

**UNITED
NATIONS****General Assembly****Report of the Committee on the
Elimination of Racial Discrimination**
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Committee on the Elimination
of Racial Discrimination**A. Decisions adopted by the Committee at its forty-eighth session**

30. The following decisions were adopted by the Committee under this agenda item at its forty-eighth session.

Decision 1 (48) on Bosnia and Herzegovina

The Committee on the Elimination of Racial Discrimination recalls its expressions of serious concern at the situation in Bosnia and Herzegovina, a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination, and in particular its decision 2 (47) adopted on 17 August 1995, and will continue to review the situation in Bosnia and Herzegovina under its early warning and urgent procedures.

The Committee notes the General Framework Agreement for Peace in Bosnia and Herzegovina drawn up in Dayton and signed in Paris on 24 November 1995 and is anxious to contribute to the implementation of the peace agreement from the perspective of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.

Accordingly, the Committee:

1. Entrusts its Chairman, in close communication with its officers, to consult, in close coordination with the United Nations High

Commissioner for Human Rights and other United Nations bodies, notably the Special Rapporteur on the situation of human rights in the former Yugoslavia, as well as competent regional bodies, with a view to making recommendations for follow-up action by the Committee on the Elimination of Racial Discrimination.

2. Decides to institute a process of consultation with the State Party concerned on how the good offices of the Committee can be drawn upon in the future, in consultation with all interested parties, in order to promote understanding between races and ethnic groups and to build a society free from all forms of racial or ethnic segregation or discrimination.
3. Invites the State Party concerned to cooperate with the Committee in organizing, as soon as practically possible a meeting between a delegation of the Committee on the Elimination of Racial Discrimination and the newly established Commission on Human Rights for Bosnia and Herzegovina so as to place the Committee's experience at the disposal of the Commission.

1153rd meeting 13 March 1996

Decision 2 (48) on the Federal Republic of Yugoslavia
(Serbia and Montenegro)

The Committee on the Elimination of Racial Discrimination recalls its concluding observations relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) adopted on 20 August 1993¹ and in particular its offer to render good offices in the form of a mission of some of its members with the purpose of helping to promote a dialogue for the peaceful solution of issues concerning respect for human rights in Kosovo, in particular the elimination of all forms of racial discrimination, and whenever possible of helping parties concerned to arrive at such a solution.²

The Committee also recalls that the State Party concerned responded positively to this offer, that the good offices mission was consequently carried out from 30 November to 3 December 1993 and that the mission met with authorities of the State Party and the Republic of Serbia, the Serbian authorities in Kosovo and representatives of the ethnic Albanians in Kosovo.

The Committee further recalls that at its forty-fourth session it considered, in private meetings, the interim report of the good offices mission and that

as a result its Chairman addressed a letter to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) expressing the Committee's appreciation to the Government for the cooperation received and proposing, inter alia, that a number of specific steps be taken with a view to normalizing the situation in Kosovo.

The Committee now considers that the time has come to resume the good offices work which the Committee started to undertake in 1993. For that purpose the Committee requests its Chairman to take up contact with the authorities of the State Party concerned in order to explore the possibilities of reopening the dialogue for the peaceful solution of issues concerning respect for human rights in Kosovo, with particular emphasis on the elimination of all forms of racial discrimination.

The Committee will further consider this matter at its forty-ninth session.

1153rd meeting 13 March 1996

Declaration on the situation of Rwanda

Recalling its Concluding Observations on Rwanda adopted at its 1039th meeting, on 17 March 1994, and its decision 7 (46) of 16 March 1995, the Committee on the Elimination of Racial Discrimination considers that the presence in Rwanda of the United Nations Assistance Mission for Rwanda (UNAMIR) is of capital importance to ensure the restoration of peace and security, and the normalization of public institutions, as well as to promote international cooperation in the quest for national conciliation and the restoration of the social fabric.

The existence of a considerable number of detained persons regardless of their ethnic origin, is also a matter of constant concern for the Committee. The persistence of certain organs of the mass media in Rwanda in inciting ethnic intolerance and distrust is a continuing obstacle to the efforts for peace. To bring this situation to an end, the Committee considers that the United Nations presence is essential.

The current efforts by the international community in Rwanda will not be sufficient to establish lasting peace, reduce the deep-seated causes of instability and secure a return to democracy and the rule of law, unless structural measures are taken to secure agreement on the form of government acceptable to all people of Rwanda, to guarantee personal security for everybody and to build a democratic society. The Committee recommends the convening of a constitutional conference for that purpose, involving all parties to the conflict. The Committee is ready to assist in the preparation of

such a conference in cooperation with other human rights bodies, notably the High Commissioner for Human Rights.

The Committee regrets the withdrawal of UNAMIR from Rwanda and believes that the Secretary-General of the United Nations and other United Nations bodies should keep under constant review the situation in Rwanda.

1153rd meeting 13 March 1996

B. Decisions adopted by the Committee at its forty-ninth session

31. At its forty-ninth session, the Committee discussed under this agenda item the situation in Burundi, Rwanda, Bosnia and Herzegovina, the Federal Republic of Yugoslavia (Serbia and Montenegro), the former Yugoslav Republic of Macedonia, Cyprus, Israel, Liberia, and Papua New Guinea. The Committee adopted decisions with respect to Bosnia and Herzegovina, Cyprus and Liberia, and a resolution on Burundi. The action taken with respect to the other States Parties is described below.
32. With respect to Rwanda, the Committee reiterated its concerns expressed in the Declaration on the situation in Rwanda adopted at its forty-eighth session, and it also reiterated its regrets at the withdrawal of the UNAMIR from the country. The Committee renewed its offer to assist in the preparation of a constitutional conference, in cooperation with other human rights bodies. During the discussion, the Committee commended the action undertaken by the Human Rights Field Operation in Rwanda to assist the rehabilitation of a judicial system in the country, and appealed for funds from the United Nations and its Member States to finance the United Nations activities in Rwanda. It decided to keep the situation in Rwanda on its agenda under its early-warning measures and urgent procedures.
33. With respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), the Committee decided to take no other formal action in addition to the decision taken at the forty-eighth session. Two members of the Committee reported on an informal meeting with representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) concerning the situation of the Albanian population in Kosovo. The Committee decided that it would like to continue the dialogue with the State Party and noted the success of its previous Good Offices Mission and its willingness to continue to work with the authorities. It was decided that this country would remain on the Committee's list of

countries to be considered under the early-warning measures and urgent procedures at its next session.

34. After considering the situation in the former Yugoslav Republic of Macedonia, the Committee decided that it would welcome additional information from the State Party and keep this country on the Committee's list of countries to be considered at its next session.
35. With respect to Israel, the Committee recalled its statement concerning Israel adopted by the Committee at its forty-sixth session⁴ and noted that a letter had been received from the Government of Israel to the effect that it will make every effort to complete and submit its overdue periodic reports without delay. The Committee requested that this report be submitted in time for consideration at its fiftieth session and decided to remove Israel from the list of countries to be considered under its early-warning measures and urgent procedures.
36. With respect to the situation in Papua New Guinea, the Committee decided that since there was no further information that the conflict on the island of Bougainville was still in existence, it would remove it from the list of countries to be considered under its early-warning measures and urgent procedures.

Decision 1 (49) on Bosnia and Herzegovina

1. The Committee on the Elimination of Racial Discrimination recalls its earlier decisions relating to the situation in Bosnia and Herzegovina, a State Party to the International Convention on the Elimination of All Forms of Racial Discrimination, in particular its Decisions 2 (47) and 1 (48).
2. The Committee emphasizes the importance of all measures aiming at the establishment of a peaceful, democratic, multi-ethnic and pluralist society in Bosnia and Herzegovina, the reconstruction of economy and the strengthening of democratic institutions, notably for the promotion and protection of human rights, which are essential conditions for the effective functioning of the civil society.
3. While fully conscious of the fact that free, fair and democratic elections are an important means to lay the foundation for representative government and to help ensuring the progressive achievement of democratic goals throughout Bosnia and Herzegovina, the

Committee expresses its serious preoccupations and fear that as a result of the actual deficiencies in the process of voter registration, practices of intimidation, restrictions on the freedoms of association and expression, and abuses of the media, the holding of elections - important and advisable as they are - may under the present circumstances reinforce patterns of ethnic segregation and ethnic division contrary to the thrust and the basic principles of the International Convention on the Elimination of All Forms of Racial Discrimination.

4. The Committee urges all parties to the General Framework Agreement for Peace in Bosnia and Herzegovina to comply with their obligation to cooperate fully with the International Criminal Tribunal for the Former Yugoslavia in fulfilling its major task of bringing to justice all persons guilty of the serious crimes falling within its jurisdiction and in particular to execute forthwith all warrants of arrest and expedite the transfer of the persons indicted by the Tribunal.
5. The Committee urgently appeals to all authorities to guarantee, in conformity with Article 5, paragraph (b), of the Convention, to all persons under their jurisdiction, without distinction as to national or ethnic origin, the rights to security of person and protection against violence or bodily harm, and to take appropriate measures against individuals and institutions violating these rights.
6. The Committee reiterates its readiness to contribute to the implementation of the peace accords from the perspective of the principles and objectives of the International Convention on the Elimination of All Forms of Racial Discrimination along the lines, indicated by the Committee in its Decision 1 (48).
7. In addition, the Committee is fully prepared to offer guidance and good offices on the implications of Article 4 of the Convention with a view to the prevention and prompt suppression of written or verbal incitement, through media or otherwise, of ethnic or racial hostility or hatred.
8. The Committee is also ready to contribute to any programme of technical cooperation that the Centre for Human Rights may set up in cooperation with other competent agencies for the purpose of implementing Article 7 of the Convention which requires immediate and effective measures in the fields of teaching, education, culture and information with a view to combating prejudices and promoting understanding, tolerance and friendship among nations and racial or ethnical groups.

9. The Committee is apprehensive that the peaceful conditions brought about by IFOR may not continue to obtain after the envisaged withdrawal of this force by the end of 1996, and invites the attention of the Security Council through the Secretary-General to deal with any such emergency that may arise by the establishment of a successor force to IFOR.

1182nd meeting 22 August 1996

Decision 2 (49) on Cyprus

The Committee on the Elimination of Racial Discrimination,

Reiterating its statement made at its forty-sixth session where it emphasized the international community's continued concern about the Cyprus problem and the violation of the human rights of individuals and persons by virtue of their belonging to ethnic groups and communities in Cyprus.

Further reiterating and re-emphasizing its concerns expressed in its Decision I (XXVII) of 21 March 1983 as well as in its earlier Decisions.

Reaffirming the importance of achieving progress in resolving the situation in Cyprus so that freedom of movement and other human rights and freedoms will be enjoyed by all Cypriots irrespective of their ethnic origin as envisaged in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination.

Deplores the violent clashes that took place in Cyprus during demonstrations on 11 and 14 August 1996.

Deeply regrets the killing of two unarmed Greek Cypriot young men and the injury of many other persons, including United Nations Peace Keepers, as a result of the Turkish Forces allowing Turkish armed Cypriot civilians and others to pass through the United Nations buffer zone where they clashed with the demonstrators.

Draws the attention to its General Recommendation adopted at its 49th session on refugees and displaced persons.

1183rd meeting 22 August 1996

Decision 3 (49) on Liberia

The Committee on the Elimination of Racial Discrimination,

While remaining seized of the case of Liberia under its Early Warning and Urgent Procedures;

Welcoming the latest efforts made by the ECOWAS leaders in Abuja, Nigeria to reconstitute the leadership of the Liberian Council of State under the Chairmanship of Senator Ruth Perry and the setting up of a timetable for disarmament, demobilization of militia and ultimately general elections;

Calls upon the United Nations and the International Community to support the efforts of the ECOWAS leaders, the latest Abuja Agreement on Liberia and to extend logistic and other assistance to the achievement of lasting peace in Liberia;

Urges the Liberian leaders of the Reconstituted Council of State to ensure reconciliation in order to reduce and ultimately remove tension between the different Liberian ethnic groups and now to ensure that human rights violations and extra-judicial executions are ceased;

Offers its assistance, particularly on reconciliation between the ethnic groups;

Will remain seized with the case of Liberia in order to assess the implementation of the latest Abuja Agreement on Liberia as envisaged by the ECOWAS leaders on the 19th and 20th August 1996 and the reduction of tension between the Liberian ethnic groups.

1183rd meeting 22 August 1996

Resolution 1 (49) on Burundi

The Committee on the Elimination of Racial Discrimination,
Recalling that it has more than once called attention to the dangerous nature of the ethnic tension prevailing in Burundi,

Alarmed by recent developments in that country, in particular by the ongoing ethnically motivated massacres,

Acting under its mandate of urgent procedures aimed at responding

to problems requiring immediate attention to prevent serious violations of the International Convention on the Elimination of all Forms of Racial Discrimination,

Welcoming the initiatives undertaken so far at the global as well as at the regional level, in particular by the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees,

Recalling its offers of expertise and assistance for training in human rights for law enforcement officials, law reform and reconstruction of the State,

Urges the Burundian parties to respect the Burundian Constitution, to re-establish democratically elected institutions and the democratic political process, to cooperate closely with democratic institutions, further to design institutions for national dialogue and reconciliation and to respect human rights;

Calls upon all the Burundian parties to cease immediately any massacres and other acts of violence and to cooperate fully with all those who are seeking to bring to an end the vicious cycle of violence;

Urges that measures be adopted to enable the Burundian judicial authorities to conduct an efficient investigation of the massacres and other acts of violence, as crimes against humanity;

Calls upon the Security Council, through the Secretary-General, to reaffirm the determination of the international community to prosecute and punish perpetrators of crimes against humanity, be they officials or private persons, so that there is no impunity for them;

Calls upon all the Burundian parties to cooperate closely with the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, as well as with the neighbouring countries, and to provide the refugees and displaced persons with the possibility of returning to their homes of their own free will and in safety;

Urges the international community to provide the necessary funds and logistical support for the repatriation of refugees and displaced persons;

Welcomes the initiative of former President Nyerere of the United Republic of Tanzania, the agreements of the Arusha Regional Summit on Burundi of 25 June 1996 (S/1996/557), now fully endorsed, by the Organization of

African Unity, as well as the statements contained in the joint communique of the second Arusha Regional Summit of 31 July 1996;

Supports these regional initiatives and efforts aimed at achieving a comprehensive political dialogue between the parties in Burundi, urges the Burundian parties effectively to implement them and reminds all the Burundian parties of their responsibility for restoring peace, stability and justice in Burundi;

Endorses the proposal to dispatch a multinational peace force to Burundi to provide security assistance to prevent another catastrophe that could destabilize the Great Lakes Region of Central Africa and to facilitate a comprehensive political dialogue and reconciliation among the Burundian parties;

Recommends that such a force should receive the financial and logistic support of the United Nations.

1160th meeting 7 August 1996