GENEVA (29 of August 2019) – The Committee on the Elimination of Racial Discrimination (CERD) held its 99th session from 5th to 29th August 2019. The Committee continued to deal with the three inter-state communications that were submitted by the State of Qatar on 8 March 2018 against the Kingdom of Saudi Arabia and against the United Arab Emirates, as well as by the State of Palestine against the State of Israel, on 23 April 2018. Those are the first inter-state communications ever to be submitted to a UN treaty body.

In accordance with article 11(2) of the Convention on the Elimination of all Forms of Racial Discrimination, as the matter was not adjusted to the satisfaction of the States parties involved, either by bilateral negotiations or by any other procedure open to them, on 29 October 2018, the State of Qatar referred the matter to the Committee with respect to the inter-state communications against the Kingdom of Saudi Arabia and the Unites Arab Emirates. Likewise, on 7 November 2018, the State of Palestine referred the matter to the Committee with respect to the inter-state communication against the State of Israel.

Under article 11(3) of the Convention, the Committee shall deal with a matter referred to it in accordance with article 11(2) “after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law (…)”. All the States involved had the opportunity to submit to the Committee their views regarding any preliminary question, including the Committee’s jurisdiction, the exhaustion of domestic remedies, and the admissibility of the inter-state communications. They were also called upon to provide any other relevant information, in accordance with article 11(4). All the submissions made by the States concerned were transmitted to the respective counterparts, who had the possibility to comment on them.

In accordance with article 11(5) of the Convention, the State parties concerned appointed a representative to take part in the inter-state proceedings, without voting rights.

During a meeting in presence of the States representatives held on 27 August 2019, the Committee adopted decisions on its jurisdiction and on the admissibility of the communications submitted by the State of Qatar against the Kingdom of Saudi Arabia and against the United Arab Emirates. The Committee decided that it has jurisdiction regarding the above mentioned communications and has also declared them admissible. An advance unedited version of the adopted decisions will be available on the Committee’s website (<https://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx>) at the end of the session.

In compliance with article 12(1)(a) of the Convention, the Committee’s Chairperson will now have to appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission) to deal with the next steps of the interstate communication submitted by the State of Qatar. Under this provision, the Commission should be composed of “five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention”.

As to the interstate communication submitted by the State of Palestine against the State of Israel, the Committee decided to postpone its consideration of the issue of the jurisdiction of the Committee to its 100th session, to be held from 25 November to 13 December 2019.