GENEVA (13 of December 2019) – The Committee on the Elimination of Racial Discrimination (CERD) held its 100th session from 25 November to 13 December 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 (see Information Note of 29 August 2019 https://www.ohchr.org/Documents/HRBodies/CERD/Pressnote29\_08.docx)

As to the interstate communications submitted by the State of Qatar against the Kingdom of Saudi Arabia and the State of Qatar and the United Arab Emirates, 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. 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 is available on the Committee’s website (<https://www.ohchr.org/en/hrbodies/cerd/pages/cerdindex.aspx>). In addition, according to article 12(1)(a) of the Convention, the Chairperson’s consultations with the concerned State parties to appoint an ad hoc Conciliation Commission to deal with the next steps of the mentioned interstate communications, are undergoing. 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”.

Regarding the inter-state communication submitted by the State of Palestine against Israel, 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 7 November 2018, the State of Palestine referred the matter to the Committee. The States involved had the opportunity to submit to the Committee their views regarding any preliminary question, including the Committee’s jurisdiction and admissibility of the communication. 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 their counterpart, 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. Israel indicated that appointing a representative was without prejudice of their principled position that they did not recognize the Palestinian entity as a State party to the Convention and that they were not in treaty relations with it.

During a meeting in presence of the States representatives held on 12 December 2019, the Committee adopted a decision on its jurisdiction regarding the communication submitted by the State of Palestine against Israel. The Committee decided that it has jurisdiction regarding the above mentioned communication. Several members of the Committee will submit an individual dissenting opinion. An advance unedited version of the adopted decision along with the individual dissenting opinion will be available on the Committee’s website (<https://www.ohchr.org/EN/HRBodies/CERD/Pages/InterstateCommunications.aspx>) just after the session.

In compliance with article 11(3) of the Convention, the Committee will now have to decide on the admissibility of the communication, including the determination that “all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law (…)”.