



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-fifth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)\* OF THE 1665th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 17 August 2004, at noon.

Chairman: Mr. YUTZIS

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The public part of the meeting was called to order at noon.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Dialogue with Mr. Juan Méndez, Special Adviser on the Prevention of Genocide

1. The CHAIRMAN welcomed the Special Adviser on the Prevention of Genocide, and emphasized the importance and difficulty of his mandate. His work would cover a significant amount of ground common to that covered by the Committee, which had planned a thematic debate on the prevention of genocide. One of the main advocates of such a debate had been Mr. Shahi, who would introduce the Committee's views on the prevention of genocide.
2. Mr. MÉNDEZ (Special Adviser on the Prevention of Genocide) said that he had followed the Committee's work over many years and welcomed the opportunity to engage in a dialogue with its members. He had worked in the human rights field in both civil society organizations and within intergovernmental organizations, particularly the Inter-American Commission on Human Rights of the Organization of American States. His academic human rights work had brought him into contact with the Committee and given him an insight into the contributions it had made to the elimination of racial discrimination worldwide. While his task as Special Adviser on the Prevention of Genocide would be difficult and complex, it was imperative that the international community should deliver an adequate response to that challenge and thus prevent conflicts turning into genocide. He was convinced that genocide began with a negation of the humanity of others, usually from the standpoint of racial, ethnic or religious difference. Hence the close link between the work of the Committee and the prevention of situations that could lead to genocide.
3. Mr. SHAHI welcomed the appointment by the Secretary-General of a Special Adviser on the Prevention of Genocide to act as an early-warning mechanism to the Security Council and make recommendations on action to be taken to prevent or halt genocide. He noted that the appointment had been made within the framework of the Action Plan to Prevent Genocide launched on the occasion of the International Day of Reflection on the 1994 Genocide in Rwanda. The Secretary-General's initiative met the need for a central mechanism within the United Nations system to collect and analyse information on threats of genocide and to address the root causes of the phenomenon, namely, systematic policies of discrimination, exclusion, humiliation, dehumanization and oppression of ethnic, national, religious, indigenous or other minorities. The Rwanda genocide had been the most horrific example of the failure of the United Nations system to heed and correctly evaluate warnings of imminent genocide. The conflict in that country had been seen as heading towards civil war, not genocide, despite the warnings sounded by the Force Commander of the United Nations Assistance Mission for Rwanda (UNAMIR) almost three months before the planned extermination of the Tutsi majority had begun.
4. Treaty bodies, special rapporteurs, experts and civil society groups were well placed to alert the international community to potentially dangerous situations. In that connection, he recalled that the Committee, through its early warning measures and urgent action procedures, had on several occasions warned the Security Council of cases in which systematic human rights violations threatened to escalate into genocide. In August 1994, for example, the Committee had urged the Council to expedite the deployment of a United Nations force to Rwanda, contrary to

its earlier decision to withdraw UNAMIR. In March 1995, it had condemned the systematic policy of ethnic cleansing being implemented in Bosnia and Herzegovina, and called on the Council to take effective action for the protection of designated safe havens. In the same month, it had drawn the attention of the Council to the need for timely and effective measures to end the ethnic conflicts in the Democratic Republic of the Congo, stop the intervention of other countries and prevent the trafficking of arms in Congolese territory.

5. He noted with satisfaction the holding, in January 2004, of the Stockholm International Forum on Preventing Genocide: Threats and Responsibilities, the first international conference on the question of genocide prevention since the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide in 1948. He expressed support for the suggestion of the Secretary-General that the States parties to the Convention should consider setting up a committee on the prevention of genocide to review reports and make recommendations for action. A concerted effort was needed to achieve universal ratification of the Convention, to which only 133 out of the Organization's 192 Member States were parties.

6. In a statement to the fifty-eighth session of the General Assembly, the Secretary-General had announced the establishment of a high-level panel of eminent personalities to examine the current challenges to peace and security. He had named genocide as one of those challenges, calling for the Security Council to engage in serious discussions of the best way to respond to threats of genocide or other comparable massive violations of human rights. The Secretary-General's commitment to promoting an international culture of prevention, rather than a culture of reaction, was most laudable, as was his emphasis on the responsibility of States for protecting their own populations.

7. Regrettably, the United Nations itself had been ineffective in preventing genocide. There had been at least 55 genocides since the Organization's founding, in which approximately 75 million people had died. As the Secretary-General had stated at the Stockholm Forum, in the case of the genocide in Srebrenica, there had been a pervasive ambivalence within the United Nations regarding the role of force in the pursuit of peace. Accordingly, in his Action Plan to Prevent Genocide, he called for swift and decisive action, including military action, to halt genocide. If it wished to take such action, the international community would have to develop the capacity to deploy peacekeeping forces rapidly. The developing countries could provide military contingents but lacked the resources to fund their deployment and operations in the field. In order to address that problem, the United States of America had proposed a mechanism known as the Global Peace Operations Initiative, whereby training, equipment and logistical support for contingents from Asia, Africa and Latin America would be funded by the G-7 nations.

8. Another obstacle to preventing genocide was the international community's lack of will. As the Secretary-General had stated, it was not possible to say with confidence that, if confronted with a new Rwanda or Srebrenica, the world would respond effectively and in good time. There could be no more important issue, and no more binding obligation, than the prevention of genocide. It was high time the human rights treaty bodies initiated an international debate on the matter. He was therefore gratified that the Committee had begun the process of mobilizing world opinion to prevent and suppress genocide.

9. Mr. AMIR recalled that the Secretary-General had expressed regret at the fact that the international community had not taken sufficient action to prevent genocide in Rwanda; investigations of that question were continuing. Burundi had become the latest victim of genocide. The tensions that had resulted in genocide in Africa had been inter-ethnic in nature, and therefore directly related to the Committee's work. The Committee had a role to play in preventing genocide, but given that several United Nations bodies had already considered inter-ethnic problems in Africa, it was unclear whether CERD or any other committee was capable of making a meaningful contribution. While much progress had been made in terms of humanitarian law, human rights and international relations, the root cause of much tension in Africa was economic, rather than cultural or ethnic.

10. Mr. de GOUTTES said that genocide was the most serious problem facing the international community and had been the focus of the Committee's deliberations for some time. The Committee had drawn up a document on the prevention of racial discrimination and early warning and urgent action procedures in the light of events in the former Yugoslavia, Somalia and Rwanda. That document had provided for requests for urgent information, appointment of ad hoc rapporteurs, and the possibility of sending Committee members to States parties. Several of those measures had been implemented; particularly noteworthy were the sending of Committee members to Kosovo and requests for urgent information from several States parties, which had responded by sending delegations to meet the Committee, as opposed to awaiting consideration of a periodic report.

11. Genocide and similar events were, however, happening at the present time, the events in Darfur and Burundi being of particular concern. The dialogue with the Special Adviser was crucial in instituting close coordination of his work and that of the Committee. There was an urgent need to stay focused on the current ever-changing situation and the threat of genocide.

12. Mr. BOYD said that the Special Adviser's assignment was currently the most important facing the United Nations. Close cooperation would be necessary between the Adviser and the Committee, given the overlapping of their mandates. He understood the mandate of the Special Adviser to be that of early warning with respect to genocide, and providing the Secretary-General with concrete recommendations on action the United Nations should take when there was reliable evidence of imminent genocide. Preventing genocide and halting genocide once it was under way were extremely important; if the United Nations could not perform those tasks, doubt would be cast over its rationale as an organization.

13. He noted that the Secretary-General's words quoted by Mr. Shahi gave no assurance that genocide could be avoided in future. In view of the number of recent incidences of genocide, it was difficult to understand why the international community had not taken concrete action before. The Committee would do whatever it could to work with the Special Adviser in order to move the United Nations away from dialogue and towards action that would save lives. Particularly in the light of the divide in the United States of America over international events, it would be helpful for Americans to see the United Nations taking practical action in the most extreme circumstances.

14. Mr. AVTONOMOV said that genocide was one of the most important issues confronting the international community. Although it was hardly a new phenomenon, technologies for killing people had gained in efficiency over the past century, giving the problem greater urgency.

His own country, the Russian Federation, had experienced a series of ethnic conflicts. Although they had not escalated into genocide, those conflicts had demonstrated that the risk of genocide was present on all continents, including Europe. Nevertheless, developing countries faced special challenges, since they were tackling ethnic tension against the background of other huge problems. The Committee took an active part in efforts to prevent genocide, particularly through its early warning measures and urgent action procedures. He trusted that it would establish a fruitful dialogue with the Special Adviser and that, through their joint endeavours, they could contribute to the elimination of genocide and similar phenomena.

15. Mr. THORNBERRY said that genocide was an emotionally charged word. Although a definition was included in the Convention on the Prevention and Punishment of the Crime of Genocide, there continued to be controversy as to what constituted genocide. He would be interested to know whether the Special Adviser intended to contribute to the debate and whether he had established a programme of work.

16. The Committee's mandate had much in common with that of the Special Adviser. By pointing out gaps in the legislation and practice of reporting States and drawing attention to the lack of basic structures for addressing inter-ethnic tension, the Committee made an important contribution to conflict prevention. At its next session, it would hold a thematic discussion on genocide prevention. It was anticipated that the focus would be on early warning measures. However, it would welcome any suggestion the Special Adviser might wish to make concerning the topics to be considered.

17. Mr. MÉNDEZ (Special Adviser on the Prevention of Genocide) said that he was grateful for the opportunity to have a dialogue with the Committee. Since he was still in the process of setting up his Office, he was not yet in a position to present his programme of work. However, he had had a number of fruitful discussions on how he would discharge his mandate and was ready to share his hopes and concerns with the Committee.

18. The post of Special Adviser had been established on the initiative of the Secretary-General. In addition, the Security Council, in its resolution 1366 (2001), had requested the Secretary-General to refer to it information and analyses from within the United Nations system on cases of serious violations of international law, including international humanitarian law and human rights law, and on potential conflict situations arising, inter alia, from ethnic, religious and territorial disputes. The mere fact that the international community had requested the establishment of a mechanism to prevent genocide reflected the importance attached to that mode of action. Its approach to the task of genocide prevention was marked by a spirit of self-criticism. There was an awareness that the world had had the capacity to prevent the genocides in Srebrenica and Rwanda but had lacked the will to do so. That spirit of self-criticism would inform his work.

19. While he would be guided by the definition contained in the Convention on the Prevention and Punishment of the Crime of Genocide, he was not actually required to determine what constituted genocide. His function was a preventive one: if it could be said that a situation had escalated into genocide, then he would have failed in his task. He hoped to avoid becoming enmeshed in controversies concerning the concept, since that would have a paralysing effect on his work.

20. His terms of reference required him to focus on conflicts with a racial, ethnic or religious dimension in which standards for the protection of civilians were being breached. He would not confine himself, however, to situations in which hostilities had already broken out. He would also intervene, for example, in cases where extrajudicial executions were being carried out on a massive and regular basis; that would be one point of contact with other United Nations mechanisms. The sooner he was able to alert the Security Council to situations that threatened to escalate into genocide, the more options there would be for preventing it.

21. While he had no adjudicatory powers, he was required to make recommendations to the Council on specific action to prevent or halt genocide. He might, for example, propose good offices missions or diplomatic intervention by friendly States, or request national human rights commissions to carry out monitoring. In the longer term, he would urge countries to implement the recommendations of the human rights treaty bodies, including the Committee, since prevention of racial discrimination was an important means of reducing inter-ethnic tension.

22. He would welcome the input of the treaty bodies; their guidance would ensure that he focused not only on situations that required urgent action, but also on the preventive aspect of his mandate.

23. The CHAIRMAN said that it was important for the international community to learn from the mistakes of the past. Preventive measures often arose from an initial failure of prevention. The Committee must develop a methodology for cooperating with the Special Adviser in those areas where their mandates overlapped. It looked forward to his participation in its thematic discussion on genocide prevention and trusted that its ad hoc working group on early warning measures and urgent action procedures would make a valuable contribution to his work.

The meeting rose at 1.05 p.m.