



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/Sub.2/1990/SR.7
25 October 1990

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-second session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 August 1990, at 10 a.m.

Chairman: Mr. TÜRK

CONTENTS

Organization of work (continued)

Elimination of racial discrimination:

- (a) Measures to combat racism and racial discrimination and the role of the
Sub-Commission (continued)

Protection of minorities

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.20 a.m.

ORGANIZATION OF WORK (continued)

1. The CHAIRMAN recalled that at its fortieth session the Sub-Commission had, by resolution 1988/30 of 1 September 1988, requested the Chairman to appoint one of its members to report on the question of encouragement of universal acceptance of human rights instruments, which was the subject of agenda item 14. He informed the Sub-Commission that after consulting the members of the Bureau, he had decided to entrust Mr. Ribot Hatano with that task.

ELIMINATION OF RACIAL DISCRIMINATION:

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (agenda item 5 (a)) (continued) (E/CN.4/Sub.2/1989/8 and Add.1; E/CN.4/1990/50)

2. Mr. BUCAK (Liberation) said that racism and racial discrimination were far from being eliminated. Despite some progress, apartheid had not yet been dismantled and, in many countries, migrant workers, displaced persons and members of religious, ethnic and linguistic minorities were victims of discrimination. That was the case in particular of Indians in Latin America, Tibetans in Tibet and Kurds in Turkey.

3. His organization wished to draw the Sub-Commission's attention in particular to the situation of the Kurds, who were subjected by the Turkish Government to a systematic policy of ethnic and racial discrimination and forced assimilation. In April 1989, the International Conference on Human Rights in Kurdistan had recognized that Turkey had denied the existence of the Kurdish people since 1925 and that the Turkish Government was trying to "Turkify" the Kurds. Kurdish place-names had been replaced by Turkish names, and the population of entire villages had been displaced on grounds of public or national security. The Constitution of 1982 constituted the juridical foundation of Act No. 2832 of 19 October 1983, which officially prohibited the Kurdish language and made its use a crime. Several persons had been sentenced to prison terms for speaking Kurdish in public. Furthermore, in May 1989, the National Security Council had launched a campaign denying the existence of a Kurdish nation and the Kurdish language, which it claimed to be a dialect of Turkish. Various members of the Turkish Government had even had the audacity to assert that there were no Kurds and that therefore there was no discrimination against Kurds in Turkey.

4. It was obvious that Kurdish culture, which was part of the common heritage of mankind, was threatened with extinction. His organization therefore requested the Sub-Commission to urge the Turkish Government to take political, cultural and economic measures which would ensure the full equality of all peoples and individuals in Turkey, and to become a party to the International Convention on the Elimination of All Forms of Racial Discrimination.

5. The CHAIRMAN noted that the observers from the non-governmental organizations on the list of speakers on the item had not arrived. He therefore invited members of the Sub-Commission wishing to do so to make further observations.

6. Mr. SACHAR recalled that at its forty-first session, the Sub-Commission had adopted resolution 1989/4 reaffirming that the Israeli occupation itself constituted a gross violation of human rights in the occupied Palestinian and other Arab territories, and condemning Israel. The Commission on Human Rights had done likewise in its resolution 1989/2, and had requested the Secretary-General to bring the resolution to the attention of the Israeli Government and to report on its implementation to the Commission at its forty-sixth session. However, the situation in that region had not improved and the talks between Israel and the Palestinians had not taken place because of Israel's refusal to participate. Yet no Power had felt that it was able to exert pressure on Israel to reverse its decision. The already grave situation might worsen because of the conflict between Iraq and Kuwait. There were some indications that the Arab world was beginning to regard an aggressor as the guarantor of Arab honour. It was therefore necessary to act without delay and to press harder to ensure that the resolutions adopted were implemented and a solution found to the Israeli-Arab problem.

7. The agreement reached recently in South Africa between Mr. Mandela and Mr. de Klerk was encouraging, but many problems remained to be resolved. South Africa still refused to change the legislation on land ownership, which was of vital importance since 88 per cent of the land was in the hands of 5 per cent of the population. It must not be forgotten that human rights could not be enjoyed in poverty, which must therefore be eliminated as a matter of priority. Consequently the Sub-Commission should appeal to all developed countries to provide a minimum of aid to African countries, for exclusively political solutions did not resolve all problems.

8. Mr. TREAT, speaking first on a point of order, suggested that the issue of the late arrival of persons on the list of speakers at meetings at which they were to speak should be considered by the Bureau at its next meeting. Such delays were serious since they prevented the Sub-Commission from properly fulfilling its functions, and consideration might perhaps be given to requesting latecomers to forego their right to speak. He would like to know the views of other members on that point.

9. With regard to item 5 (a), he congratulated Mr. Eide on his excellent report (E/CN.4/Sub.2/1989/8 and Add.1), which had been amply commented on by several other members of the Sub-Commission. For his part, he wished to draw attention to two topics which had already been taken up, although from a different standpoint. They concerned, first of all, the relationship between respect for human rights and the economic situation in different countries, and more precisely the interrelationship between poverty and racism; and, secondly, how a society could most effectively discourage racism and other human rights violations.

10. It was undeniable that poverty gave rise to all sorts of human rights abuses, although wealth was no guarantee of respect for human rights. For example, some of the richest countries with the highest per capita incomes had the least freedom. It could not be denied, however, that an economic imbalance existed between the countries of the North and West and those of the South, and that the former should do everything in their power to correct it. Yet the donor countries were frustrated to find that their foreign aid did not always produce the expected results in the countries of the third world. They also had difficult decisions to make, and therefore had to establish criteria which would enable them to determine the amount and form of aid to be

furnished and the countries for which it should be intended. In any event, every decision was capable of being wrongly interpreted. It could also be asked whether in establishing such criteria the North was not imposing or trying to impose its own values on the third world; there was clearly some justification for that accusation. But, if the North could not establish its own criteria for distributing its aid, it might also become less generous. He hoped that when members of the Sub-Commission spoke of the egocentrism of developed countries, they would also think of the problems and difficult choices facing those countries.

11. Racism was just one form of prejudice. It was well known that no one was free of prejudice, but that did not mean that efforts to eliminate racism must stop. No State, could impose its own values in the human rights field on another State, but no civilized nation should stop proclaiming human rights. In listening to the comments of other experts, he had kept thinking of his own country, the United States. It was a multiracial nation which was sometimes described as a "melting-pot", whereas most countries were ethnically homogeneous nations. However, all those different ethnic groups formed a single people, a single nation, the American nation. Furthermore, the majority of new citizens insisted on being called Americans. That experiment was consistent with the efforts made by the Sub-Commission to ensure that all people were placed on the same footing irrespective of their social or ethnic background. Of course, racism was not entirely absent from American society, but considerable progress had been made in that field, as demonstrated by the fact that Blacks had been elected mayors in some major cities. Moreover, all ethnic groups were represented in Congress and in State legislatures.

12. Hence, the problem of racism did not really arise in a relatively homogenous nation. However, the world was becoming more open, as Mr. Eide stated in paragraph 384 of his report (E/CN.4/Sub.2/1989/8), and as nations relaxed their immigration legislation and international migration increased, persons of different origins would be able to live together within national boundaries while retaining their cultural and religious traditions in a democratic and pluralistic society founded on the rule of law. That would not take place overnight, but the American experiment showed that it was possible.

13. Mr. ALFONSO MARTÍNEZ said that he shared the concern expressed by Mr. Khalifa at the increase in racism, xenophobia and discrimination. During the second half of the current Decade to Combat Racism and Racial Discrimination, it would be well if the United Nations took strong measures against those scourges.

14. The latest communications before the Sub-Commission did not augur well for the future. The economic imbalances referred to by Mr. Treat were growing both in Europe and on the American continent. Migrant workers, national minorities and indigenous peoples were still the object of daily harassment and more serious attacks. In the current period of political, economic and social upheavals, the fight against racial discrimination quite naturally occupied a priority place in the Sub-Commission's programme of work.

15. He fully endorsed the praise expressed concerning the report by Mr. Eide (E/CN.4/Sub.2/1989/8 and Add.1), but it raised a number of questions. For example, referring to paragraph 434 of the conclusions (E/CN.4/Sub.2/1989/8/Add.1), he was aware of the need to strengthen co-ordination between the various United Nations agencies dealing with racism, given the many forms it took, but wondered how it was hoped to do so in view of the lack of resources.

16. As indicated in paragraph 436 of the same document, it was important to improve the exchange of information between different organs and agencies. It would be particularly useful, in that regard, both for the activities of the Centre for Human Rights and for the work of the Sub-Commission, if the United Nations Secretariat reviewed the situation in different countries once a year so that it would be possible to identify the various trends or manifestations of racial discrimination in the world. It would be well for the General Assembly to express its views on the appropriateness of such a measure and on the resources necessary for its implementation.

17. He welcomed the fact that theories of superiority and inferiority on biological grounds had been utterly discredited (*ibid.*, para. 437), although care should be taken not to proclaim victory too soon. Some population groups, such as ethnic minorities, indigenous populations or migrant workers, still suffered from such prejudice, particularly at work. In that regard, he wished to thank the Secretariat for publishing the report of the United Nations seminar on cultural dialogue between the countries of origin and the host countries of migrant workers, held in Athens from 18 to 26 September 1989, a document which he found highly informative. In his opinion, it was important that the members of the Sub-Commission should examine in depth the problems confronting migrant workers.

18. With regard to apartheid, he endorsed Mr. Eide's recommendations, contained in his report, concerning the need to continue sanctions and the struggle against apartheid. It would be an error to consider, as some did, that apartheid had entered a final phase. It was sufficient to observe the situation in South Africa to be convinced that the scourge of apartheid would not be eliminated until all its ramifications had been extirpated.

19. He welcomed the draft universal declaration on the rights of indigenous peoples (E/CN.4/Sub.2/1989/8/Add.1, para. 445/12) and hoped that the Working Group would finalize it as quickly as possible.

20. He also endorsed recommendations 13, 14, 15 and 16 contained in paragraph 445 of document E/CN.4/Sub.2/1989/8/Add.1 and stressed, in particular, the importance of the relations between States and indigenous peoples referred to in recommendation 15, particularly with regard to the situation of the indigenous peoples in the region of Montreal.

21. Like some other members and representatives of several non-governmental organizations, he deplored the fact that the new ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries so poorly reflected the needs of those peoples. Its shortcomings were due to the fact that the representatives of those peoples had not been associated with the elaboration of the instrument and not, as Mr. Eide suggested in recommendation 11, that they had not been associated with the monitoring of its implementation.

22. He endorsed the first part of recommendation 21, while supporting the reservations made by Mrs. Ksentini to the effect that drawing attention in that way to the need for migrant workers to abide by the law might cause them to be held responsible for certain problems, particularly in some countries of western Europe. He hoped that Mr. Eide would take account of those reservations in the final version of his report.

23. He noted the importance of Mr. Treat's comments concerning the interrelationship between human rights and the economic situation in various countries. He wished, nevertheless, to warn against an erroneous interpretation of the distinction made by Mr. Treat between those two concepts, on the one hand, and the economic and cultural situation of a country on the other. An attempt had been made to claim that human rights were in fact limited to the sphere of civil and political rights, and that economic, social and cultural rights amounted for the moment to mere aspirations that would be achieved one day in the future. But the indivisible nature of human rights had been confirmed on various occasions by the General Assembly, the Economic and Social Council and the Sub-Commission itself, as well as several other international forums such as the Tehran Conference of 1968.

24. He himself did not consider that the economic problems which arose in various countries of the world were difficult to understand. The free-market economy, which imposed economic restrictions, tariff and non-tariff barriers and customs duties, was the cause of all the economic difficulties referred to by Mr. Treat and the conflicts separating the North, which was becoming richer and more influential with every passing day, from the South, which was becoming poorer.

25. With regard to the situation in the United States, he noted that the latest United States Census Bureau statistics to which he had had access revealed major disparities between the Black and White populations as regards unemployment, mortality and the death sentence for example. He was therefore sceptical with respect to the "melting-pot" metaphor used by Mr. Treat to describe his country's multiracial society. He expressed satisfaction at hearing a United States citizen analyse the economic situation as Mr. Treat had done.

26. Mr. GUISSÉ, referring to the events in Liberia, said that he was distressed to see two African leaders involved in a deadly race against time to achieve their ends before the African peace-keeping force could intervene. Whereas one week previously, it had seemed that the problem could be resolved under the auspices of the Organization of African Unity, he could only deplore the suffering and massacres that were still taking place. It was regrettable that the members of the Sub-Commission, who were meeting to speak of human rights and the prerogatives of humans beings, remained powerless to tackle the situation in Liberia, which, while not directly linked to racial problems, was nevertheless the result of discriminatory practices and the denial of the right to be different and the right to life. He called on the members of the Sub-Commission to appeal to the conscience of all in order to put an end to that genocide and encourage OAU to find the speediest possible solution to the conflict, which continued to endanger the lives of thousands of families.

27. Turning to the situation in South Africa, he observed that after some encouraging signs, the clashes were becoming more deadly and violent. The reasons why two Black ethnic groups were currently attacking each other must be sought in the hateful policy of apartheid. Economic sanctions had been undeniably effective, and should be continued in order to lay the foundations for a multiracial society and avoid any worsening of the situation in that country.

28. Lastly, he referred to the appeal for firmness made by Mr. Treat with regard to the non-governmental organizations which were not present at the time indicated on the list of speakers. While agreeing that they should be requested to be more punctual, he thought that it was indispensable to allow them to address the Sub-Commission, since they made an essential contribution to the provision of objective information on international law and human rights. He paid particular tribute to the remarkable action carried out by the organization "School - An instrument for peace", which had not only sponsored two major seminars in Africa but had also enabled West African countries to include the discipline of human rights in the syllabuses of universities and primary and secondary educational institutions, thereby helping to realize UNESCO's wish to "plant the tree of peace in young people's minds".

29. Mr. LITTMAN (World Union for Progressive Judaism) regretted that the rules of procedure of the Sub-Commission did not allow observers of non-governmental organizations to digress from an agenda item in order to speak on other issues, such as the current situation in the Persian Gulf, and that the experts of the Sub-Commission had been unable to agree on a joint declaration condemning the invasion and annexation of Kuwait by Iraq.

30. He wished to revert once again to the notoriously anti-Semitic and racist General Assembly resolution 3379 (XXX), adopted on 10 November 1975. That resolution, which determined that "zionism is a form of racism and racial discrimination", was intended to criminalize Jews in the eyes of the entire world and thus promote anti-Semitism. Until that detestable resolution was abrogated, distrust would prevail in the Middle East, preventing détente and conciliation between the Arab States and Israel.

31. He referred to the statement made by a political counsellor at the Soviet Embassy in London, in November 1989, that if the State of Israel was recognized, the ideological movement on which it was founded would also have to be recognised. He also drew attention to the statement made one month later by the Vice-President of the United States that the American and Soviet sides should work together for the early abrogation of the resolution. Furthermore, the European Parliament had stated three years previously that it considered the resolution to be "unacceptable" and an obstacle in the way of a peaceful settlement of the Arab-Israeli conflict.

32. He was convinced that the Sub-Commission would be able to find an acceptable solution which would enable the General Assembly to set aside the resolution. It would be sufficient, for example, to adopt a new resolution recognizing that zionism was the national liberation movement of the Jewish people, that the great majority of Jews supported the movement, and that the State of Israel had been established by the United Nations as a legitimate

expression of the movement. He renewed his appeal to Mr. Eide to undertake that task and thereby help to remedy a shameful manoeuvre, in the hope that the Arab States and the PLO would understand the importance of that collective peace initiative and not hinder it.

33. Mr. ALFONSO MARTÍNEZ, referring to the statement which had just been made, wished to stress that he himself had taken part in the negotiations and later in the elaboration and adoption of General Assembly resolution 3379 (XXX) as a representative of Cuba, and was proud of the fact. To claim that the existence of the resolution prevented a settlement of the Israeli-Arab conflict was absurd, since the current situation no longer had anything to do with a resolution that had been adopted in 1975. The State of Israel had only its expansionist and aggressive policy to blame. In order to be convinced one had only to read the report in the day's press that, in view of the threat of chemical warfare, the Government of Israel had decided to distribute masks to the population, with the exception of Palestinians.

34. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination) (EAFORD) said it was comforting to note that apartheid in South Africa was in the process of being dismantled. Yet other forms of racism and racial discrimination still existed in other parts of the world, the most apparent being the form practised in Palestine by the State of Israel under the name of zionism, which had however been condemned in 1975 by a United Nations General Assembly resolution. In Israel, some Zionists claimed that they should be treated better than others since they were the "chosen people". He considered that if there really was a monotheistic god who approved of such discrimination among human beings, it was hardly possible to speak of "divine justice".

35. In the southern Pacific, Fiji, a country long cited as a model of multiracial harmony, had been torn by racial conflicts, ethnic violence and religious intolerance since one of the racial groups living on the archipelago had embarked on an effort to dominate the others. Both the 1970 Constitution, promulgated by the racist régime of Colonel Rabuka, who had overthrown the democratically elected régime of Mr. Bavadra, and the new Constitution promulgated on 25 July 1990, the text of which had not yet been made public, had destroyed any prospect for racial harmony, peace and prosperity in the country. EAFORD condemned the racial discrimination practised in Fiji and called on the Sub-Commission to find a way to persuade the Government of Fiji to put an end to its racist policy.

36. Other forms of racism and racial discrimination existed in another holy land, Arabia, to which a single family had given its name after conquering most of the territory. The most visible discrimination in Arabia was that practised against foreign workers, who were paid according to their country of origin, the best salaries being given naturally to Americans, then Europeans, etc. Even Arabs from other countries did not for the most part receive the same economic and social benefits as native Saudis.

37. Mr. COE (National Aboriginal and Islander Legal Services Secretariat) noted that in his study (E/CN.4/Sub.2/1989/8 and Add.1), Mr. Eide seemed to doubt, as he himself did, whether real progress had been made in the attention given to discrimination against indigenous peoples. In Australia, in any event, it was certainly not possible to speak of the slightest improvement in the situation of aboriginal and islander peoples. Police brutality and the

pernicious consequences of assimilationist policies continued to constitute the daily reality of those peoples and posed a serious threat to their well-being and survival. Activities undertaken over the past two decades had done nothing to alleviate the pattern of oppression and discrimination against indigenous peoples, though they had made it possible to place the manifestations of racial discrimination within the framework of a historical process of conquest, dispossession and marginalization. Furthermore, they had given rise to the realization that in order for indigenous people to be able to exercise their human rights and eliminate the effects of racial discrimination in their relations with States, it was necessary for them to be able to regain control over their own affairs and destiny. The seminar which had been held in Geneva in January 1990 had also concluded that the principle of self-determination was essential to the enjoyment of all the human rights of indigenous peoples.

38. Accordingly, in appraising national measures to combat racism against indigenous peoples, account must be taken of the extent to which such measures enjoyed the full and informed consent of those concerned and ensured their effective control over their own affairs. However, an examination of national measures taken in Australia revealed that such was not the case in that country. The federal Government sought above all to avoid any responsibility for the continuing gross violations of the human rights of aboriginal people by State Governments which had historically pursued policies of genocide and ethnocide. It was becoming increasingly obvious that real and lasting reconciliation between Aboriginal and non-Aboriginal Australia could be achieved only through the negotiation of an instrument independent of the institutions of the two sides and under the supervision of an impartial body.

39. At the international level, the standard-setting activities of the Working Group on Indigenous Populations deserved to be supported as the most important contribution to the elimination of racism and racial discrimination in indigenous peoples' relations with States. In that connection, he welcomed the extensive indigenous input to work on the draft declaration on the rights of indigenous peoples. Internationally as well as nationally, the relations of States with indigenous peoples must be based on free and informed consent and co-operation rather than on consultation and participation. Specifically, the inclusion of a paragraph on self-determination in the second revised text of the draft declaration would advance the cause of indigenous peoples.

40. Mrs. CHEN (International League for Human Rights) said that her organization was deeply concerned about the discriminatory practices inflicted on the minorities in the People's Republic of China, in particular the Hui, Uighur, Kirghiz and other Muslim minorities, as well as Tibetans. Such discrimination had on many occasions caused clashes with local ethnic groups and human rights violations. However, following the serious events which had taken place in March and April 1990 in Xinjiang province, the Chinese authorities had closed the region to foreigners, and it was therefore difficult to know what had really taken place. For decades the Chinese minorities had denounced the deployment of troops by the State and its use of deadly force against unarmed citizens, but it had taken the presence of foreign reporters at the massacre committed the previous year in Beijing to confirm the truth of those allegations.

41. The official explanations of those events ignored the underlying causes which related to national policies towards minorities and racial discrimination. The authorities generally confined themselves to stating that the demonstrations and complaints by national groups came from small separatist factions. In fact, despite the so-called autonomy of the various regions, decisions on local questions could not be taken at the local level, and none of the heads of local government in the five principal autonomous regions of China were of the local nationality. The same was true of military commanders and political commissars.

42. Her organization had prepared a report on those issues, including statistics on population, Han migration into minority regions, educational levels and related topics. The report, which was available to the members of the Sub-Commission, revealed that the Chinese Government's policy was indeed discriminatory against minority populations for a range of social, economic, cultural and political rights. It also showed that the Government did not provide any effective means for victims of racial discrimination to obtain remedy through a fair judicial or administrative procedure.

43. In conclusion, she stressed that her organization was troubled that the international community, which had done so much to draw attention to the issue of racial discrimination, had not done more to establish an effective mechanism to combat it. She called on the Sub-Commission to make the most serious efforts to implement the recommendations contained in Mr. Eide's study, and urged it to take action to investigate the many charges of racial discrimination in China.

44. Mr. DEER (International Work Group for Indigenous Affairs) said that during the recent confrontations between the Mohawk nation and the Governments of Quebec and Canada, Mohawks had been burnt in effigy, and indigenous persons insulted and physically harassed. Such acts were fostered by the supremacist and racist ideology of organizations such as the Ku Klux Klan which were flourishing throughout the country. Such a resurgence of racism and racial discrimination gave cause for deep concern, as various experts of the Sub-Commission had clearly shown.

45. In Canada, racial discrimination against members of indigenous communities occurred in all fields: administration of justice, legislation, settling of long-standing land claims, etc. The International Work Group had prepared a detailed report on important cases for which it had initiated a series of inquiries across Canada and to which it would refer under agenda item 10.

46. With regard to the report by Mr. Eide, and more particularly recommendation 10, in paragraph 445 of document E/CN.4/Sub.2/1989/8/Add.1, that States should be asked to ratify ILO Convention No. 169, he thought that while that instrument marked a step forward in some areas it was somewhat retrograde in others which were vital to indigenous peoples, notably in putting forward a paternalistic view of assimilation which could not lead to the elimination of all forms of racial discrimination against indigenous and tribal peoples. No indigenous people should accept the Convention, which had set its minimum standards far too low. Indigenous peoples must give their free and informed consent before the Convention was ratified. Convention No. 169 was fatally flawed in that regard since it required only consultation.

47. It had also been said during the discussion that indigenous peoples were not "peoples", and the term "minorities" had been used. His organization wished to voice its desire to see the term "peoples" established once and for all in relation to indigenous peoples, even in the title of the competent Working Group. In that connection, it rejected the reservations expressed with regard to the term "peoples" in Convention No. 169; those reservations were among the major reasons for the rejection of the Convention by indigenous organizations and communities. In their view, the term "peoples" was unequivocal.

48. Furthermore, he was disappointed to learn that the Canadian Government had decided not to present its biannual report to the Committee on the Elimination of Racial Discrimination, the only United Nations body able to question a State on its activities to eliminate racial discrimination.

49. In conclusion, he urged the Sub-Commission to contribute to the adoption of a new approach to the legitimate aspirations of indigenous peoples to self-determination, through vigorous thinking, free of "Eurocentrism", with the objective of eliminating all forms of institutionalized racism.

50. The CHAIRMAN said that the Bureau would consider the question of participation by non-governmental organizations in the work of the Sub-Commission on the basis of the suggestion made by Mr. Treat.

51. Mrs. WARZAZI said that, while she understood and supported the view expressed by Mr. Treat, the Sub-Commission should be indulgent and, since it was not behind in its programme, allow those non-governmental organizations which wished to take the floor to do so at the present time.

52. Mr. ALFONSO MARTÍNEZ supported the position taken by Mrs. Warzazi.

53. Mr. TREAT, speaking on a point of order, said that Mr. Alfonso Martínez' comments concerning his statement had been based on an incorrect interpretation of his remarks. He had no intention of embarking on a political discussion involving their respective countries - the Sub-Commission had far too many important tasks to perform. The fact that he might not reply to some charges made against his country did not mean, however, that he accepted them.

54. Mr. ALFONSO MARTÍNEZ, speaking on a point of order, said that in referring to some remarks by an expert, he had not intended to become engaged in a discussion involving their respective States. He had merely thought it useful to express his views on the important statement by Mr. Treat, with regard to both those aspects of that statement of which he approved and those on which it seemed necessary to provide clarification.

55. Mr. SUESCUN noted that the countries in which the problem of racial discrimination was the most acute were the most developed nations. It could therefore be concluded that the culture of those countries had no merit, or at all events that it was not adequate to guarantee harmonious coexistence among their inhabitants. The rise of racism in various parts of the world which in many cases were intellectually developed showed that their values were in a state of crisis, and he would like Mr. Eide to include in the recommendation appearing in paragraph 445/5 of his report (E/CN.4/Sub.2/1989/8/Add.1) a

statement indicating the need to replace that culture of hatred, violence and discrimination by a culture which promoted harmonious coexistence and ensured equality. He also thought it necessary for an appeal to be made to universities and cultural and intellectual circles to act along those lines.

56. Mr. EIDE said he was grateful to the members of the Sub-Commission who had given the necessary attention to the issues he had taken up in his report (E/CN.4/Sub.2/1989/8 and Add.1). Disagreeing with some critical remarks addressed to him, he thought that those issues were not too numerous since it was essential to examine the action undertaken during the two Decades aimed, inter alia, at eliminating discriminatory measures against migrant workers, indigenous peoples and minorities. Nevertheless, as racism, in its traditional meaning, had been the main concern over the two Decades, it and its pseudo-scientific sources occupied a major place in his report. It should be recalled that Europe was the birthplace of that so-called scientific racism, which it had used to justify its domination over other regions of the world. The search for the causes of that phenomenon was entirely justified, since that was the only way to discredit the theories of those who advocated a new racism and used them for political purposes.

57. With regard to the problems of migrant workers, the statements by Mrs. Warzazi, Mrs. Ksentini, Mr. Diaconu and Mr. Zhan had been very enlightening. The situation of such workers had worsened since the publication of the report, and it would therefore be necessary to change the recommendation in paragraph 445/21 of document E/CN.4/Sub.2/1989/8/Add.1 in the light of that development and the results of the Athens seminar described in document E/CN.4/1990/50 in order to place greater stress on the duties of host countries.

58. The information given by Mr. Joinet on measures to punish incitement to racism in France was very interesting; it echoed the statements of several other members of the Sub-Commission calling for a strengthening of penalties for racism. Of course, the question then arose of the relative importance of freedom of speech and of punishment for incitement to racism. That point was taken up in paragraphs 429 to 431 of the report (E/CN.4/Sub.2/1989/8) and, in his opinion, punishment for incitement to racism was not incompatible with freedom of speech, which, in any event, was always limited by national legislation. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination was entirely applicable in that regard.

59. Mr. Saboia had rightly said that the discrediting of the pseudo-scientific belief in racial superiority had been an important victory. He had also underlined the need to strike an adequate balance between non-discrimination and respect for the separate identity of each people, that word being taken in the general meaning given to it in the Convention and implying no position with regard to self-determination.

60. With respect to the co-ordination of activities in the area under consideration, he endorsed Mr. van Boven's idea of holding a one-day session with the Committee on the Elimination of Racial Discrimination each year and seeking greater financial support for it.

61. He also shared Mr. Suescún's view on the importance of the cultural aspect of the struggle against racial discrimination, and called on the Sub-Commission to support UNESCO in its action along those lines.

62. Recommendation 10 (E/CN.4/Sub.2/1989/8/Add.1, para. 445) had prompted a variety of reactions, and several representatives of indigenous organizations had shown little enthusiasm for the ILO Convention. He continued, nevertheless, to believe that an effort must be made to ensure the ratification of that instrument while urging the adoption of recommendation 11 on the association of indigenous peoples with the monitoring of the implementation of that Convention and recommendation 13 on the establishment of an appropriate monitoring procedure.

63. The Commission's attention had been drawn to the critical situation in some countries which in some respects stemmed from racial discrimination. Ethnic groups were involved in Liberia, for example, as well as in Fiji, and Cyprus and in the Soviet Union, where the consequences of Stalin's policy of displacing populations were being felt. In that connection, he recalled his recommendation 26 on transmigration inside national borders.

64. The United States' experience in the field of displaced minorities, to which Mr. Treat had referred, was also very interesting. It must be pointed out, however, that problems of two kinds had arisen in that country: on the one hand, those which had been experienced by emigrants who had come there voluntarily and which had been resolved in a relatively satisfactory and lasting manner as a result of the "melting-pot" and, on the other hand, those experienced by populations who had been there before the arrival of the Mayflower and of those who had been displaced. The important developments which had begun to take place in the United States during the 1960s should, however, bear fruit one day.

65. With regard to South Africa, the report of the Secretary-General (A/44/1990) was extremely interesting. While expressing the hope that the steps currently being taken would result in the establishment of a democratic State in that country, he considered that sanctions should not be lifted since they were probably the reason for the current improvement and since the question of the redistribution of land among all the country's inhabitants - a measure of great importance for its future - was still in the air.

66. As Mr. Khalifa had shown clearly, the world was witnessing developments of two kinds. One was positive, in that human rights and democratic pluralism were being reasserted, as in Chile or elsewhere in the third world. The other development, disquieting in nature, was linked to the phenomenon of selective memory, a subject to which he wished to revert since it was linked to racial discrimination and the destructive conflicts it caused. It was selective memory which, by reshaping the past, prevented the establishment of a constructive dialogue concerning the future. The solution might lie in sound information, and he mentioned three books which should make it possible to change some preconceived ideas: Eurocentrism by Samir Amin, an Egyptian research worker, Black Athena by Mr. Bernal, an English author, and a work by Abdallah Ahmed An Naim on the current status of human rights in Islamic countries.

67. Lastly, he considered that the conflict between Israelis and Palestinians, two Semitic peoples, would be resolved only when the rights of the Palestinians were deemed to be as important as those of the Israelis. Referring to the serious conflict taking place at the present time in the Middle East, he denounced the same demagogic racism and the same primitive

brutality as in the conflict which had convulsed the world 50 years previously; those crises could be resolved only through a constructive dialogue. A common frame of reference already existed to that end, namely the International Bill of Human Rights.

68. Mrs. WARZAZI congratulated the Governments of Canada and Quebec and the representatives of the Mohawk Indians on the agreement they had signed on 12 August 1990, which prevented the use of force.

69. The CHAIRMAN announced that the Sub-Commission had concluded the general debate on agenda item 5 (a).

PROTECTION OF MINORITIES (agenda item 18) (E/CN.4/Sub.2/1990/46;
E/CN.4/1990/41; E/CN.4/Sub.2/1989/43)

70. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing agenda item 18, observed that since its establishment the Sub-Commission had been entrusted with questions relating to the protection of minorities. It had first studied the specific problems of those groups, endeavoured to classify them, prepared a draft article on the rights of persons belonging to minorities for inclusion in the International Covenant on Civil and Political Rights, mandated a special rapporteur to undertake a study of the rights of persons belonging to ethnic, religious and linguistic minorities and, in 1985, considered the study by Mr. Deschênes containing a proposed definition of the term "minority". Furthermore, in 1978 the Commission had established an informal open-ended working group to draft a declaration on the rights of members of minorities, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights.

71. Despite all those efforts to protect minorities, conflicts and tensions involving minorities were becoming worse and sometimes constituted a threat to the States concerned and the peace of the entire region in question.

72. As a result, increased attention was being given to minority issues, for instance at the Conference on Security and Co-operation in Europe and the Council of Europe. However, such disquieting situations were not limited to Europe, and each constituted a special case. While recognizing that it was difficult to find a uniform solution, the General Assembly had declared that the United Nations should not remain indifferent to the fate of minorities. For its part, the Sub-Commission, by resolution 1989/44, which had been endorsed by Economic and Social Council resolution 1990/39, had requested Mr. Eide to review the relevant experience of various countries in order to construct models for peaceful and constructive solutions to problems involving minorities. The Sub-Commission now had before it the report by Mr. Eide on the subject (E/CN.4/Sub.2/1990/46).

The meeting rose at 1.05 p.m.