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on the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-third session

PROVISIONAL SUMMARY RECORD OF THE 1005th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 16 August 1993, at 10 a.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifth periodic report of Viet Nam (CERD/C/204/Add.1) (continued)

1. Mr. NGUYEN LUONG (Viet Nam), replying to comments and questions by members of the Committee, said that the legislation and Constitution of Viet Nam were consistent with the international conventions it had signed. National legislation was constantly developing, and gaps would be filled as necessary. International conventions which had been ratified by the National Assembly could be invoked in the Courts.
2. The Council of Nationalities, which was elected by the National Assembly and had overall responsibility for ethnic affairs, now had additional powers, including the right to propose policy on ethnic minorities to the Government. The Committee for Mountainous Region and Ethnic Minority Affairs, mentioned in paragraph 24, had the right to monitor implementation as well as to formulate, direct and implement policies concerning nationalities.
3. Where representation at various levels of national and local government was concerned, the allocation of a quota of seats to ethnic minorities was not intended to restrict representation, but was a preferential measure designed to ensure adequate representation.
4. With regard to development policy, the provision in the Constitution that all ethnic groups were equal before the law expressed a theoretical principle, since there could be no equality without economic development. The State therefore had to ensure that the varying development needs of regions were met. For example, in the mountain regions, ethnic minorities maintained their traditional cultures and a subsistence economy. The population was limited, and many people were nomadic. The physical infrastructure was weak, particularly with regard to roads, communications and energy. There was therefore a need for long-term investment. It was the State's policy to concentrate on investment, to support the efforts of the ethnic minorities.
5. In reply to Mr. Aboul-Nasr's comment on the reference in paragraph 10 of the report to ethnic minorities "making decisions on their own destinies", he explained that the phrase implied a change from the past, whereby inhabitants of individual regions had acquired a degree of local autonomy and made decisions in relation to their region. Paragraph 11, on the other hand, stated that the ethnic minorities participated fully in the development of the nation as a whole.
6. The Government believed it had a duty to support the mountain regions, not only because development of the ethnic minorities lagged behind, but because those regions had been the base from which the struggle for independence had been launched and were of strategic importance from the standpoint of national security. It therefore accorded planning and budgetary priority to development of the physical and institutional infrastructure of those regions, including training of officials, and maintaining and improving the standard of living.

7. With regard to the question of ethnic minorities and relations with neighbouring countries, the Government supported the principle that frontiers should not divide peoples, but constitute a bridge. Past friction should be forgotten and he looked forward to cooperation in the future. The H'mong, who had earlier formed a kingdom with their own social organization, had been emigrating in the last 10 years to Laos, China and Thailand as a result of the unfortunate "yellow rain" episode, when Viet Nam had been accused, falsely as had been scientifically proved, of using chemical weapons against them. The Khmer, who lived in the Mekong delta, had been integrated in Viet Nam for centuries. Viet Nam had cooperated with Pol Pot during the war against the United States of America, but relations had since deteriorated into hostility.

8. In reply to a question put by Mr. van Boven and Mr. Shahi, he said that the Nung were a special case, in that, after 1954, the French had persuaded them to join them in the south. If there were problems, it was because the Nung differed from other ethnic minorities in Viet Nam. The Nung, the Thais and the Khmer were, however, among the best placed to participate in national development. The President of the National Assembly, for example, was a Thai.

9. With regard to the question of migration from the Mekong delta, he said that, in 1975, there had been a project for new economic zones which had involved a voluntary redistribution of population. The intention had been to promote national cohesion, but the policy had been unsuccessful and had since been modified. In order to prevent people from losing contact with their native provinces, redistribution was taking place within provinces or in neighbouring provinces. Individual migration was being fostered; for example, people were being encouraged to move from the plateaux to work in agriculture and fisheries in the Mekong delta. It was also planned to develop the central highlands of Tay Nguyen, whose basalt soil was very rich and suitable for growing coffee, pears and rubber. Provision was also needed for training in science and technology and in management, as well as for language training. There were still nomadic peoples in the mountain regions, who lived by a subsistence economy, which included the burning of forests. That process needed to be contained, since it created environmental problems concerning forest conservation.

10. Other questions put by the Committee were more of a political nature. With regard to implementation of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, it had been necessary to introduce a re-education programme after 1975, in order to eliminate the vestiges of the old regime. That purpose had been achieved, and the re-education programme had been concluded in 1992. Under the HO (Humanitarian Order) cycle, former officers of the old regime had been allowed to emigrate, while the orderly departure programme provided for Amerasians. There were no remains of American soldiers missing in action in Viet Nam nor any living prisoners of war. Although diplomatic relations had not yet been restored, relations with the United States of America had improved.

11. The question of persons of mixed race had been raised by Mr. de Gouttes and others. The problem was not new and had begun when France had been the colonial Power. However, much of the present public outcry over Amerasian children was political in origin. Such children were found in other Asian

countries, but they received less publicity. The role of speculators selling passages to the West had also aggravated the issue. For those reasons, Viet Nam had had some reservations on the matter and perhaps had made some mistakes in dealing with it. It had, however, expressed its willingness for the United States to receive Amerasian children and members of their family and it was hoped that negotiations would speed the rate of departure. The Government lacked the resources to tackle many social problems, not merely the Amerasian question. The International Catholic Migration Committee had, for example, recently concluded an agreement with the Vietnamese Ministry of Labour on a project to improve the lot of street children, some of whom were Amerasians. Assistance from other non-governmental organizations on social issues would also be welcome.

12. He appealed to the Committee not to press for a discussion of the Chinese question. In 1991 the Vietnamese and Chinese authorities had come to an understanding to enter into negotiations at the highest level to normalize the situation by bilateral agreement and it would be preferable not to prejudice the outcome by discussion in the Committee.

13. The sensitive issue of the north and south of the country had been raised by Mr. de Gouttes. The inhabitants of the country issued from the same people, those in the south having emigrated from the north. Where they were divided, it had been by historic forces. Civil war in the past had split the country between two warlords and the recent conflict had led to an artificial frontier along the 18th parallel. The people of Viet Nam were trying to overcome the problems generated by historical circumstances, but others were trying to keep them alive. In the context of human rights, he appealed to the Committee to support Viet Nam in its efforts to create cohesion and solidarity between the north and south of the country and to rally all forces in rebuilding the country's economy.

14. The freedom of religious belief was guaranteed by the Constitution of Viet Nam. However, that guarantee did not extend to the use of religious platforms for political ends or to create social instability. Historically, there had been tension between Roman Catholicism, imported by European missionaries, and Buddhism, formerly the religion of the majority. Tension had also been created during the struggle for independence. At present, certain Buddhist groups were endeavouring with foreign support to create disturbances at home and abroad. There were limits to the tolerance that could be extended to such misuse of religious ends.

15. In reply to Mr. Rechetov's question about Vietnamese nationals in the former Soviet Union, he said that Viet Nam was endeavouring to conclude new agreements relating to its nationals working in the countries of central and eastern Europe and the newly independent States. However, such contracts were no longer between State and State but between one firm and another or between individuals and firms. The situation was therefore no longer under the sole control of the Vietnamese Government. It was, however, committed to collaborating with the Russian Federation to restore order to the situation.

16. With regard to Mr. Aboul-Nasr's question on visas, the requirement for a return visa for Vietnamese nationals seeking to come back to the country from abroad had been abolished. The requirement of an exit visa for nationals

wishing to leave the country had been retained because other countries demanded it. Furthermore, like many other countries, Viet Nam required an entry visa from non-nationals. That was particularly necessary in view of the need to control terrorist acts, a number of which had recently been perpetrated by persons entering the country from abroad.

17. In the present period of economic renewal, only the State was in a position to mitigate the negative aspects of market economics. In so doing, it had to provide funds for education, health and other social services and thus was obliged to be the sole instigator and channel of investment, in particular foreign investment, including assistance from non-governmental organizations. The Communist Party's position resulted from its close involvement in the struggle for independence. Mistakes had perhaps been made in economic management and in democratization, but the Government was committed to the economic and political renewal of Viet Nam. Its principal concern was to avoid creating conditions that would lead to chaos and instability and put the most vulnerable sectors of the population at risk. Admittedly, much remained to be done, but all could not be achieved at once; the essential point was that the Government was committed to the task.

18. Mr. de GOUTTES, Country Rapporteur, applauded the full replies provided by the representative of Viet Nam; he welcomed the efforts the Government of Viet Nam had made to renew its dialogue with the Committee. The Government had also made a great effort in submitting its report to the Committee, as it had also done in its recent reports to other treaty-monitoring bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child. Despite the very considerable difficulties, the process of renewal had made advances, including progress towards establishing a state of law, substantial legal reforms and adoption of a new Constitution, and he welcomed the further information just provided on the measures adopted to ensure the social and economic development of ethnic minorities and hill peoples in particular.

19. When the Government of Viet Nam came to draw up its next report, he hoped that it would provide more information in the first part, which provided a general overview of the economic, social and political features of the country. In the second part, relating to application of the Convention, he would like to see a special effort made to describe the implementation of each article of the Convention, in particular with regard to the continuation of policies in favour of hill peoples, the implementation of article 4 of the Convention and the provision of examples of actual cases of racial discrimination brought before the courts. Further information would also be welcome on progress in implementation of the right to freedom of movement, freedom of expression and freedom of religious belief.

20. The CHAIRMAN said that the Committee had now concluded its consideration of the fifth periodic report of Viet Nam. The Country Rapporteur would draw up concluding observations in the light of the debate and submit them to the Committee for approval.

21. Mr. Nguyen Luong and Mr. Nguyen Van Son (Viet Nam) withdrew.

Information requested under article 9, paragraph 1, of the Convention:
interim report of the Federal Republic of Yugoslavia (Serbia and Montenegro)
(continued)

22. Ms. SPASIC (Federal Republic of Yugoslavia (Serbia and Montenegro)), replying to the Committee's questions with regard to the right to information, the right to education and the cultural rights of minorities, said that, as stated in the interim report and the oral introduction, the rights of minorities were formally guaranteed both in the Federal Constitution and in the constitutions of its constituent republics.

23. The Albanian national minority in the province of Kosovo was the only minority in the Federal Republic in which education was causing problems, the reason being that it refused to take advantage of the rights it was accorded and had established a parallel system of education in the province. The obvious victims of such action were the children involved. In an attempt to remedy their plight, a working group within the International Conference on the Former Yugoslavia had considered the matter, following which the Federal and the Serbian authorities had proposed to make a certificate available to such children that would attest to the two years of education received in the parallel system. That offer had been refused by the Albanian minority, giving as their only reason their reluctance to have any verification of diplomas carried out by the authorities of the Federal Republic. In a second attempt to remedy the situation, the Federal Republic had suggested that the Albanian minority draw up its own education programme for review by Federal authorities only. That suggestion had also been refused. As a result, the 966 existing schools providing education through the Albanian language were lying idle.

24. Other minority groups in the Federal Republic, however, took advantage of the rights guaranteed them to receive schooling through their own language. In the autonomous province of Vojvodina, for instance, there were 45 communities in which schooling was through Serbian, 29 in which it was through Hungarian, 12 through Slovak, 10 through Romanian and 3 through Ruthenian. The number of primary schools by language of education were: Serbian, 465; Hungarian, 120; Slovak, 17; Romanian, 28; and Ruthenian, 3. It was because the Bulgarian minority was small in number that it only had the opportunity of following optional classes in Bulgarian. The general rule was that whenever a class had 30 or more pupils speaking a minority language a full curriculum was provided in that language. In secondary education, Vojvodina had 32 high schools and 12 gymnasiums. Eight provided education through Hungarian, two through Slovak, one through Romanian and one through Ruthenian. In addition, there were 20 special schools; 19 providing education through Hungarian, and one through Ruthenian. The universities also provided education through minority languages. At the University of Priština, for example, which was one of the largest universities in the former Yugoslavia, courses were available to students in their own language.

25. On the subject of public information and the mass media, she said that minority rights in regard to public information were guaranteed by the Constitution and specific laws of the Republics. Persons belonging to minority groups participated in control over public information resources. Special financial resources were set aside in the Republics' public information budgets for minorities and for the protection of their outstanding

cultural heritage. In the Republic of Serbia, there were 98 daily newspapers and weeklies published in the languages of the national minorities. Serbian radio and television ran daily programmes in Hungarian, Slovak, Romanian, Ruthenian and Turkish, while in the province of Vojvodina, there were 29 dailies and weeklies in various minority languages, an all-day Hungarian-language television and radio programme, and programmes for Ruthenians, Romanies and Ukrainians. To those should be added a variety of local and regional radio and television programmes. Three newspapers were published in Bulgarian, while the Belgrade radio and television network broadcast a weekly news programme and the Niš radio and television station broadcast a daily programme in the Bulgarian language. In the Autonomous Province of Kosovo and Metohija, five dailies and weeklies were published in the Albanian language, with a print run of 95,000. There was no control or restriction by the Federal Republic of Yugoslavia or the Republic of Serbia on the number of copies printed. On the subject of the newspaper Rilindja in the Albanian language, she informed the Committee that a public enterprise entitled "Panorama" had recently been established to publish three newspapers, Rilindja in Albanian, one in Serbian and one in Turkish, as the only way of ensuring that they were issued regularly, since it had not proved cost-effective to have three separate publishing houses. Television and radio programmes were broadcast in the Albanian language every day, 14 hours a day, and there was one local radio station broadcasting in Albanian. There was also a half-day news programme in Albanian on the Belgrade radio and television network. She would provide more detailed information on request.

26. Finally, she said that information on the impact of sanctions in such spheres as health and nutrition, which were exempted from sanctions, had been made available.

27. Mr. MITIC (Federal Republic of Yugoslavia (Serbia and Montenegro)), resuming his comments in response to questions by Committee members, said that further information would be provided in the next periodic report. Thanking Mr. van Boven for his analysis, he said he hoped that in future Mr. van Boven's information would be based on sources other than the report of Mr. Mazowiecki, Special Rapporteur of the Commission on Human Rights, which did not adequately reflect the situation and even contained some false information, one example being the alleged destruction of a mosque where no such mosque had existed. In reply to his question about whether the Federal Republic of Yugoslavia was intending to make the declaration under article 14, paragraph 1, of the Convention, he said that a proposal to that effect had been introduced, but its consideration had been postponed on account of the current situation; he hoped that it would soon be discussed and settled to the Committee's satisfaction.

28. He thanked Mr. Garvalov for his clear stand on the question of the rights of peoples, including the right to secession; such a position was crucial to the solution of problems raised in connection with the rights of minorities. The question of the Bulgarian minority in Macedonia would no doubt be answered by the newly independent State of Macedonia, which was not in the territory of the Federal Republic of Yugoslavia. In that connection, he questioned the references by Mr. de Gouttes and Mr. Shahi to his country as the "Republic of the former Yugoslavia" and "ex-Yugoslavia". The designation "Federal Republic

of Yugoslavia" had been used by the Secretary-General of the United Nations, the Chairman of the Committee himself and by other United Nations authorities in official correspondence.

29. He reaffirmed his Government's readiness for open dialogue with minorities in resolving outstanding issues, and its willingness to cooperate with the Committee and other similar international bodies. On the question of cooperation with the international war crimes tribunal, a decision was required by the Parliament on a constitutional amendment to existing extradition provisions; meanwhile, his Government was engaged in constructive cooperation with the mission sent to his country in that connection, assisting in the identification of such crimes and providing documentation.

30. He agreed with Mr. Diaconu that Hungarians were not the only minority in Vojvodina; the fact that they enjoyed privileges because of their numbers did not detract from the entitlement of all minorities to rights by virtue of their status as minority groups. He appreciated the Committee's position that all minorities should enjoy equal rights regardless of their size.

31. He questioned not only the legality of the sanctions imposed on the Federal Republic of Yugoslavia, but, in particular, the purpose and justification of sanctions, referring to their tragic consequences. Even though it had been discovered by United Nations authorities that the cruel attack on the civilian population in Sarajevo which had initially prompted the imposition of sanctions had in fact been perpetrated by the instigation of the Government of Mr. Izetbegovic, sanctions had been maintained, as they had been after the Bosnian Serb Parliament had rejected the Vance-Owen peace plan, despite intense pressure by the Federal Republic of Yugoslavia to induce the Parliament to accept them.

32. In reply to the question about paramilitary units, he said that such units were prohibited by law and did not exist in the territory of the Federal Republic of Yugoslavia. Strenuous measures were being taken to counter the paramilitary activities of citizens of the Federal Republic of Yugoslavia outside its borders. Arms transfers had been prohibited by Parliament, and the ban was being enforced by border controls. A number of persons, including citizens of the Federal Republic of Yugoslavia, had been prosecuted and sentenced. Other cases under investigation included charges of armed attack, murder, torture, imprisonment, forced departure and other abuses. Relevant information on those cases would be provided in the next periodic report.

33. On the subject of the discontinuation of the Mission of Long Duration of the Conference on Security and Cooperation in Europe (CSCE), his Government had no objection in principle to such missions and had indeed cooperated with the CSCE mission, which had originally been undertaken, by agreement, for a period of six months, subsequently extended by two further months. The Federal Republic of Yugoslavia had, however, been suspended from participating in CSCE, and its understandable position was that the extension of the CSCE mission was contingent on the full right of the Federal Republic of Yugoslavia to participate in the activities of that organization, particularly those concerning a solution to the crisis in the former Yugoslavia.

34. He requested further clarification from Mr. Banton about a case to which he had referred concerning, as he understood it, a member of the Committee who had made statements in a personal capacity to the Belgrade press. Another question by Mr. Banton concerning reports that Albanians and non-Albanians did not receive equal remuneration was connected with the problems of education in the Albanian language to which reference had already been made, and to the fact that most Albanians had ceased to participate in the State education system provided for them.

35. In response to Mr. Wolfrum's comments about self-determination, he said it was quite clear in both the 1974 and 1979 Constitutions, and in legislation, that the right of self-determination was vested directly in the people, and not in the Republics. The right of peoples to self-determination was consistent with the wording of international instruments on that subject. On the question of the international tribunal, the Committee might wish to be furnished with the comments on the subject that his Government had transmitted to the Secretary-General of the United Nations.

36. The memorandum signed by the Serbian Academy of Sciences, referred to by Mr. Yutzis, had been much publicized and had been viewed in some quarters as a "programme for Greater Serbia". It must be stressed that the memorandum, which had been seized upon by the media during its preparation, had never constituted an official or even a working document of the Academy of Sciences, but was merely the work of seven or eight of its members. Further comments on the positions it described, as well as the text of the memorandum, could be supplied to the Committee if it so wished.

37. Turning to the question of "Greater Serbia", he said that, as the Committee had already been informed, the Federal Republic of Yugoslavia had no territorial aspirations directed against neighbouring countries, and indeed he wondered why so much fear had been aroused over the alleged prospect of a "Greater Serbia", when the reunification of Germany had caused no such speculation. If anything, Serbia was smaller rather than greater. He stressed the need for all issues to be resolved peacefully.

38. In reply to Mr. Aboul-Nasr's questioning of the reference to Muslims as a nation, he explained that, while he agreed that Albanians, too, were mostly Muslims, Albanian Muslims were not regarded as a nation, that specific designation in his country, and in the former Yugoslavia, being confined to those whose mother tongue was Serbian or Croatian and who had been recognized as one of the nations of the former Yugoslavia. Until 1963, members of that category of Muslims had been required to declare themselves either as Serbs or as Croats. The religious beliefs of all Muslims were, of course, respected. In reply to Mr. Aboul-Nasr's question about the use of the word "loyalty", he said that such a concept was enshrined in all national constitutions. He referred him also to the provisions concerning respect for territorial integrity, national sovereignty and the obligations of citizens and members of national minorities contained in United Nations, Council of Europe and CSCE documents.

39. In response to Mr. Shahi's comments, he said that, although the Government and people of the Federal Republic of Yugoslavia regretted and condemned the suffering and the crimes committed in Bosnia and Herzegovina,

the report had been confined of necessity to the territory of the Federal Republic of Yugoslavia. On the question of autonomy in Kosovo, he agreed that autonomy was one solution, but it remained to be seen what kind of autonomy. A significant proportion of the Albanian minority had refused to make use of their autonomous rights. With regard to the use of Serbo-Croat, the question concerned Bosnia and Herzegovina, and it was for the three national communities in that country to resolve the issue.

40. Mrs. Sadiq Ali had referred to the use of paramilitary forces in Kosovo. As he had already stated, no such paramilitary forces existed. His Government did not believe that oppression could solve the problems of minorities, although it was true that the deployment of soldiers and police was sometimes resorted to as a means of dealing with such problems, not only in his own country but also in countries which were highly respected members of the European Community.

41. Some members had asked for information on the provisional measures indicated by the International Court of Justice. Those measures had been requested by the so-called Bosnian Government, which had accused his country of violating all possible international instruments. In an Order of 8 April 1993, the Court had indicated three provisional measures, which read as follows:

"The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide, of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide;

"The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should, in particular ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any acts of genocide, of conspiracy to commit genocide, of direct and public incitement to commit genocide, or of complicity in genocide, whether directed against the Muslim population of Bosnia and Herzegovina or against any other national, ethnical, racial or religious group;

"The Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Bosnia and Herzegovina should not take any action and should ensure that no action is taken which may aggravate or extend the existing dispute over the prevention or punishment of the crime of genocide, or render it more difficult of solution."

42. Some members of the Committee had interpreted the Order as a condemnation of the Federal Republic of Yugoslavia for committing crimes of genocide. That was not a correct interpretation. The Court had not itself evaluated the situation. Indeed, the Order stated that the Court was not called upon, for the purpose of its decision on the request for the indication of provisional measures, to establish the existence of breaches of the Genocide Convention by either party. There had thus been no decision that Yugoslavia had violated

any provisions of the Convention. In fact, following the withdrawal of the Yugoslav army in May 1992, the Federal Republic no longer had any official, armed forces in the territory of Bosnia and Herzegovina.

43. Such condemnations of his country would be ridiculous, if they were not tragic. For instance, it had been blamed for organized aggression against Kosovo but it was difficult to see how it could commit aggression against its own territory. Again, it had been forced out of several international bodies, including bodies of the United Nations, without even the right to participate in debates relating to the Yugoslav crisis. Some members had expressed the view that Yugoslavia had been excluded from the United Nations: as he saw it, exclusion would be more a political punishment than a legal solution. He pointed out that the Legal Counsel of the United Nations, in his considered view on the consequences of adoption of General Assembly resolution 47/1, had stated that the resolution neither terminated nor suspended Yugoslavia's membership in the United Nations.

44. Although Yugoslavia did not have the right to participate in meetings of the General Assembly or its organs, it still had missions to the United Nations in Geneva and New York, and its documents were regularly distributed within the United Nations like those of other Member States. As he saw it, unusual methods were being used to punish Yugoslavia, methods without precedent in international law. The International Court itself had stated that the question whether or not Yugoslavia was a Member of the United Nations, and as such a party to the Statute of the Court was one which it did not need to determine definitively at the present stage of the proceedings.

45. If the Federal Republic was to be blamed, blame should be apportioned objectively, and in a constructive spirit. He appealed to the Committee to be impartial, since the information it received, particularly that supplied by the press, was very one-sided. Although the Federal Republic did have an interest in helping to realize the rights of Serbs outside Yugoslavia, it did not represent any specific entities. It was for the three national communities in Bosnia to solve their problems themselves. While the Republic did have some influence on Bosnian Serbs in Krijina, that was not enough to make it a major player in the story.

46. To put pressure only on the Federal Republic and on the Bosnian Serbs to find a solution was likely to have far-reaching consequences: it would create an unhealthy atmosphere in the country, fuelling extremism and fomenting intolerance and hatred. He appealed to the Committee not to criticize, but to try to see both sides of the story, and to recommend a constructive solution. What was essential was to re-establish the rule of law, without which no human rights could be realized. Only then would it be possible to implement not only international instruments, but national legislation.

47. His delegation had been blamed for lack of sincerity. Rather, it had shown caution in the face of unfair criticism. His Government had a great interest in cooperating with the Committee, as with all international bodies, especially those in the human rights field, and would do its best to meet its obligations. It appreciated the dialogue with the Committee and would welcome, for instance, on-the-spot visits by members, to meet government

authorities, members of national minorities and institutions concerned with problems of racial discrimination. He urged the Committee to decide how cooperation could best be effected, knowing that what was at stake was not only the fulfilment of his country's international obligations, but its very existence.

48. The CHAIRMAN thanked the representative of the State party for his statement, and for his very full replies to the Committee's comments and questions.

49. Mr. van BOVEN, Country Rapporteur, noted that the representative of the Federal Republic had appealed for dialogue with the Committee. He himself always looked forward to meaningful dialogue, but not to dialogues with the deaf. Nevertheless, it would be a welcome development if meaningful dialogue with the Government of the Federal Republic could be maintained.

50. The representative of that country had described the reactions of certain international organizations in regard to his country's status within the United Nations and within CSCE. Whatever those reactions might be, the Committee based itself on the decision taken at its last session to invite the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as other Governments on the territory of the former Yugoslavia, to report to it, and it was in that context that the report was being considered.

51. While it was true that in the current situation serious errors had been made on all sides, and no one side should take all the blame, the Government of the Federal Republic bore a very heavy responsibility for the situation that now existed. The Yugoslav representative had suggested that reliance on reports from sources such as the Special Rapporteur of the Commission on Human Rights meant that the Committee's information was not fully balanced and complete. He pointed out that those reports had been fully supported by the Commission on Human Rights, and that the Rapporteur had carried out his mandate together with rapporteurs of other human rights bodies. It was therefore a collective effort, and there was no reason to question the credibility of the information. He had also relied on information supplied by the Federal Republic to the Human Rights Committee, which he considered was more balanced, more nuanced, and more self-critical than the information the Committee had had before it the previous week.

52. The answer the representative of the Federal Republic had given on his country's cooperation with the tribunal on war crimes, namely that such cooperation would depend on a decision in Parliament, was disappointing. He pointed out that the tribunal had been set up under a mandatory resolution of the Security Council and the obligation of compliance prevailed over other considerations.

53. The situation, particularly in Kosovo, was potentially explosive, and gave rise to serious concern. It called for the application of certain early-warning and urgent action procedures. It was not the Committee's role to condemn, but rather to make its good offices available in finding meaningful solutions. It was in that light, and in the framework of the working paper on prevention it had adopted at the previous session, that the Committee would continue close examination of the situation.

54. Mr. ABOUL-NASR welcomed the willingness of the Government of the Federal Republic to accept visits to the country by members of the Committee. The Committee might perhaps consider appointing a Special Rapporteur for the purpose.

55. He assured the representative that the Committee was completely impartial when considering State parties' reports: because it was composed of independent experts, it was in no way biased or one-sided. Violations of human rights had been committed by all States on the territory of the former Yugoslavia, but there was no doubt that the part played by the Federal Republic in those violations was substantial. He welcomed the statement that the Government had influence on the Serbs, and urged it to use that influence to halt the bombardment of civilians, not only in Sarajevo but in all parts of the country.

56. He himself had some reservations on the concept of loyalty to the State, particularly in the field of human rights. Such loyalty should not be invoked as a pretext for violating the human rights of any citizen, even a criminal under sentence of death.

57. The representative of the Federal Republic had stated that the methods being used against Yugoslavia in depriving it of membership of the General Assembly were without precedent. There was, in fact, a precedent, the case of South Africa, which had been barred from participation in the work of the General Assembly.

58. He again welcomed the willingness of the reporting State to continue a dialogue, and hoped that when the Committee came to decide what action to take, it would cooperate regardless of what decisions had been taken.

The meeting rose at 1.05 p.m.