UNITED
NATIONS

CERD

International Convention on the Elimination of all Forms of Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1202
20 March 1997

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fiftieth session

SUMMARY RECORD OF THE 1202nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 March 1997, at 3 p.m.

Chairman: Mr. BANTON

CONTENTS

GE.97-15902 (E)

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Fourteenth periodic report of Iceland (CERD/C/299/Add.4)

1. At the invitation of the Chairman, Mr. Geirsson and Mr. Olafsson (Iceland) took seats at the Committee table.

2. Mr. GEIRSSON (Iceland) said that his Government was grateful for the opportunity to report to the Committee on some recent measures taken in Iceland to ensure implementation of the Convention.

3. He first drew attention to a number of amendments to the Constitution adopted in the summer of 1995, which were briefly described in the fourteenth report. They largely reflected the provisions of international human rights instruments to which Iceland was a party, including the Convention. They concerned, in particular, the principle of equality, previously regarded as an unwritten constitutional principle but now enshrined in section 65 of the Constitution. The new provision stated that everyone was equal before the law, without regard to sex, religion, opinion, national origin, race, colour, financial status or parentage.

4. In December 1996, the Althing had adopted a number of changes to the Penal Code aimed at better protection against discrimination on grounds of colour, race, national origin or religion (Act No. 135/1996). Pursuant to the new section 180 of the Penal Code, denying an individual goods or services on the grounds of nationality, colour, race or religion had become punishable by up to six months' imprisonment. The same applied where a person was denied access, for the aforementioned reasons, to any place intended for public use, such as restaurants, hotels, transport or theatres.

5. Section 233 (a) of the Penal Code had been amended at the same time as section 180 had been added. Previously, it had stipulated that any person who, through mockery, slander, insult, threat or other means, publicly attacked a group of persons on the grounds of their nationality, colour, race or religion would be liable to up to two years' imprisonment. Section 233 (a) as amended applied not only to situations in which a group of persons was attacked but also where one person was attacked for similar reasons. The new wording provided better individual protection against discrimination.

6. A number of changes had also been made to Icelandic legislation concerning personal names. In the spring of 1996, a new Personal Names Act had been adopted by the Althing (Act No. 45/1996). The Personal Names Act previously in effect had been the target of criticism, in particular the obligation that naturalized foreigners should assume an Icelandic name, to be used jointly with their original name. Thus, the children of a naturalized foreigner who reached the age of 15 years had been required to use the Icelandic personal name. Under the new legislation, that obligation had been abolished; both naturalized persons and their children could retain their family names.

7. Public interest in the subject of human rights had increased significantly in Iceland in recent years, one manifestation being the amendment to the human rights provisions of the Constitution. The conclusions of the Committee following the discussion of Iceland's thirteenth periodic report had been the subject of considerable debate in Iceland in 1994. Various measures had been taken by the Government to implement the provisions of the Convention, both within the legal profession and in other areas. He drew attention to the general observations in the fourteenth report concerning the publication and distribution of the Convention in Iceland during the past two years. In closing, he pointed out that Iceland was among the States parties which had made the declaration under article 14 of the Convention.

8. Mr. VALENCIA RODRIGUEZ (Country Rapporteur), thanking the representative of Iceland for his presentation, said it should be emphasized that Iceland was an open and democratic society in which the exercise of human rights and fundamental freedoms enjoyed extensive guarantees. Iceland had submitted its report punctually.

9. Beginning with a number of general points, he took note of the constitutional reforms discussed in paragraphs 5-7 of the report, to which the representative of Iceland had referred. A new chapter with high legal standing had been added to the Constitution and strengthened the equality of all persons before the law, regardless of national origin, race or ethnic origin. Other rights set out in paragraph 5 related to those addressed in article 5 of the Convention. It would have been desirable, however, for the Constitution to explicitly prohibit all forms of racial discrimination.

10. Paragraph 8 of the report stated that the European Convention on Human Rights had been incorporated into Icelandic law and that its provisions could be directly invoked in court as domestic legislation. That was an important step forward, which unfortunately had not been taken with regard to other international human rights instruments. He therefore reiterated the recommendation contained in paragraph 407 of the Committee's concluding observations (A/49/18) on Iceland's previous report that Iceland should incorporate the International Convention on the Elimination of All Forms of Racial Discrimination in national law.

11. He was pleased to learn that a bill had been passed abolishing the requirement that naturalized foreigners should take an Icelandic name. He commended the Government for the establishment of a number of governmental bodies of interest to the Committee: the Refugee Council (para. 15); the Information and Cultural Centre for Foreigners (para. 19); the Human Rights Office (para. 25); and the Icelandic Save the Children Organization (para. 28). The Committee looked forward to learning about the results of those initiatives.

12. In connection with article 2 of the Convention, he observed that Iceland had no specific policy to combat racial discrimination. Notwithstanding Iceland's homogeneous population and the small number of foreigners there, the Government would need to develop legislation in the field of racial discrimination, not only because of the presence of foreigners but also because immigration flows were certain to continue in the future.

13. With regard to paragraph 40, he noted that the teaching of Icelandic was encouraged but no steps had been taken to ensure that immigrants and their families could maintain their culture and language. In that context, he was pleased to learn about the Ministry of Education's experiment of teaching a group of Vietnamese children in their mother tongue and hoped that that measure could be extended to other ethnic groups.

14. Turning to article 4, he observed that, according to paragraph 50, relevant Icelandic legislation had not been amended since the thirteenth report. In his view, section 233 (a) and section 125 of the Penal Code were too general to be construed as directly covering the concerns addressed in article 4. Likewise, section 233 (a) did not appear to provide an adequate legal basis for instituting proceedings for the temporary suspension of an association or political party which promoted or encouraged racial hatred (para. 52). He was therefore forced to conclude that Iceland still did not fully comply with the provisions of article 4 (a) and (b). He therefore urged the authorities to adopt further measures in that regard. He welcomed the announcement by the representative of Iceland that an amendment to the Penal Code made it an offence to deny an individual goods or services or access to any place intended for public use on the grounds of nationality, colour, race or religion.

15. On article 5, he sought further information on the implementation of the legislation referred to in paragraph 54 in order to be able to assess whether the rights enumerated in that provision were enjoyed by all. Paragraph 55 acknowledged criticism of the fact that a child did not acquire Icelandic citizenship at birth if its mother was an unmarried foreign national, and paragraph 56 reported that a rule was currently under consideration which expressly provided for the possibility of granting Icelandic nationality to children born stateless in Iceland. He expressed the hope that that draft legislation would be approved, thereby remedying an enormous injustice.

16. With regard to article 6, paragraphs 58-61 stated that the victims of racial discrimination could turn to the courts or the ombudsman, but the legislation cited did not show whether they could seek just and adequate reparation or satisfaction for damage. Legislation would therefore need to be enacted in that respect. He noted that there had been no civil or criminal cases concerning racial discrimination in recent years, but recommended that the authorities should nevertheless remain watchful.

17. Concerning article 7, he commended Iceland for the publicity which it had given to the Convention and for the wide variety of measures it had taken to promote awareness of human rights (paras. 62-69). He was also pleased that the Committee's conclusions on Iceland's previous report had stimulated public debate in Iceland. Had the Committee's work encountered support or, on the contrary, criticism?

18. In closing, he noted with pleasure that Iceland had made the declaration under article 14 of the Convention.

19. Mr. SHERIFIS acknowledged Iceland's effort to comply with the Committee's recommendations, but noted that there was still room for improvement in meeting the requirements of the Convention, and particularly article 4.

20. Concerning paragraph 23, he was pleased to learn that the Committee's concluding observations on the previous report had provided an opportunity for public debate and had been commented upon in all the most influential Icelandic media. It was also encouraging that, for the first time, the Convention had been included in the Law Collection, which contained the Constitution and other fundamental statutes (para. 21 of the report). The growing interest in human rights in Iceland over the past few years was an important development (para. 24).

21. He noted that two organizations had been established to deal specifically with human rights: the Human Rights Office (para. 25) and the University Institution of Human Rights (para. 27). According to paragraph 29, there was no formal cooperation between them and the Government; he wondered, however, whether they had worked together with the Government in drafting the report to the Committee and what government body was responsible for coordinating that effort.

22. Iceland, to its credit, had been one of the first States to make the declaration under article 14. According to paragraph 61, in recent years no civil or criminal cases had been brought before the courts concerning racial discrimination, and the Ombudsman of the Althing had not received any complaint from individuals claiming that they had been discriminated against by the authorities on grounds of race, colour or national or ethnic origin. He would like to know whether citizens of Iceland were aware of the existence of the possibility of lodging individual complaints on the basis of article 14 of the Convention.

23. Turning to paragraph 68, he welcomed the many projects for combating discrimination in which Iceland participated. In closing, he asked the Government of Iceland to consider ratifying the General Assembly's amendment to article 8, paragraph 6, of the Convention.

24. Mr. de GOUTTES commended Iceland's adoption of a number of legislative measures aimed at fulfilling its obligations under the Convention, and particularly the amendment to the human rights provisions of the Constitution and additions to the Penal Code. The declaration made under article 14 and the wide dissemination of international human rights instruments were further positive steps.

25. Paragraph 8 gave rise to concern as it indicated that, apart from the European Convention on Human Rights, no other international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, had been incorporated into domestic law and, furthermore, no decision had been taken to do so. He asked the delegation if it could provide information on the prospects for incorporating the Convention into domestic law.

26. It was also regrettable that there was no formal cooperation between the Government and the Icelandic Human Rights Office, the University Institution of Human Rights and the Save the Children Organization, beyond the dissemination of information.

27. With reference to the issue of nationality for children born out of wedlock to a non-Icelandic mother, he asked whether the Government had considered amending or repealing the legal provisions which prevented such children from acquiring Icelandic nationality.

28. Mr. DIACONU drew attention to the considerable amount of legislation enacted by Iceland; it was in many respects more comprehensive than that of the other Nordic countries. Iceland had adequate legislation to combat racial discrimination if it were to arise. He wished to remind the Government of Iceland that the recommendations made in the Committee's concluding observations relating to article 4 should be strictly complied with.

29. Iceland had been innovative in creating the office of the Ombudsman for Children, and he wondered whether consideration would be given to extending that initiative to designate ombudsmen to deal with all human rights matters, including racial discrimination. He encouraged the Government to resolve the issue of possible statelessness of children born to unwed foreign mothers and referred to the international instruments on statelessness as sources where solutions could be sought.

30. Mr. FERRERO COSTA said he wished to underscore the lack of direct applicability of the Convention to Icelandic legislation. As stated in paragraph 8 of the report and paragraphs 54 and 55 of the core document (HRI/CORE/1/Add.26), Iceland's dualistic position regarding provisions of human rights conventions had been discussed on the previous occasion when Iceland had appeared before the Committee, but the matter continued to be of concern. He asked why an exception was made in the case of the European Convention on Human Rights and not in the case of other conventions. He was also interested in knowing about specific rulings of the Supreme Court which had given added weight to international instruments and to what extent human rights and racial discrimination had been considered.

31. While there had been legislative amendments to provisions relating to article 4, the requirements of paragraph (b) of that article had not been fulfilled. He inquired about political parties in Iceland and whether there could be parties which promoted ideologies of racial superiority. How was the prohibition of such parties enforced?

32. He asked the delegation to furnish additional information on the status of the Personal Names Bill and the bill on denial of access to public places on racial or similar grounds, which were due to be considered by the Althing in 1996.

33. Mr. GARVALOV, referring to paragraph 5 (a) of the report, pointed out that the amendment to the Constitution did not reflect the wording “descent, or national or ethnic origin” contained in article 1, paragraph 1, of the Convention.

34. He endorsed his colleagues' comments on the incorporation of the provisions of the Convention into domestic law and expressed the hope that Iceland would see fit to take the necessary steps to legislate in that regard.

35. While he accepted that issues relating to racial discrimination had not gained much attention in public debate, since Icelandic society was relatively homogeneous, article 2, paragraphs 1 (a) and 2, sought to protect individuals as well as groups; States parties should not wait for large numbers of segregated minorities to emerge before instituting legal provisions to ensure protection against racial discrimination.

36. His attention had been drawn to the reference to “political groups and trade unions” in a citation from the Constitution in paragraph 51, and stressed that article 4 of the Convention did not specifically mention that it was political groups and trade unions that should be banned. He asked, hypothetically, whether an organization would be banned only after it had expounded racist ideas and ideologies or committed racial acts and violence, or before it had done any of those things.

37. He had the uneasy feeling that paragraph 62 of the report related only indirectly to article 7 of the Convention and emphasized that teaching and education should be extended to include law enforcement officials, judges and teachers, among others.

38. Mr. van BOVEN noted with satisfaction Iceland's declaration under article 14, but regretted that only paragraph 409 of the Committee's previous suggestions and recommendations had been implemented since 1994. The remaining three recommendations, namely paragraphs 407, 408 and 410, had not been addressed. While States parties were under no obligation to follow up the concluding observations, it would nevertheless be useful for the Committee to know the reasons for non-compliance. He greatly welcomed the attention the Government had paid to measures to afford protection against racial discrimination, but hoped that Iceland's next report would reflect follow-up on the concluding observations.

39. Looking at the population breakdown in the tables in paragraph 33 of the report, he noted that on average about 50 per cent of those born outside Iceland had acquired Icelandic citizenship. Although he saw no evidence of any discriminatory patterns in granting citizenship, there were some interesting discrepancies between the high proportion of, say, Germans and the below-average proportion of persons of Asian origin who had acquired citizenship. He asked whether the delegation had any explanation for those discrepancies and whether Iceland recognized dual citizenship, which might affect the figures. Among the 10,901 persons born in other countries, how many had been granted refugee status?

40. Mr. WOLFRUM considered the report of Iceland to be one of the best the Committee had ever seen. Iceland's record in prohibiting racial discrimination was difficult to match. The adoption of a bill abolishing the obligation for a foreigner to assume an Icelandic name, in response to a recommendation by the Committee, was a welcome development. He trusted that details of the proposed new provision to be added to the Penal Code, referred to in paragraph 14, would be given in Iceland's next periodic report.

Regarding the question of the incorporation of the Convention into domestic law, an explanation was needed, but he would not criticize Iceland for adopting a dualistic approach as long as the content of an international agreement was implemented. Either an international treaty was considered part of domestic law or, as appeared to be the approach adopted in the Scandinavian countries, all parts of domestic legislation were amended to bring them into conformity with international treaties ratified. Both systems had their merits, the advantage in the latter system being that judges tended to refer to, and implement, national rather than international law.

41. Like Mr. van Boven, he would appreciate an explanation of the discrepancies in the tables in paragraph 33 concerning the acquisition of citizenship. Were they perhaps due to the earlier or more recent immigration of certain groups? With reference to paragraph 45, the fact that pupils from Viet Nam were singled out as beneficiaries of an experiment in mother-tongue instruction concurrently with teaching in Icelandic was no doubt due to the particular difficulty of the Icelandic language for persons from Asia. Similar projects, involving a new approach to teaching foreign languages, were being carried out in Germany and he would welcome more information. Although he agreed with Mr. Garvalov that the statement in paragraph 51 was not fully in conformity with article 4 (b) of the Convention, it might well be, judging from a reading of that paragraph in conjunction with paragraph 52, that the effect would be the same if section 72, subsection 1 of the Constitution, together with section 233 (a) of the Penal Code, were interpreted as meaning that associations committing unlawful acts must be disbanded. Was that interpretation correct? Finally, he was most impressed by the measures reported under article 7 which, though perhaps not strictly in accordance with that article, met the same objective. Iceland was one of the very few States which complied with that provision.

42. Mr. GEIRSSON (Iceland), responding to members' comments and questions, referred them to his introductory statement in which he had indicated the efforts being made to improve the provisions of section 233 (a) of the Penal Code concerning racist attacks. Members had rightly pointed to flaws in the Nationality Act. The Ministry of Justice was currently working on amendments to improve the Act. Although the Human Rights Office and the University Institution of Human Rights were not directly involved in drafting Iceland's report to the Committee, which was prepared by the Ministry of Justice, the Government maintained excellent cooperative relations with those two bodies. The former body received financial assistance from the Government, and the Chairman of the latter had in fact been the Government's representative before the Committee some years previously. He admitted with regret that people in Iceland were not well acquainted with the recourse procedure for individual complaints under article 14 of the Convention, but hoped that that situation would change with the Government's vigorous efforts to make the Convention more widely known.

43. With regard to the incorporation of the Convention into domestic law, Iceland adhered to the dualistic legal doctrine to the effect that international treaties did not assume the force of domestic law even if ratified, but were only binding according to international law. However, it was a principle of legal construction that domestic law should be interpreted in conformity with international law. Like other Scandinavian countries,

Iceland changed its national legislation when it was not in conformity with the international treaties it ratified. Why Iceland had incorporated the European Convention on Human Rights into domestic law but not the International Convention on the Elimination of All Forms of Racial Discrimination was a good question, to which he had no immediate reply, but Iceland's position was the same as that of the other Nordic countries, with the exception of Norway, which had incorporated two international conventions into its domestic law.

44. It had been asked why there was only an Ombudsman for Children. There was in fact another ombudsman, the Ombudsman of the Althing, who dealt with other human rights issues; the current incumbent was a long-standing member of the European Commission of Human Rights. In reply to questions about the procedure for prohibiting associations with unlawful aims, he was glad to say that such associations were very rare in Iceland, and indeed none had thus far come to the authorities' attention. Mr. Wolfrum had been right to say, however, that although Iceland's approach was different, the effect was the same, since the Constitution provided that associations could be formed without prior authorization, but if they pursued unlawful aims they could be disbanded - obviously by a court decision.

45. With regard to the discrepancies noted in the tables in paragraph 33 concerning the acquisition of Icelandic citizenship, Mr. Wolfrum had been right to assume that they had much to do with when the various groups had arrived. There were rules on length of stay and other criteria for acquiring citizenship. For example, the high proportion of Germans who had been naturalized was due to the arrival of large numbers of Germans in Iceland just after the Second World War, Poles had come more recently to work in the shipyards, and the persons born in Indonesia were mostly children who had been adopted. Further explanations would be given in the next report.

46. Mr. Geirsson and Mr. Olafsson (Iceland) withdrew.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 3) (continued)

Draft general recommendation concerning indigenous peoples (CERD/C/50/Misc.7).

47. Mr. WOLFRUM recalled that the initial version of the draft general recommendation now before the Committee (CERD/C/50/Misc.7) had been introduced at the previous session but had been discussed only briefly. Mr. Diaconu had submitted the following amendments: the figure “I” should be inserted between the final preambular paragraph and the first operative paragraph; in the first sentence of the first operative paragraph, the words “in their territories” should be inserted between the words “indigenous population” and “to acknowledge”; the figure “II” should be inserted after the final operative paragraph and be followed by a new paragraph reading:

> “Requests States parties with indigenous peoples in their territories to fully present in their periodic reports to the Committee the situation of such peoples from the point of view of all the provisions of the Convention.”

48. He suggested that the text, as amended, should be circulated at the current session and that the Committee agree to consider it at its fifty-first session.

49. Mr. SHERIFIS said he wished to make a clarification for the record. While the Committee was aware that its recommendations were not binding on States parties, it hoped that they would take account of them and act accordingly. Once a recommendation was adopted by the Committee, however, it should at least be binding on all Committee members. An occasion had arisen on which, after he had asked the representative of a State party whether it had complied with one of the Committee's general recommendations, another member had intervened to tell the representative that, since the recommendation was not binding, it did not mean much and need not be taken into account. Such contradictory statements before a State representative presented a poor image of the Committee and only led to confusion. Points of the Committee's procedure or interpretation that were not specifically relevant to one State party should be discussed among members at a closed meeting. If such public discussion was likely to arise again, he would be reluctant to question a State party on its compliance with a recommendation. He would appreciate the Committee's views on that issue.

50. The CHAIRMAN, speaking in his personal capacity, said that Mr. Sherifis was correct in saying that members were under an obligation to view a recommendation in the terms he had suggested. He would not wish to specify the nature of that obligation, but Mr. Sherifis had intimated that it was a moral, collegial obligation to be seen in the perspective of the image which the Committee presented to States parties. He asked whether any members of the Committee objected to his adopting, as Chairman, the view he had just expressed as an individual member.

51. Mr. DIACONU considered that the matter should be discussed in the presence of all 18 members of the Committee. He was not sure whether the Chairman was competent to issue a ruling on such a question and formal action could only be taken if there was a text before the Committee that could be duly discussed.

52. Mr. GARVALOV agreed with the interpretation proposed by the Chairman. He would also have a comment to make on the text of the draft General Recommendation.

53. Mr. FERRERO COSTA suggested that consideration of the question raised by Mr. Sherifis should be deferred.

54. The CHAIRMAN invited members to submit any further comments on the text to Mr. Wolfrum. He took it that the Committee agreed with Mr. Ferrero Costa's suggestion and with Mr. Wolfrum's proposal to consider the amended draft General Recommendation at the fifty-first session.

55. It was so decided.

Proposal for amendment of rules of procedure (CERD/C/50/Misc.2) (continued)

56. Mr. CHIGOVERA said that the draft proposal, which he had amended following consultation with other members of the Committee, would read:

> "(a) In order to maintain the highest standards of impartiality, members should, as a general rule, refrain from participating in the consideration of the reports of States of which they are nationals.
>
> "(b) Members may, however, feel free, if he or she so wishes, to provide advice to the members of the Committee with a view to improving the information on the factual and legal situation of the State concerned or other relevant aspects."

57. The amendment to the rules of procedure was vital to the image and integrity of the Committee. The draft proposal was consistent with the terms of article 8, paragraph 1, of the Convention, which referred to the impartiality of members, and would help prevent any potential pressure being brought to bear by the authorities of a reporting State on a national who was a member of the Committee.

58. Mr. WOLFRUM fully endorsed the amended draft proposal. In his opinion, the text should be inserted as new rule 68 (a) of the rules of procedure.

59. Mr. FERRERO COSTA, supported by Mr. YUTZIS, said that he had endorsed the original text of the draft proposal. As amended, it was not in keeping with the traditional practice of the Committee and was likely to create the very situation members were trying to avoid. The text should state that members could provide advice if they were invited to do so.

60. Mr. de GOUTTES agreed with Mr. Ferrero Costa, but the Committee should not be too hasty in adopting such an amendment to its rules of procedure; it must be clear how other committees intended to react to the relevant recommendation in the report of the 7th meeting of persons chairing human rights treaty bodies (A/51/482).

61. Mr. DIACONU said he was concerned about how the adoption of such an amendment would affect the working methods of the Committee in the event that a member who did not agree with it refused to comply with its provisions.

62. It was not clear to whom it would fall to invite a member to provide advice, if the amendment was adopted. As it stood, the text placed responsibility on members themselves to decide whether or not to take the floor during the consideration of the report of the country of which they were nationals, thus safeguarding members' freedom of speech, which was as it should be. If the text was adopted, it should be inserted after rule 40.

63. Mr. van BOVEN said that his wishes had been taken into account in the drafting of the text. However, the scope of paragraph (b) should be limited: "only" should be inserted before "with a view to improving the information" and the paragraph should end after "State concerned".

64. Mrs. SADIQ ALI said the text should stipulate that members would be invited by the Chairman of the Committee.

65. Mr. AHMADU considered that the comments made in the draft proposal were directed at him. He had only once sought to provide additional information during consideration of his country's periodic report, at a time when concluding observations had been discussed in closed meetings, at which members of the Committee should not be denied the right to provide additional information. That was particularly true when, as an expert, usually with a wealth of knowledge of the situation in his or her country, the member might know more about a particular question than the persons presenting the report. In no way had he been trying to prevent criticism of his country. As long as he was a member of the Committee he would refrain from intervening during the consideration of his country's reports. The traditional practice whereby a member of the Committee who was a national of a reporting State remained outside the discussion of the report should continue but should not be formalized in a written provision. The text implied that members might not be impartial, which was not fair.

66. Mr. GARVALOV said that he would prefer any reference to the participation or non-participation of a member in the discussion of his or her country's report to take the form of a General Recommendation rather than an amendment to the rules of procedure. It was not clear what exactly would constitute participation in the debate. The first paragraph should be revised to make it clear that members were generally expected to refrain from participating, a wording which would convey the idea that a member retained the right to do so if he or she so wished.

67. Mr. VALENCIA RODRIGUEZ said that the implications the draft proposal would have on the competence of members of the Committee under the Convention should not be overlooked. It was not clear whether, if an invitation to participate was included in the text, who or how many members of the Committee would invite their colleague to take part in the proceedings. It was equally unclear whether the draft proposal related only to consideration of a State party report or extended to consideration of communications under article 14 of the Convention. The Committee should therefore consider the matter in greater depth.

68. Mr. CHIGOVERA said it was not true that the draft proposal was targeted at any particular member of the Committee. The Committee drew up rules of procedure to help it ensure implementation of the Convention. The draft proposal was therefore consistent with the terms of the Convention and the work of the Committee. It was also of great importance in terms of highlighting the integrity of the Committee, particularly in the eyes of States parties which did not have nationals on the Committee. He would continue to try and find a compromise which met with the assent of all members of the Committee.

69. The CHAIRMAN said that the Committee would continue consideration of the question at a later date.

The meeting rose at 6.05 p.m.