



**Decision of the *ad hoc* Conciliation Commission
on the request for suspension submitted by Qatar concerning
the interstate communication Qatar v. the Kingdom of Saudi Arabia**

On 5 March 2021, the *ad hoc* Conciliation Commission established by the Committee on the Elimination of Racial Discrimination (the Committee), under article 12 (1) of the Convention on the Elimination of All Forms of Racial Discrimination (the Convention), concerning the interstate communication submitted to the Committee by the State of Qatar against the Kingdom of Saudi Arabia,

Noting

(a) that the State of Qatar submitted an interstate communication to the Committee concerning the Kingdom of Saudi Arabia on 8 March 2018, alleging a violation of articles 2, 4, 5 and 6 of the Convention, in the context of enforcement of coercive measures taken by the respondent State in 2017;

(b) that, on 27 August 2019, the Committee decided that it had jurisdiction on the matter, declared the communication admissible and requested its Chair “to appoint, in accordance with article 12(1) of the Convention, the members of an *ad hoc* Conciliation Commission, which shall make its good offices available to the States concerned with a view to an amicable solution of the matter”;

(c) that the Chair of the Committee, in consultations with the States parties concerned, appointed the members of the *ad hoc* Conciliation Commission, on 18 February and replaced one member on 16 June 2020;

(d) that the final composition of the *ad hoc* Conciliation Commission is as follows: Mr. Marc BOSSUYT (Belgium), Ms. Chinsung CHUNG (Republic of Korea), Mr. Makane Moïse MBENGUE (Senegal), Ms. Monica PINTO (Argentina) and Ms. Verene Albertha SHEPHERD (Jamaica);

(e) that, on 11 January 2021, Qatar submitted a note verbale, requesting the suspension of the proceedings regarding the communication, following the Al Ula agreement reached by both States parties to the dispute, on 5 January 2021;¹

¹ Section 2 of the Al Ula Declaration: “All lawsuits, complaints, measures, protests, objections and disputes shall automatically terminate on the first anniversary of the signing of this Declaration, provided such lawsuits, complaints, measures, protests, objections and disputes under review by the relevant entities (domestic, regional, and international courts, bodies, committees, authorities, etc.) shall be suspended or stayed within one week from the date of signing this Declaration”.



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(f) the decision of the Committee's Bureau, at its online meeting of 19 January 2021, requesting to consult the members of the *ad hoc* Conciliation Commission on the request for suspension and on the need of convening an online meeting;

(g) that, on 21 January 2021, the Secretariat transmitted Qatar's request for suspension to the Kingdom of Saudi Arabia, for comments;

(h) that, on 2 February 2021, the Kingdom of Saudi Arabia consented to the suspension of the proceedings pursuant to the Al Ula Declaration, whose section 2 "sets out the terms of the settlement of legal disputes between the Parties;

Considering that, on 26 February 2021, the members of the *ad hoc* Conciliation Commission took part in a joint online meeting convened by the Chair of the Committee with the *ad hoc* Conciliation Commission on the interstate communication Qatar v. United Arab Emirates (UAE) to discuss Qatar's request;

Having been informed by the Secretariat that the functioning of the *ad hoc* Conciliation Commission has been delayed due to:

(a) The fact that *the COVID-19 outbreak* led to the suspension, in March 2020 and shortly after the members of the *ad hoc* Conciliation Commission were appointed, of all meetings of UN bodies, confronting the UN with unprecedented challenges in terms of planning, logistics and resources, while experts were initially uncertain about the holding of online meetings on sensitive matters to be dealt with by the *ad hoc* Conciliation Commission;

(b) *The delay in the appointment of the ad hoc Conciliation Commission* in relation to the selection, the consultations with the States parties concerned and the resignation of one of the members of the *ad hoc* Conciliation Commission Qatar v. the Kingdom of Saudi Arabia, leading to its completion on 16 June 2020, in the midst of the COVID-19 pandemic;

(c) *The lack of resources*, since it was not possible to secure the necessary budget to support, in particular, interpretation services, for the *ad hoc* Conciliation Commissions;

Having regard to the solemn declaration made by the members of the *ad hoc* Conciliation Commission pursuant to rule 75 of the Committee Rules of Procedure on 26 February 2021, during the online meeting convened by the Chair of the Committee jointly with the *ad hoc* Conciliation Commission Qatar v. UAE;

Having also regard to the terms of the requested suspension as expressed in the Al Ula Agreement;



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Decides:

1. To take note of Qatar's request for suspension pursuant to the Al Ula Declaration, concerning the interstate communication submitted against the Kingdom of Saudi Arabia before the Committee.
2. To take note also of the Kingdom of Saudi Arabia's consent to the suspension of the proceedings, pursuant to the Al Ula Declaration.
3. To suspend the proceedings concerning the interstate communication submitted by Qatar against the Kingdom of Saudi Arabia before the Committee.
4. To invite any of the States parties concerned to inform the *ad hoc* Conciliation Commission via the Secretariat within one year of the adoption of the Al Ula Declaration whether it wishes to resume the consideration of the matter before the *ad hoc* Conciliation Commission or to provide any relevant information.
5. To remain seized of the matter.

A handwritten signature in black ink, consisting of several loops and a long tail.

15 March 2021