfolios of defence and interior through the establishment of a National Security Council. The new Government would, according to press reports, be formally sworn in on Friday, 14 March 2003.

33. Regarding the repercussions of the conflict on the human rights situation, he referred to the Report of an urgent human rights mission to Côte d'Ivoire (S/2003/90), headed by the United Nations Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan, who had visited the country in December 2002. While describing the main causes of the conflict as including the collapse of the national identity and the concept of "ivoirité", the report emphasized that the conflict was not essentially ethnic or religious, but rather political, in nature. It indicated that the conflict had given rise to 600,000 internally displaced persons and nearly 72,000 refugees. It stated that there had been acts of incitement to ethnic hatred and xenophobia, some of which had been reported by newspapers, and by radio and television stations. He wondered if the recommendations made in the report, which were similar to those contained in the Marcoussis Agreement, had been included in the Accra Agreement.

34. It was important for the Committee to know, in light of the current conflict, whether the various religious groups listed in paragraph 3 of the fourteenth periodic report corresponded to specific geographic regions of the country. There were numerous provisions in the Penal Code to punish individuals for acts of racial discrimination, but no mention was made of those intended to punish groups or associations that spread racial hatred. Could the delegation comment on those points?

35. The condition mentioned in paragraph 23 of the periodic report that candidates for President of the Republic should be Ivorian and of Ivorian parents was one of the provisions that had likely been at the origin of recent events. Were there plans to amend that provision? He would also be interested to know whether the resolutions of the Forum of the Nation for National Reconciliation had been incorporated in the Accra Agreement. Could the delegation comment on the role of the National Human Rights Committee in future efforts to restore social cohesion and national unity?

36. Reviewing the illiteracy rates for the various ethnic groups, he asked whether the delegation could provide an explanation for the disparities between those rates. Teaching respect for human rights to law enforcement officials was an ongoing task and not one that could be accomplished in a single training seminar. Such instruction should also be provided for persons working in television, radio and the press. In reconstructing the framework of the democratic rule of law in Côte d'Ivoire, it was essential for the Government to agree to disseminate the fundamental principles of human rights as well as those of the Convention. He would welcome details from the delegation concerning such efforts.

37. The CHAIRMAN, speaking as a member of the Committee, said that every country enacted legislation on citizenship; numerous countries still did not grant foreigners the right to purchase immovable property; and residence permits were a fact of life in countries throughout the world. The breakdown of those laws in the midst of the current political crisis in Côte d'Ivoire could not, in and of itself, be the cause of the problem. The Government should analyse the reasons for the conflict and learn from them. A nation could not simply be

proclaimed; it had to be carefully constructed with the participation of all segments of the population. The Government should concentrate its efforts in three essential areas: educating the population in coexistence, while respecting the identities of all; developing all regions of the country; and ensuring the participation of all communities in the political process.

38. Mr. AMIR commended the delegation for its appearance before the Committee at a time when Côte d'Ivoire was in the midst of social and political turmoil. Côte d'Ivoire had always been a model of development for other African countries. Now after 40 years of stability, underlying tensions in its society were erupting in a crisis which, despite the efforts of other countries to control it, could only be resolved by Côte d'Ivoire itself. He agreed with the Chairman that the effort to make education available to all ethnic groups was an important starting point. The delegation should be commended for its willingness to respond to the difficult questions posed by the Committee members and arising from alternative reports.

39. The CHAIRMAN invited the delegation to reply to the questions and comments of the Committee members the following day when it would continue its consideration of Côte d'Ivoire's report.

40. The delegation of Côte d'Ivoire withdrew.

The meeting was suspended at 5.05 p.m. and resumed at 5.15 p.m.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (1993-2003);
FOLLOW-UP TO THE WORLD CONFERENCE AGAINST RACISM, RACIAL
DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 9)

Report on participation in the meeting of the intergovernmental working group on follow-up to the Durban Declaration and Plan of Action

41. The CHAIRMAN invited Mr. Yutzis to report on the meeting of the intergovernmental working group.

42. Mr. YUTZIS explained that the intergovernmental working group had been established pursuant to resolution 2002/68 (E/CN.4/RES/2002/68) adopted by the Commission on Human Rights, with a dual mandate of making recommendations to ensure effective implementation of the Durban Declaration and Plan of Action and of preparing complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance. Mr. Pillai and he had attended one of its first, preliminary meetings. The working group required advice and direct contact with a number of bodies, including of course the Committee.

43. He had received no instructions or mandate from the Committee, and had therefore taken part in the meeting in his personal capacity. It would be useful if the Committee could decide how it would like to be represented in the future. He had informed the working group of the Committee's views concerning the strengthening of the Durban Declaration and Plan of Action, and had conveyed to the members of the working group information on the dynamics and workings of the Committee and the aspects on which the Committee was currently placing the

highest priority. For example, he had explained the problems that the Committee encountered when Governments presented their reports, the status of article 14 procedures, thematic discussions, and above all the early warning measures and urgent action procedures. He had also clearly drawn attention to the dangers involved in adopting standards as alternatives to the Convention, emphasizing that there should be no question of adopting alternative standards until it had been proven that the instrument's usefulness had been exhausted.

44. Some members of the working group had asked whether there were any questions that could not be addressed by the Committee because they were not covered by the Convention. He had responded that the Committee was capable of issuing topical interpretations, for example through its general recommendations, without modifying the Convention.

45. Mr. PILLAI said that during his participation in the meeting of the intergovernmental working group he had emphasized the need, in following up the Durban Declaration and Plan of Action, to take promotional measures, and the primary role to be played by Governments and national human rights institutions in that regard. The Office of the United Nations High Commissioner for Human Rights had a mandate to support national human rights institutions, and had undertaken a number of steps to that end. He had also pointed out that a great deal of work had already begun on new indicators of racial discrimination, in particular by the United Nations Development Programme and the International Labour Organization. He too had perceived a great deal of interest on the part of the intergovernmental working group for participation by the Committee in its work.

46. Mr. SICILIANOS said that the Committee had seen a progressive broadening of the scope of article 1, the most poignant example of which had been the adoption in 2002 of General Recommendation XXIX on Descent-Based Discrimination. There was no need for new standards. However, if the intergovernmental working group worked toward the adoption of a new instrument, it could usefully be oriented to the idea of drawing up an additional protocol strengthening the Committee's means of action, for example by including on-site inspections or inquiries.

47. Mr. de GOUTTES said that one way to improve the means available to the Committee would be to use the new instrument to codify the Committee's early warning measures and urgent action procedures, which had been created by the Committee itself.

48. Mr. YUTZIS said the Committee must decide how best to assist the intergovernmental working group, which was still in a very preliminary phase of its work. He proposed that the Committee should address specific questions relating to possible new instruments or the codification of procedures in greater detail at its next session, with a view to submitting its ideas to the working group in writing.

49. The CHAIRMAN suggested that the Committee should send between three and five members to take part in the next meeting of the working group. It might be useful to discuss at least a few guidelines for the discussion during the current session. The Committee must be vigilant against any adventurism in drafting new instruments, as it could easily take 20 years

before an alternative instrument entered into force. What would happen to the Convention and the international community's efforts to combat racial discrimination in the interim? On the other hand, the adoption of an additional protocol might strengthen implementation of the Convention.

50. Ms. JANUARY-BARDILL said that Committee members taking part in the deliberations of the working group should consult with the rest of the Committee, if necessary by e-mail, and that in principle they should speak on behalf of the entire Committee and not in their personal capacities. She expressed concern about external factors that undermined the implementation of the Convention, and believed the subject would be of interest to the working group.

51. Mr. YUTZIS said that he had not gained the impression that there was a great deal of interest in drawing up and adopting a parallel convention.

52. Mr. RESHETOV noted that there had been many proposals for changes to the reporting system and the functioning of the treaty bodies, and that some had been extremely counterproductive. As long as the Convention existed and the Committee had not completely ensured its full implementation, the Committee had no choice but to defend the instrument. Committee members representing the Committee must be guided by the basic values of the Convention, and must not be tempted by innovative ideas that might undermine those values. He did not necessarily oppose the drafting of an additional protocol, which in his view should be binding. The Committee must consider whether it wished to codify new standards as a legally binding instrument. He supported the idea of establishing an on-site inspection or fact-finding mechanism as a way of enhancing the Committee's dialogue with States. If done in a constructive manner, such visits would be very useful, for example in assisting the countries of the former Soviet Union in fulfilling their reporting duties and implementing the Convention.

53. Mr. HERNDL said that the United Nations had in the past 40 years created such a large number of human rights bodies that there was a lack of coordination, and the complexity of the structure could be exploited by destructive elements. It was time to call for an end to ambitious proposals that rendered the system still more complex, especially if they were irrelevant or not useful.

54. Mr. LINDGREN ALVES asked where the idea of drawing up a parallel Convention had first emerged. He opposed the drafting of such an instrument, as the main problem in combating racial discrimination was not a lack of international instruments, but rather a lack of observance. When taking part in other forums, Committee members should follow certain parameters; first among them should be the guiding principles of the Convention and the Durban Declaration and Plan of Action.

55. Mr. YUTZIS said that the idea could be traced back to the second part of the mandate of the intergovernmental working group, which had been adopted by the General Assembly and which called for the preparation of complementary international standards. There was no agreement, at least in the group of Western countries, in favour of adopting a new instrument. However, there was always the possibility that the proposal to establish a new instrument might resurface. It was therefore very important for the Committee to be represented.

56. Mr. THORNBERRY said that the discussion of parallel instruments should in no way detract from the Committee's ongoing efforts to elaborate and clarify the Convention through its general recommendations. Some of the themes that could usefully be addressed by general recommendations in the near future included the effects of reservations, the situation of non-citizens, the interaction between racial and religious discrimination and the Committee's early warning measures and urgent action procedures. Was there a single booklet that contained the text of the Convention along with all the Committee's general recommendations? Perhaps that would enhance the visibility of the Committee's work in that field.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (agenda item 4) (continued)

Decision XX (62) on Suriname (CERD/C/62/CO/14 (Future))

57. The CHAIRMAN invited Mr. de Gouttes to present the draft decision on Suriname.

58. Mr. de GOUTTES pointed out that Suriname had never presented a report since ratification of the Convention in 1985. The situation in the country had been considered by the Committee under the review procedure in 1997. The Committee had recently received a communication from a group of NGOs with very alarming information on the situation of tribal and indigenous groups. It included reports of discrimination in various fields and a failure to recognize those groups' landholding rights, with serious consequences for their living environment and health. The decision would request the State party urgently to provide information on their situation before the August 2003 session with a view to engaging a review procedure. In his opinion, the situation did not call for the Committee to undertake early warning measures and urgent action procedures.

59. The CHAIRMAN, seeing no objections, said that he took it the Committee adopted the draft decision.

60. It was so decided.

The meeting rose at 6.05 p.m.