I was the successor to Rüdiger Wolfrum as an expert in the Committee on the Elimination of Racial Discrimination (CERD), and when I joined the Committee I very much benefitted from the reputation the German expert had gained through the work of Rüdiger Wolfrum and his predecessor (and academic teacher) Karl Josef Partsch. CERD does not get much attention in the literature on international law, even less than other monitoring bodies of the UN Human rights system, and most contributions have been written by members of the Committee¹ or their students.² This is a pity because the work of the Committee could benefit from academic critical commentary and international


² Rüdiger Wolfrum acted as a second reader for the excellent thesis on Article 5f of the convention by Michaela Fries: M. Fries, Die Bedeutung von Artikel 5 (f) der Rassendiskriminierungskonvention im deutschen Recht/The Meaning of Article 5 (f)
human rights law doctrine could benefit from a thorough study of the Committee’s practice.

This lack of interest is in no way warranted. CERD has had a seminal function for international human rights, and it has special traits which are of importance for international human rights law doctrine. In addition, it is a very good example of the successful and progressive career of a human rights institution in the UN system where sceptical observers might have predicted failure.

A. A Fruitful Misunderstanding

Its most important role as the first of the human rights committees\(^3\) is as a pathfinder for the others. On a global level the international monitoring of national human rights policies by an international committee of independent experts that reviews state reports about their performance of obligations under human rights treaties started here. And even at this early stage we find the individual complaints procedure (Article 14 ICERD) and—although not hitherto used—a state complaint (Article 15).

If one considers that the states were at this time (1965) even more protective of their sovereignty then they are today, one might wonder why they were ready to submit themselves to such supervision of their national policies in the highly sensitive field of race relations. The answer may lie in a fundamental but fruitful misunderstanding. For the states which concluded the treaty in the early 1960s racial discrimination was something others were doing (apartheid in South Africa), something which was in the process of being overcome (Jim Crow laws in the US) or history (holocaust). The contracting states, therefore, saw no big problem in submitting to international supervision of their national policies because, according to their self-understanding, there was no racial discrimination in their territories.

It was the first task of CERD to convince the contracting states that this view was erroneous, that there was racial discrimination in every

---

\(^{3}\) The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) entered into force on 4 January 1969, seven years before the other human rights treaties.