

## **Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates)**

On 11 June 2018, Qatar instituted proceedings against the United Arab Emirates (“UAE”) with regard to alleged violations of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965 (“CERD” or “Convention”).

In its Application, Qatar stated that on 5 June 2017 the UAE had enacted and implemented a series of discriminatory measures directed against Qataris on the basis of their national origin. The Application was accompanied by a Request for the indication of provisional measures to protect Qatar’s rights under CERD pending a decision on the merits. To found the jurisdiction of the Court, Qatar invoked Article 36, paragraph 1, of the Statute of the Court and Article 22 of CERD.

The Court held public hearings on Qatar’s Request for the indication of provisional measures in June 2018. In an Order of 23 July 2018, the Court concluded that, *prima facie*<sup>1</sup>, it had jurisdiction pursuant to Article 22 of CERD to deal with the case to the extent that the dispute between the Parties related to the “interpretation or application” of that Convention, and that the conditions required by its Statute for it to indicate provisional measures were met. At the end of its Order, the Court directed the UAE to

*“ensure that (i) families that include a Qatari, separated by the measures adopted by the United Arab Emirates on 5 June 2017, are reunited; (ii) Qatari students affected by the measures adopted by the United Arab Emirates on 5 June 2017 are given the opportunity to complete their education in the United Arab Emirates or to obtain their educational records if they wish to continue their studies elsewhere; and (iii) Qataris affected by the measures adopted by the United Arab Emirates on 5 June 2017 are allowed access to tribunals and other judicial organs of the United Arab Emirates”.*

The Court also ordered both Parties to refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

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<sup>1</sup> On the first impression

On 22 March 2019, the UAE filed in the Registry of the Court a Request for the indication of provisional measures. After holding public hearings on this Request in May 2019, the Court delivered an Order on 14 June 2019, in which it rejected the Request for the indication of provisional measures submitted by the UAE.