

Report for Minority Rights Group (MRG), International Movement Against Discrimination and Racism (IMADR) and Lutheran World Federation (LWF) on the impact of NGO lobbying at the 61st session of the Committee on the Elimination of Racial Discrimination (CERD) for the adoption of a General Recommendation on descent-based discrimination

Mike Dottridge, 6 February 2003

1. Introductory Comments

1. This report is intended to assist non-governmental organisations (NGOs) in drawing lessons from a specific advocacy experience last year. The advocacy itself was a success, in that a General Recommendation on descent-based discrimination was adopted by the Committee on the Elimination of Racial Discrimination (CERD) during its 61st session in August 2002, shortly after a day of public hearings and discussion on the theme of descent-based discrimination (on 8 and 9 August 2002).
2. This report does not address the adequacy of the General Recommendation itself, but focuses on the role played by NGOs. While virtually all those who provided comments about what happened before and during the 61st session confirmed that NGOs played a useful and even vital role, it is clear that a number of lessons can be learnt and applied to future advocacy work, not just with the CERD, but potentially with other treaty-monitoring bodies and possibly also with some other human rights standard-making bodies, such as the Sub-Commission.
3. My main conclusion is that without the NGO lobbying on the issue of caste and descent-based discrimination, both in the lead-up to the World Conference on Racial Discrimination in 2001, and specifically directed at CERD, a General Recommendation would not yet have been adopted by CERD on either descent-based discrimination in general or any of its specific forms, such as "castism" or caste-based discrimination. The most important single move towards securing the General Recommendation was taken by an individual CERD member, Patrick Thornberry, when he approached the Chairperson of CERD in March 2002 and secured his agreement for a general discussion about the theme of descent-based discrimination; but this initiative was closely connected to NGO activity, as Patrick Thornberry had been active in the MRG in the past and (while it is clear his initiative at CERD was taken as an individual and not a representative or sympathiser of a particular NGO) his preoccupation with the issue of descent-based discrimination was due in part to the interest and activities of MRG and other NGOs.
4. The other single most important initiative taken by NGOs, that ensured that a General recommendation was adopted, was to present the issue of descent-based discrimination to CERD (and others) as a global human rights issue occurring on every continent, and not predominantly a South Asian issue linked to the caste system. In effect, to secure a new international human rights standard that is especially applicable to South Asia, NGOs and others had to deliberately tone down their knowledge and concern about caste-linked discrimination and put the limelight elsewhere. This both helped combat the likely opposition of the Government of India and reduce opposition from international human

rights experts who would have been unwilling to adopt a new international standards to respond to a pattern of abuse that is specific to a particular region of the world.

5. Because the advocacy in August 2002 was successful, the report starts by describing some of the unique circumstances which are unlikely to be repeated. It goes on to describe the method by which this evaluation has been carried out, and then comments on what went notably well and what went less well. In these two cases remarks are presented under two headings: the first concerns what was achieved; the second focuses on process and how it was achieved.

2. Special circumstances

6. I shall start by pointing out some of the special circumstances which surrounded CERD's adoption of General Recommendation XXIX.
7. The NGOs and many other involved had already rehearsed many of the arguments that were presented in favour of a General Recommendation, in the run-up to the World Conference Against Racism (WCAR) in Durban in September 2001, and in presentations to the UN's Sub-Commission on the Promotion and Protection of Human Rights, that began examining the same issue a year earlier. It was relatively clear, in consequence, to many of the NGOs what they should and should not do; for example, that they had to avoid presenting descent-based discrimination as being predominantly or exclusively a South Asian issue.¹ Furthermore, a lot of background information, including long reports, shorter briefings and videos, were already in existence and did not have to be produced specially.
8. The core group of NGOs, involving the International Dalit Solidarity Network (IDSN), the International Movement Against Discrimination and Racism (IMADR), the Lutheran World Federation (LWF) and Minority Rights Group International (MRG), was already playing a coordinating role before the prospect of a CERD General Recommendation was raised. They seem to have worked together and reached agreement on a division of labour and a common strategy without much of the bargaining that sometimes precedes the formation of a coalition of NGOs seeking a new international human rights standard. The core group was small and seems to have worked extremely effectively.
9. The identity and personal commitment of various individual actors was important. Two of the 16 members of CERD had some personal affiliation to two of these four NGOs. In comparison to some other UN treaty-monitoring bodies, CERD allows issues to be raised by individual members relatively easily, so the presence of CERD members with some personal commitment to the objectives of NGOs pressing for action against descent-based discrimination created a bridgehead. The CERD member from the key country expected to lobby against a General Recommendation, India, was not a government stooge. The key staff person (responsible at the Office of the High Commissioner for Human Rights [OHCHR] for servicing the CERD) had a background in NGOs and a strong personal commitment to human rights in general and to the issue concerned.

¹ Both NGOs and others had evidently drawn a lesson from the first study undertaken by a member of the Sub-Commission, Professor Goonasekere, who had presented information about descent-based discrimination on a regional or geographic basis, rather than a thematic one, and consequently ended up putting an emphasis on caste and Hinduism that was judged to be untactful and inappropriate by many.

10. The member of CERD who pressed for a thematic discussion, Patrick Thornberry, and who was given responsibility for drafting the General Recommendation, had evidently gone to great pains to secure the support of the committee chairperson, Ion Diaconu, and was assisted by the fact that the only thematic General Recommendation previously adopted by CERD had been proposed and steered through by Mr Diaconu.
11. These circumstances came together in a way that seems to have been fortuitous, although a crime writer might conclude that they could only have occurred as a result of a well-planned conspiracy!
12. There was just one specific circumstance which went in the opposite direction and threatened to undermine success. This was the overtly Christian identity of a significant number of the NGO lobbyists – not only the Lutheran World Federation, but also some of the Indian activists. This was always likely to be an obstacle in the eyes of CERD members associated with the “Like Minded Group” of governments in Geneva (Egypt, Pakistan, etc) and is reported to have duly come to the fore at a key point in the proceedings. It galvanised some opposition to the General Recommendation, but not enough for the initiative to be thwarted.

3. Evaluation methods

13. MRG contacted ten members of the CERD in December 2002 to inform them that an independent evaluator would be contacting them. MRG also prepared a letter containing 13 specific questions for the evaluator to use. After some editing, this was sent, in early January 2003, to nine CERD members, three members of the Sub-Commission on the Promotion and Protection of Human Rights, and three NGO representatives; the questions raised appear in Appendix 1. Five of the CERD members, two of the NGO representatives and one Sub-Commission member responded (and one other CERD member and one other Sub-Commission member have suggested they intend still to respond).
14. In addition, a staff member of the OHCHR was interviewed and both formal and informal records of the CERD session were reviewed.

4. What went particularly well

4.1 Substance

15. The **video** about “manual scavenging” is reported to have had a stronger impact (particularly on opponents of a General Recommendation) than any other information presented during the public hearing; i.e. the visual impact of people clearing human faeces and knowledge that they were condemned to this occupation because of descent/caste was extremely powerful. This benefit outweighed the problems caused by the term “manual scavenging” – see below in section 5.1).
16. **Oral statements** by victims of descent-based discrimination, and also by those from Africa who were close to victims, apparently had a powerful impact – much more so than if the same information had been presented by Geneva-based NGOs, particularly white or Western representatives of Geneva-based NGOs. However, individuals who observed this impact commented that the emotional impact of victims’ testimonies needed to be

balanced (as, indeed, they were) by analyses of a more academic nature, which had a more direct impact of the text and provisions of the General Recommendation.

17. While testimonies by South Asians clearly had an impact, on 8 August it was a high priority to demonstrate the descent-based discrimination was not predominantly a South Asian phenomenon linked to Hinduism, and consequently the statements made about the Buraku in Japan and those about descent-based discrimination in Africa were disproportionately important.
18. NGO statements appear to have been worded sufficiently carefully to not over-emphasise the issue of caste and consequently did not give the representatives of the Government of India grounds to object to the word caste being mentioned. This was one of many potential pitfalls which was avoided.
19. The NGO briefing materials which were **concise** or which contained concise summaries were praised. Although there were criticisms of the volume of briefing documents produced by NGOs (see 4.1 below), there were CERD members who welcomed this volume and the detail of information and analysis it contained.
20. There were not many meetings (“private conversations”) between NGO representatives and individual members of CERD: in the circumstances, this seems to have been a good thing, as it seems that further pressure would not have been welcomed by most CERD members, and might even have been counter-productive.

4.2 Process

Coordination

21. The coordination of NGOs attending the CERD session by IMADR, LWF and MRG was considered to be of critical importance, as was the close involvement of Paul Divakar of the (Indian) National Campaign for Dalit Human Rights (NCDHR), closely linked to the International Dalit Solidarity Network (IDSN), with the other three. Despite some difficulties just as the public hearing was ending, this group of NGOs played a very positive role during the subsequent 12 days of drafting (between the end of the public hearing on 9 August and the presentation of a draft General Recommendation to the plenary CERD on 20 August).
22. These four “core” NGOs already knew each other well and had a history of working well together before the initiative at CERD was started. All four appreciated the need to give priority to ensuring that NGO representatives would attend the CERD hearings who would speak about descent-based discrimination other than in South Asia. They succeeded in doing so, despite the difficulty they experienced in identifying such NGOs (even in 2002, after various NGOs had been identified before and during the WCAR). They also overcame the difficulties created by various rivalries between NGOs.
23. Nevertheless, it was unclear whether the good coordination resulted from a well-planned and managed process, or simply good fortune. I suspect the former, but this was not entirely clear from conversations with several of those involved – possibly because the coordination had its origins some time before they began working together for a CERD General Recommendation.

24. In terms of desirable good practice, I was reminded of some suggestions made in one report about NGO advocacy.² This suggests that when several different NGOs are working together, there are benefits to dividing up responsibilities quite explicitly and formally, on the basis of each NGO's field of expertise. This might have helped ensure that some possible short-comings were dealt with (see 5.1 below), but might also have complicated things and made working relations between the four NGOs more difficult.
25. It was important that several of the coordinating NGOs (IMADR and LWF) were based in Geneva, as this facilitated coordination with the staff of the OHCHR. Furthermore, the OHCHR coordinated well with the four core NGOs, for example by copying e-mail messages to all four of them.
26. One of the Geneva-based NGOs (IMADR) produced clear guidelines for all other NGOs which might attend the August public hearing (and had coordinated directly with the OHCHR in doing so).
27. It was helpful that the first of the oral statements presented by the public hearing was a joint statement (drafted by LWF) presented on behalf of 38 NGOs; CERD members, along with members of other treaty-monitoring and Charter bodies in Geneva, consider that joint statements carry particular weight, and that the consensus they imply is itself significant.

5. What went less well

5.1 Substance

"Manual scavenging"

28. Confusion about what the term "manual scavenging" means, particularly among non-English speakers, both blunted the impact of discussions about the issue and created a red herring which hijacked time and effort. Although the term has a technical meaning in English, referring specifically to the work of clearing away human faeces, it is no longer in general usage; consequently many people assume it refers generally to the process of looking for useful items among rubbish. In particular one CERD member persisted (despite hearing explanations) in thinking that condemnation of the practice of manual scavenging amounted to criticism of manual labour, and insisted that such criticisms should not be included in the General Recommendation. Most of the confusion could

² Jordan and Tuijl, *Political Responsibility in NGO Advocacy. Exploring Emerging Shapes In Global Democracy*, Novib, Netherlands (1998) (at <http://www.oneworld.org/euforic/novib/novib1.htm>) suggests "Dividing political arenas...Recognising who has expertise and knowledge in which political arena and respecting the boundaries established by that expertise is the first necessary act of accountability in a joint NGO advocacy effort" and *The formalisation of relationships...* As campaigns develop, relationships tend to become more formalized...Recognising and clearly establishing the parameters of mutual relationships among NGOs involved in an advocacy effort can help in defining political responsibilities, certainly if the relationships in question are expected to be productive over a longer period. The more parameters that are defined, the more explicit the level of accountability, and the better that risks can be managed"

have been avoided if more care had been given to identifying country- or regional-specific technical terms and both explaining them fully in English and suggesting appropriate translations to interpreters. This term had already caused confusion on previous occasions.

The volume of printed information provided to CERD members as briefings

29. NGOs produced too much paper. Before the CERD session, the OHCHR had received 538 pages of briefing materials that had to be copied and sent to each of the 16 CERD members. This was on top of books (such as an influential Human Rights Watch report) produced and distributed earlier. While the core NGOs did a great deal of coordination as far as bringing people to Geneva was concerned, they did little to manage this paper flow. As no summary of all the NGO briefings was available, the OHCHR staff person decided to prepare an 18-page summary herself – but ran into criticism for doing so (notably criticism from the CERD member most opposed to the adoption of a General Recommendation, who asserted that OHCHR staff were not entitled to do this).
30. Some printed briefings were produced and circulated to CERD members at the very last minute. The NGOs responsible for them evidently felt their documents should be added to the pile, but last minute distribution is felt to be insulting by some CERD members (as it leaves them no time to read or absorb the materials) and risks being positively counter-productive. Similarly, one CERD member routinely refuses to attend lunch time briefings, evidently feeling that everything that needs to be taken into account should be considered during formal CERD sessions.

Presentation of oral statements

31. The joint statement prepared by LWF on behalf of 38 NGOs was not read out well. There were few other joint statements. The total of 22 NGO speakers on 8 August (with 14 of these from South Asia) was probably too many, and it would have been better for several more to have made joint statements (notably to avoid repetition).
32. The statement by a representative of Human Rights Watch reportedly antagonised some CERD members, apparently because it went over its time-limit, but also because it was presented by a white American.

Disproportionate number of NGOs from South Asia

33. Despite the best efforts of the NGO coordinators, there were still a lot of NGO speakers from India in particular, and South Asia in general. This implied that the issue of descent-based discrimination was predominantly a problem specific to this region – exactly the message that the NGO coordinators wanted to avoid giving.
34. The South Asian NGO representative tended to make similar points in their various testimonies, and these were generally descriptive and not analytical enough. Instead of reinforcing each other, they become repetitive. There were said to be too many statements about Dalit women (suggesting that efforts to ensure gender balance may have gone too far and become counter-productive).

35. Perhaps more problematic was that statements made during an informal lunch-time meeting (attended by most CERD members) were broadly the same as the statements the same NGO representatives made a few hours later during the formal session. CERD members on whom shocking information had a significant impact at first hearing were in danger of growing cynical when they heard the same thing two or three times, particularly as they realised it was part of a well rehearsed presentation, rather than spontaneous.

Difficulties in securing testimony from Africa

36. Although LWF worked hard at identifying NGOs in Africa which could be invited to attend the CERD thematic discussion, and there is (objectively) a shortage of NGOs working on issues related to descent-based discrimination in Africa, there could probably have been better preparation and better attendance. Both in the run-up to the WCAR and again in the run-up to August 2002, the efforts to identify potential African speakers on this topic seem to have been somewhat opportunist, rather than systematic. One result seems to be that the issue has not yet been mainstreamed, for example via regional networks such as the West Africa-based Union inter-africaine des droits de l'homme (UIDH). This could affect the follow-up (although it is evidently not too late to push the issue in Africa by disseminating information about the General Recommendation).

Presence and intervention of representatives of States

37. NGOs had not succeeded in persuading government representatives from States where descent-based discrimination is *not* a significant problem to attend the public hearings or to make statements urging the adoption of a General Recommendation. This was perceived as a problem by various CERD members, and reinforced an impression that descent-based discrimination was not perceived (by States) to be a world-wide phenomenon.

NGO behaviour likely to precipitate problems

38. An NGO banner was almost put up in the room where the NGO briefing was to occur on 8 August, which, as it was the same room that formal CERD meetings were occurring in, would have caused offence and possibly led to some formal condemnation by a CERD member.

Lack of media coverage

39. Various CERD members expressed disappointment at the lack of media coverage of the adoption of the General Recommendation (and of CERD activities more generally). While there was an effort by the coordinating NGOs to arrange publicity via a press conference on 8 August, this seems to have been given relatively little priority by the NGOs and may, in any case, not have been the most effective technique to ensure media coverage. The lack of publicity seemed surprising in the light of the attention given to the issue of descent at the previous September's WCAR.

Lack of systematic follow-up

40. The coordinating NGOs had not formulated a follow-up plan before the August 2002 CERD session, nor by the end of 2002. It is clear that their energies were fully committed

in August 2002 to the lobbying necessary to secure a General Recommendation, and that they were not certain that a General Recommendation would be adopted, and were therefore unsure what sort of follow-up might be needed. However, the absence of any conversation involving all or some of the NGOs present in planning the follow-up looks like a missed opportunity. The lack of systematic follow-up reportedly includes not providing the OHCHR with copies of press articles or other information about attention given to the General Recommendation in different countries.

5.2 Process

Christian bias

41. NGOs both in South Asia and at international level had been aware for some time before the CERD debate that the campaign against caste discrimination in India was perceived to have a Christian leadership, and therefore suspected of having partisan motives. When one particular CERD member (from Egypt) detected that the Indian NGOs concerned about descent-based discrimination were predominantly Christian, he evidently reacted negatively. As this was immediately after the video on manual scavenging had made a strong impression on him and other CERD members, it undermined much of the progress that had been made. It was not clear to the evaluator what happened at this particular juncture to mention the Christian identity of many of the NGO representatives.

NGO input into the (draft) text of the General Recommendation

42. In investing their energies in stage managing the public hearings on 8 and 9 August, the coordinating NGOs seem to have overlooked or sidelined the preparation of text for the General Recommendation that could be submitted informally to the CERD member responsible for drafting, Patrick Thornberry. This may have been a good thing, as the slightest hint that text was originated by an NGO might have been seized upon by hostile CERD members, to denounce it and prevent the inclusion of potentially good provisions in the final text. However, it was not clear (to the evaluator) that this was done deliberately by the NGOs, and they should probably have devoted more time to thinking through the key provisions needed, and making Patrick Thornberry aware of their suggestions, possibly before the CERD session.

43. At the end of the public hearing, a second lunch-time briefing had been planned to allow NGOs to propose specific provisions to Patrick Thornberry. This was abandoned at the last minute because of fears that too many NGOs would attend and the proceedings would not remain confidential. This highlights the contradictions between the demands of two different parts of the standard-making process: the need, on the one hand, to have a considerable number of “victims” and NGOs present to demonstrate the serious concern about a particular form of abuse, and the need, on the other, for only a handful of specialists to be involved in discussing the draft of the text. The latter have to be NGOs that inspire the confidence of the drafter and any OHCHR staff involved (and therefore are already known to them). Consequently, some or most probably need to be either Geneva-based, or regular visitors to Geneva, rather than NGOs that have come for the first time.

6. Lessons to be learnt

Links with individual committee members

44. NGOs should cultivate individual committee members more systematically, well in advance of a key initiative that the NGOs might ask the individual to take or support. "Cultivation" of this sort need not be limited to lobbying for the election of individuals who have already been involved with the NGO.

Coordination of (printed) briefings

45. When submitting their own briefings, NGOs should be urged to agree to an independent editor making a summary of all the NGO contributions, so that a text of no more than 20 or 30 pages is available. Although some committee members will read hundreds of pages, it seems that a significant minority (perhaps a third) are unlikely to read a total of more than 50 pages. Even if an OHCHR staff member participates in the preparation of a summary, it would evidently be helpful if their name is not attached to such a summary.

Informal (NGO) briefings

46. Care should be taken to ensure that these do not duplicate the same or similar evidence to that presented at formal sessions – leaving their audience thinking that they could have safely eaten lunch or drunk coffee without attending an "informal" session.

The roles of NGOs from outside Geneva versus insiders based in Geneva

47. It is challenging to get the balance right between grass roots NGOs and victims, on the one side, and NGOs which are familiar with Geneva UN procedures on the other. On the whole it was managed well in August 2002 and beforehand. This seems in large part to be due to the involvement of Paul Divakar, both in the Indian coalition of Dalit NGOs, and at the international level, the role of IMADR in coordinating with Buraku representatives in Japan, and to a concern with process management by all four core NGOs.
48. While the CERD members consulted all voiced their (high) appreciation of the four coordinating NGOs, and the role played by NGOs which have expertise concerning UN processes in Geneva, they were equally clear that it was imperative that such NGOs adopt a relatively low profile when it comes to presenting evidence. They said, in so many words, that it was not simply *what* was said in an NGO statement in Geneva, but *who* said it. Evidently, this seems like an invitation to Geneva-based NGOs to engage in puppeteering, importing a messenger most suitable for delivering a message (and, of course, this suggestion has been made frequently in the past). However, there was also some suggestion that CERD, and possibly other treaty-monitoring bodies, have become even more wary of Western NGOs than they were in the recent past, and that it is more important than ever for NGOs to mobilise sufficient resources to support international coalitions and to bring NGO representatives from Africa, Asia and Latin America to Geneva.

Preparation of draft text to propose to Committee members

49. Yet another balancing act involves the preparation of possible text for resolutions or recommendations – as some committee members might resent being offered anything by an NGO that is presented as possible text, whereas others might welcome and even depend on it. It is evidently up to Geneva-based lobbyists to check out what form any suggestions on text should take and to ensure it is prepared. It is not realistic to expect this drafting to involve most or even many of the NGOs which come to present testimony.
50. It seems important that NGOs should give fairly consistent support and attention to CERD, and *not* appear to CERD members to participate in their proceedings solely when an issue comes up that they, the NGOs, are interested in. There was some suggestion that too much opportunism could sour relations between CERD members and NGOs, and reduce the impact that NGOs are able to achieve in the future.

7. Comments on the evaluation methodology

51. The terms of the reference and suggested methods were relatively narrow, focussing on the lobbying directed specifically at CERD members for a General Recommendation, rather than looking at NGO advocacy aimed at UN institutions following the WCAR (and therefore taking in the work of the UN Sub-Commission on descent-based discrimination). This may have meant that important issues were overlooked. Similarly, no attention was given to the quality of the General Recommendation or to any worries on the part of NGOs or others that the General Recommendation is not strong enough, omitted some key points, etc. It is probably significant, however, that no reservations of this sort were mentioned to the evaluator.
52. The evaluation was carried out at a relatively bad time, (December 2002/January 2003), with many of those whom the evaluator wanted to contact being absent on holiday over Christmas and New Year, and the significant number who come from the Southern Hemisphere taking summer holidays.
53. MRG prepared a fairly detailed letter for the evaluator to send to CERD members. It soon became apparent that the detail and number of questions (13) had been off-putting for many recipients and that the letter should not have contained so many questions. The letter was sent out only in English, but with an indication that responses would be sent in other languages (one was received in Spanish, and another in French).
54. Even those CERD members familiar with evaluation processes evidently found it quite difficult to voice criticisms (as opposed to praise) and say what could have been done differently. While the standard line of questioning (“what went well” and “what went less well”) should have enabled them to voice criticisms as well as praise, in reality they found it difficult to do so. It might therefore have been more appropriate in the cover letter to mention some of the most obvious NGO achievements, in order to focus attention on the NGO initiatives which could have been done differently, and on which their comments might potentially have been more interesting.
55. At the outset it was agreed that CERD members who were reputed to be hostile to NGOs should not be contacted. However, it would have been useful to get feedback from several who were unlikely to take part in any formal evaluation process, but who might

make useful comments if approached informally – for example, if an NGO representative engages them in conversation during a coffee break during a future CERD session in Geneva. This is particularly the case as far as the member of CERD from India is concerned. It was felt that as even the process of asking him to respond to questions could put him into difficulties, and consequently no approach was made to him.

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Specific comments made on some of the 13 specific questions raised in the evaluator's letter to members of CERD (other responses are omitted, as they have been referred to above)

1. *If you had to identify one or two factors or turning points that were critical in ultimately leading to the General Recommendation what would it or they be?*

The key moment was in March 2002 – when the Chair proposed, and secured agreement for, a thematic discussion about descent-based discrimination. At this point it was recognised, in effect, that descent-based discrimination was a global phenomenon, and not just a country-specific or regional one.

2. *Did NGOs in general make a positive contribution towards convincing CERD members that they should adopt this General Recommendation? If you think they did, how do you evaluate the respective contributions of grassroots, national and international NGOs? Were some more effective than others?*

3. *NGOs undertook a wide range of types of actions in the time leading up to and during the August meeting. These included publications, events, and a range of private conversations involving individual members of CERD and NGOs and organisations representing victims of descent-based discrimination. Which of these were most important, in your view, in persuading CERD members to adopt the General Recommendation?*

4. *Looking specifically at the events organised by NGOs on 8 and 9 August 2002, were you involved in any of them and could you comment on the content, format, participation and impact?*

The video on manual scavenging had the highest impact.

5. *Looking specifically at the publications and documents produced by NGOs, which lengths of text, levels of detail, styles of approach and types of content did you find most helpful and useful? Did any of your colleagues comment on or recommend publications to you?*

Written statements should show the characteristics of an academic legal text, i.e. should include impeccable sources and footnotes. Overviews and comparisons of the situation in several countries are particularly useful when a General (thematic) Recommendation is being considered. Reports and briefings needed to be shorter.

6. *Was CERD's engagement with various members of the Sub-Commission on the Promotion and Protection of Human Rights constructive in your view? In future would you encourage or discourage the involvement of members of other treaty-monitoring bodies or Charter bodies (such as the Sub-Commission) in CERD's deliberations at thematic session?*

It was useful to involve Sub-Commission members and the experience should be repeated if possible in the future, in order to promote “integrated approaches” (by two or more treaty-monitoring bodies) as much as possible. CERD members could also be approached in an effort to increase the pressure on the Sub-Commission to continue its focus on

descent-based discrimination beyond August 2003 (when it is scheduled to receive the second of two reports prepared by Sub-Commission members on the issue).

7. *It appears that the majority of States attending the thematic session were States where descent based discrimination exists. Of the few other states that attended, none took the floor. In future should NGOs seek to ensure that a broader range of States attend and intervene in thematic sessions?*

Definitely, as this sends a message that States from around the world consider the issue to be important.

8. *Were there examples of actions by NGOs that were not constructive or were positively harmful either in the short term or in the longer term?*
9. *Did any particular NGOs stand out as having made a particularly important contribution to this process?*

The contribution made by Indian and Japanese NGOs and victims of descent-based discrimination presenting testimony was particularly important.

10. *Did you feel that the work of the different NGOs was coordinated and mutually supportive or were you aware of competition, duplication or disorganisation amongst them?*

CERD members did not appear to be aware of any competition or disorganisation, but did note some duplication. The NGO coordinators were aware of competition and took action to minimise harmful effects of this.

11. *What role do you think NGOs should play in relation to the General Recommendation on descent based discrimination now that it has been adopted?*

- Ensure that the issue is raised when a State Party in which discrimination based on descent is *not* acknowledged to be a common problem presents its report to CERD.
- Ensure the issue is raised when reports are presented to CERD by State Parties from countries in which migrant groups may be practising descent-based discrimination (e.g. communities of South Asian, Somali or Sahelian origin).
- Distribute the text of the General Recommendation and encourage awareness of it.
- Provide CERD with feed-back on the impact.
- NGOs and others should attempt to convince the governments of countries where descent-based discrimination occurs that it is indeed a form of discrimination (to combat), and not “merely” a form of social exclusion that the government is entitled to do nothing about.

12. *Did the discussions identify any new areas or gaps that you now feel it would be important for CERD to take up? Are there any areas that you think future thematic sessions should address?*

(responses from two different CERD members, reflecting their respective interests)

- Racial discrimination against indigenous peoples.
- Racial or ethnic discrimination in access to justice.
- Racial discrimination and the role of the media, including the Internet.

13. In future do you think there are any forms of support or assistance that NGOs could provide, that they did not last August?

Appendix 2

Sources of information – not for distribution except to MRG, IMADR and LWF

Individuals who were contacted – in addition to MRG staff

(a) CERD members

José A Lindgren Alves (no reply)
Régis de Gouttes
Ion Diaconu (no reply)
Nozipho January-Bardill (no reply)
Morten Kjaerum
Luis Valencia Rodriguez
Linos Alexandre Sicilianos
Patrick Thornberry
Mario Jorge Yutzis

(b) Sub-Commission members

Asbjorn Eide
Françoise Hampson
Yokota

(c) Others

Nathalie Prouvez
Paul Divaker
Atsuko Tanaka
Peter Prove

Individuals who responded: (I) = interview by telephone or face-to-face; (W) = written comments

Régis de Gouttes (W)
Morten Kjaerum (I)
Luis Valencia Rodriguez (W)
Linos Alexandre Sicilianos (I)
Patrick Thornberry (I)
Mario Jorge Yutzis (promises to respond)

Asbjorn Eide (promises to respond)
Françoise Hampson (I)

Nathalie Prouvez (I)
Atsuko Tanaka (W)
Peter Prove (I)