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THIRD COMMITTEE
Agenda item 12

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Draft Report of the open-ended Working Group on the Drafting
of an International Convention on the Protection of the
Rights of All Migrant Workers and Their Families

Chairman: Mr. Antonio GONZALEZ DE LEON (Mexico)

Vice-Chairman: Mr. Juhani LONNROTH (Finland)

Addendum

Article 70, paragraph 3

1. At its 8th meeting on 30 September 1988, the Working Group took up paragraph 3 of article 70 on the basis of paragraph 3 of article 70 as it appeared in document A/C.3/40/WG.I/CRP.1/Rev.1.

2. During the consideration of the paragraph, the Chairman suggested to insert the word "all" between the words "a letter" and the words "the States" and to replace the word "each" after the words "before the date of" by the word "corresponding". The Working Group agreed to these suggestions and adopted paragraph 3 of article 70 as follows:

3. The initial election shall be held no later than six months after the date of the entry into force of the present Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to all States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States

Parties not later than one month before the date of the corresponding election, together with the curricula vitae of the persons thus nominated.

Paragraph 4

3. At the same meeting the Working Group took up paragraph 4 of article 70 on the basis of paragraph 4 of article 70 contained in document A/C.3/43/WG.I/CRP.5.

4. The representative of the USSR suggested that the word "at" which appears on line 5 of the text, after the word "present" should be replaced by the word "and".

5. The Working Group adopted paragraph 4 with that change as follows:

4. Elections of members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of votes of the States Parties present and voting.

Paragraph 5 (a)

6. At the 8th meeting the Working Group also took up paragraph 5 on the basis of paragraph 5 of article 70 as contained in document A/C.3/43/WG.I/CRP.5.

7. During the consideration of this paragraph, various delegations suggested the inclusion of a phrase to the effect that the members of the Committee shall be eligible for re-election if renominated. After some discussion, the sponsors of CRP.5 agreed to accept that proposal.

8. At the same meeting the Working Group decided to adopt paragraph 5 (a) as amended and to delete the word "six" in the second and fourth lines until it reaches an agreement on those figures.

9. At the 14th meeting on 5 October, the Working Group reached agreement on those figures. Thus the text of paragraph 5 (a) would now read as follows:

"5. (a) The members of the Committee shall serve for a term of four years. They shall be eligible for re-election, if nominated. However, the terms of five of the members elected in the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting of States Parties."

Paragraph 5 (b)

10. At its 8th meeting the Working Group began consideration of paragraph 5 (b) of article 70. Since the Working Group had not reached agreement on the number of members referred to in this paragraph, the Working Group decided at that meeting to leave it pending until it reaches agreement on those numbers.

11. At its 14th meeting on 5 October, the Working Group reverted to paragraph 5 (b) of article 70.

12. The Chairman indicated that in order to bring the subparagraph as contained in document A/C.3/43/WG.I/CRP.5 into conformity with paragraph 1 of article 70 as adopted on second reading the word "six" in line 1 should be replaced by the word "four". He also stated that the words "thirty-fifth ratification or accession" should be replaced by the words "entry into force for the forty-first State Party". He further indicated that the word "three" in line 4 should be changed to "two".

13. The representative of the Federal Republic of Germany proposed that the question of re-election of members be deleted from subparagraph 5 (a) as already adopted during the second reading and form the subject of a separate subparagraph by itself.

14. The Vice-Chairman read out a text of the proposed subparagraph (c) as follows:

"The members of the Committee shall be eligible for re-election if renominated."

15. At the same meeting a text for paragraph 5 (b) and (c) was adopted on second reading as follows:

5. (a) The members of the Committee shall serve for a term of four years. However, the terms of five of the members elected in the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting of States Parties.

(b) The election of the four additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of this article, following the entry into force for the forty-first State Party. The term of three of the additional members elected on this occasion shall expire at the end of two years; the names of these members shall be chosen by lot by the Chairman of the meeting of States Parties;

(c) The members of the Committee shall be eligible for re-election if renominated.
