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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES

Fiftieth session

SUMMARY RECORD OF THE 23rd MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 18 August 1997, at 3 p.m.

Chairman: Mr. MAXIM  
(Rapporteur)

later: Mr. GUISSÉ  
(Chairman)

later: Mr. WEISSBRODT  
(Vice-Chairman)

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In the absence of Mr. Guissé, Mr. Maxim, Rapporteur, took the Chair

The meeting was called to order at 3.10 p.m.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (continued) (E/CN.4/Sub.2/1998/18)

1. Mr. KIRKYACHARIAN (Movement Against Racism and for Friendship Among Peoples (MRAP)), recalling the Nazi attempts to divide people into categories for the purpose of excluding, and ultimately exterminating, certain segments of society, said he questioned the appropriateness of the term "minority", particularly in a human rights context, since only Fascists and fundamentalists used the term in a numerical sense.
2. The stance of the Serbians on Kosovo was untenable and their argument amounted to mere sophistry and manipulation of numbers. Milosovic had made the Kosovo Albanians foreigners in their own country after abolishing Kosovo's autonomous status, following a referendum in which the majority of the electorate were Serbs. The Albanians had not only been socially and economically excluded, their very citizenship had been denied. They were not a "minority", they were an occupied people deprived of sovereignty.
3. Similarly, the Armenians of Nagorny Karabakh were not a "minority" in Azerbaijan, but a part of Armenia, while the Azeris of Nakhitchevan were not a minority in Armenia, while but were simply Azeris. Kurdish nationalism, and the brutal attempts to suppress it, could be explained by Turkey's long-standing denial of the existence of the Kurds who were known as "mountain Turks".
4. Since use of the term "minority" often concealed a refusal to accord equal rights to all citizens, the Sub-Commission should focus not on "minorities" as such, but on the "unequal treatment" of persons. The responsibility of the United Nations was political, not sociological or anthropological.
5. A cultural approach to "minority" issues typically involved treating persons not as citizens, but as mere subjects or folkloric curiosities for the entertainment of the majority. Peoples everywhere were rejecting that label which locked them into a static past. They were demanding equality. Before condemning guerrilla movements outright, it was thus worth considering whether everything had been done to ensure their civic and social equality.
6. Mr. Guissé took the Chair.
7. Mr. KHALIL, having congratulated the Working Group on Minorities on the excellent report on its fourth session (E/CN.4/Sub.2/1998/18), said that the increased participation of non-governmental organizations (NGOs), representatives of minority groups and scholars was to be welcomed. The Working Group had focused on some pertinent issues, including a discussion of the difference between "assimilation" and "integration". State observers would no doubt find further clarification of the scope of those terms useful.

8. He welcomed the recommendations of the Working Group, particularly those that should continue to focus on thematic issues and that steps should be taken to ensure more active participation by States in forthcoming sessions. Despite a reference to the procedure governed by Economic and Social Council resolution 1503 (XLVIII), the Working Group evidently did not view itself as a body dealing with conflicts but rather as a forum for identifying avenues for reconciliation and promoting understanding. The role of the media in protecting minorities should be further stressed. While the suggestion that the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities should be translated into as many languages as possible was a welcome one, the importance of the audio-visual media must not, however, be neglected in view of the high rates of illiteracy among some minorities.

9. Mr. WIEBALCK (Christian Solidarity International) said that armed conflict and persecution in many parts of the world arose from the inability of the international system to protect minority rights adequately. The international community had "stood idly by" during the Rwandan genocide, and yet another African genocide was currently under way in the Sudan. Since 1983, more than 1.5 million people had died and over 5 million others had been displaced in the borderlands between northern and southern Sudan, where Muslim Beja, African Christian and Animist Dinka communities had previously coexisted in peace.

10. The extremist National Islamic Front (NIF), which had seized power from a democratically-elected Government, had declared a jihad against the ethnic and religious minorities that had resisted Islamization. The 3 million-strong Dinka community was a particular target. His organization had been a witness to the famine orchestrated by the Khartoum regime and to the displacement of hundreds of thousands of people.

11. The accusations levelled against his organization by the Observer for Sudan on Friday, 14 August 1998 were blatantly false. The NIF's extensive propaganda machinery even included a member of the British House of Lords, but numerous fact-finding trips in recent months had provided overwhelming evidence of chattel slavery, which had been further corroborated by the well-documented reports of the outgoing Special Rapporteur, as well as by independent international journalists and television crews. Members of the relevant working groups were urged to visit the Sudan, with his organization, to collect their own first-hand evidence of the NIF's use of slave raids to destroy the social fabric of the Dinka people.

12. The 3 million-strong Beja tribe of the north-eastern Sudan were also victims of the NIF's jihad. The Beja, who inhabited a vast territory on the Red Sea coast and predated the arrival of the Arabs in the Sudan, had their own distinctive language and nomadic way of life and had resisted NIF efforts to impose an imported, totalitarian ideology. The Beja were a marginalized people whose interests had been neglected by successive Sudanese Governments. The NIF had turned that neglect into violent hostility, selling the Beja's fertile ancestral lands to wealthy supporters and conscripting young Beja tribesmen systematically into the regular army and Popular Defence Force. Beja people travelling to and from the markets were robbed, villages bombed and detainees tortured. The effect of those policies had been to keep the Beja territories on the verge of famine and to dislocate communal life.

13. The international community must force the NIF regime to stop its jihad against its own people and particularly the ethnic minorities. To that end, the United Nations should insist on access for human rights monitors to all parts of the Sudan, investigate credible reports of NIF's persecution of religious minorities and support the initiatives of the National Democratic Alliance and its partners to promote the values and institutions of civil society, including peace and reconciliation in the conflict areas.

14. Mr. BHAN (Himalayan Research and Cultural Foundation), having recalled that any doctrine of racial or religious differentiation or superiority was scientifically false, morally condemnable, socially unjust and legally inadmissible, said that Pakistan's discriminatory policies against Ahmadis, Christians and other minorities were well-known, as were its terrorist activities in the Indian State of Jammu and Kashmir.

15. There had been hundreds of killings of Kashmiri Hindus since the beginning of the year in the villages of Wandhama, Prankote, Chapnari and Shana-Thakraie, with 36 persons murdered in Chamba that very month. Governments must be called upon to dismantle the legal and constitutional structures that encouraged intolerance and permitted discrimination.

16. Mr. ROSSI (International Association for Religious Freedom) said that any group professing a religion different from that of the majority should be considered a religious minority under national and international law, even if it shared the ethnic, linguistic or other characteristics of the majority.

17. The new Iranian President Khatame had thus far failed to improve the situation of the persecuted Baha'i community in Iran. So far in the current year, four members of that religious minority had been arrested because of their faith and a Baha'i had been executed on 21 July 1998 for converting a Muslim woman.

18. In Jammu and Kashmir, more than 1,500 members of the Hindu minority, mostly intellectuals and professionals, had been killed, and 20,000 houses destroyed. On 25 January 1998, 30 masked terrorists had arrived in the village of Vandahama near Srinagar. Most of the 300 houses there belonged to Muslims but they had identified four houses belonging to Hindus, where they had murdered 23 people, including nine women and four children.

19. In Europe, there was also evidence of growing intolerance and persecution of religious minorities. In January 1996, the French Government had published the Guyart Report listing 172 sects regarded as dangerous. On the recommendation of the report, the Government had organized an extensive publicity campaign, causing the members of many religious minorities to feel both marginalized and stigmatized.

20. A parliamentary committee in Belgium had identified 189 churches, religious movements and organizations as "sects". There had been an outcry from Evangelical, Baha'i, Mormon and Buddhist communities, which complained of discrimination and slander, maintaining that their religions were authentic faiths respectful of both the law and human rights.

21. If a religious group was dangerous and failed to respect the law, then the State had a duty to intervene, but care must be taken not to confuse respectable religious minorities with "dangerous sects".

22. Mr. WONG (International Association for the Defence of Religious Liberty) said he was appalled by the lack of international concern regarding the ethnic cleansing and genocide minorities in Myanmar were suffering at the hands of the military regime, which had wiped out all villages that were not under the direct physical control of an army camp.

23. The second largest ethnic group in Myanmar after the Burmans themselves were the 7 million Karen, about 300,000 of whom had been internally displaced as a result of the destruction of their villages. Many were hiding in the jungle where they died of disease and malnutrition. About 100,000 Karen had fled to refugee camps in Thailand where they were regularly attacked from across the border by Myanmar troops.

24. The troops had also committed numerous atrocities against the Shan minority people, forcing villagers to relocate and/or massacring them. Tens of thousands of Shan villagers were struggling to survive in relocation sites where they were used as forced labour by the Myanmar military. Many were starving and unable to return to their villages for fear of being shot on sight.

25. Women from the Chin minority were harassed and sexually abused by Myanmar soldiers. The majority of the Chin people were Christians, and for a number of years, the Myanmar military had been forcing Christians to build Buddhist pagodas in their villages. Myanmar soldiers had been desecrating churches by turning them into army camps, disturbing religious ceremonies and preventing the preaching of the Gospel. Attempts were made to coerce the Chin people into converting to Buddhism by targeting Christians for forced labour and other abuses.

26. Myanmar was the new killing field of South-East Asia, and the international community was demonstrating the same lack of urgency and indifference it had shown towards the killing fields of Cambodia. Swift international action was needed, and the United Nations should implement economic sanctions against Myanmar. The military regime and its subordinates must be tried by an international tribunal for genocide and other crimes against humanity.

27. His organization called on the Sub-Commission to urge the United Nations High Commissioner for Human Rights to play a more active role in securing swift international action on behalf of Myanmar's minority peoples. It also requested the Sub-Commission to urge the Government of Thailand to accept Shan refugees and allow them to stay in refugee camps rather than forcibly repatriating them.

28. Mr. MAEDA (International Fellowship of Reconciliation) said that, although it was more than 50 years since Korea had been liberated from Japanese occupation, many of the Koreans living in Japan were still unable to enjoy their full human rights. In particular, their right to education was being violated: they were deprived of the right to learn their own culture and history and to cultivate their ethnic pride as Koreans.

29. None of the State-run universities permitted pupils from Korean high schools to take entrance examinations because of a discriminatory Government policy which required them first to take a correspondence course at a Japanese high school and then to take and pass a preliminary test in order to sit the entrance examination for the university in question. The Japanese Government should not discriminate against Korean students merely because they were taught in Korean at Korean schools. His organization requested the Sub-Commission to conduct a thorough investigation in Japan of the Government's discriminatory education policy towards Korean students.

30. Mr. BEERSMANS (International Movement for Fraternal Union among Races and Peoples) said his organization was very worried about the situation of minorities in Jammu and Kashmir. At the beginning of the 1990s, hundreds of thousands of Pandits had had to flee the Kashmir Valley because they were targets of religious cleansing; they were still living in inhuman conditions in camps. Recently a new dimension had been added, with foreign mercenaries launching a systematic campaign of annihilation of Hindus in which hundreds of innocent people had been killed.

31. The Hindus in Jammu and the Pandits in particular were acknowledged as being Kashmiris who belonged to Kashmir. His organization had been told repeatedly during a meeting with political leaders in the area that the killing of Hindus did not have the backing of the Kashmiris. All the political leaders condemned the action of the foreign mercenaries in the strongest terms, and were of the opinion that the Pandits should be allowed to return to their homes. Despite those condemnations, religious cleansing by the foreign mercenaries continued.

32. His organization urged the Sub-Commission and its inter-sessional Working Group on Minorities to use all its influence to stop the discrimination against minorities in Jammu and Kashmir. It also urged the Governments of India and Pakistan to start negotiations without delay so as to find a lasting solution to the Kashmir issue and restore peace to the area.

33. Ms. BOUVIER (Minority Rights Group) said that the situation in Kosovo had reached the stage of a major crisis with hundreds of thousands of displaced persons fleeing their villages. Early warnings had been ignored, and the Albanian civilian population was being driven out of the villages by the Yugoslav Federal Army in a scorched earth policy of combating the Kosovo Liberation Army.

34. Her organization thus recommended that the Sub-Commission, in partnership with the Commission on Human Rights, should consider how they could play a constructive role in acting on early warning signs of violent conflicts.

35. The role of the media in manipulating information to incite ethnic hatred and ethnic conflict had been well documented by the Special Rapporteur on freedom of opinion and expression. A number of constructive ideas and proposals had emerged during a seminar on the role of the media and minorities convened by her organization in May 1998 at the request of the Working Group on Minorities, but the Working Group had not planned its agenda carefully

enough to be able to discuss the issues involved. She thus commended the decision of the Working Group to restructure its agenda and rationalize its methods of work, and invited the Sub-Commission to undertake an in-depth discussion and review of the recommendations of the seminar (E/CN.4/Sub.2/1998/18, annex I).

36. The fourth session of the Working Group on Minorities, in May 1998, had produced some well-researched papers on various aspects of minority rights but, despite the encouragement of the Sub-Commission, it had not devoted sufficient time to considering the legal, political and economic legacies of the African slave trade and how they affected all communities of African descent in the Americas. The participation in the Working Group of persons representing those communities should also be encouraged.

37. Her organization was disappointed that there had been so little Government representation: the Working Group needed to find ways of attracting Governments to attend its meetings by discussing issues that were not discussed elsewhere. It was important that the members of the Working Group should hear the views of both the minorities and the Governments concerned.

38. She welcomed the Working Group's recommendation that minorities should put forward their questions in writing prior to sessions, and that agencies of the United Nations system should prepare their responses so as to foster a more in-depth debate.

39. It was essential that the forthcoming World Conference on Racism did not become an acrimonious forum of abuse, and that it should be a platform for a constructive programme to ensure that racial discrimination was effectively abolished and that all human beings were treated as equal in dignity and rights. The Sub-Commission should urge the High Commissioner for Human Rights to appoint a senior coordinator for the World Conference as soon as possible.

40. In short, therefore, her organization recommended that the Sub-Commission should take early action to open a dialogue with the Commission on Human Rights on action on situations such as that of Kosovo; accept the proposal of the Working Group to reorganize its agenda; consider the recommendations of the seminar on media and minorities; and adopt a resolution on the World Conference on Racism.

41. Mr. Weissbrodt, Vice-Chairman, took the Chair

42. Ms. GIRMA (African Association of Education for Development) said that ethnic divisions and ethnic cleansing were unfortunately recurring in the continent of Africa. Ethnically organized fronts had come to power in Africa, encouraging the creation of ethnic armies which had rendered vulnerable certain sections of the civilian population. The time had come in both the Horn of Africa and the Great Lakes region to prevent dramatic situations developing that would lead to war and suffering. Both local and international actors had taken irresponsible decisions in the past, which were backed up by various kinds of dubious aid including armaments.

43. For the past seven years, people in Ethiopia had been resisting ethnic politics, having learnt that its negative consequences disrupted peaceful coexistence and nurtured hatred and unwarranted rivalry. Yet the poison of revenge was taking root and government newspapers were inciting hatred amongst both Ethiopians and Eritreans. In Eritrea, a one-man dictatorship left no space for the expression of different opinions and there were no human rights organizations to speak for those who might not wish to confine themselves to the limited perspectives of a nationalist outlook.

44. Lastly, she wished to draw the Sub-Commission's attention to the plight of the Afar minority in Djibouti, Ethiopia and Eritrea, which had been harassed and become vulnerable in its own land due to the conflict between Ethiopia and Eritrea.

45. Mr. LEBLANC (Franciscans International) said that, on 6 May 1998, a Pakistani Catholic Bishop, John Joseph, had taken his life to protest against Pakistan's blasphemy laws and the death sentence passed on a Christian, Ayub Masih, accused of blasphemy against the Prophet. In October 1990, the Federal Sharia Court of Pakistan had advised the Government to amend section 295 (c) of the Penal Code to make capital punishment mandatory for the offence of blasphemy against the Prophet. The then Government had explained that the primary aim of those amendments was to prevent the spreading of the Ahmadis' belief. Non-Muslims living in Pakistan who allegedly showed disrespect to Islam were to be treated as criminals. The majority of those charged with blasphemy had been Ahmadis but, in recent years, Christians had increasingly been among the accused.

46. Human rights groups in Pakistan had long been demanding a repeal of the blasphemy laws. Most proceedings under them were brought by individuals and religious groups with axes to grind. There were also reports of procedural deficiencies and police torture. Mere allegations without even circumstantial evidence were sufficient to convict an accused person, who was denied the right to a defence. The victims were often, though not always, non-Muslims.

47. The new electoral system marginalized non-Muslims, who were required to vote separately for a fixed number of non-Muslim seats. Members of minority groups were barred from standing for election to Parliament as representatives of the majority community. According to the Anglican Bishop of Peshawar, it was also becoming increasingly difficult to build places of worship and there was massive discrimination against Christians in employment.

48. His organization endorsed the following recommendations of the Justice and Peace Commission of the Major Superiors of Pakistan to the Government of Pakistan: the repeal of all discriminatory laws, especially the blasphemy laws; the implementation of all constitutional provisions relating to basic human rights; the promotion of equal rights for all citizens; the abolition of the separate electoral system; the recognition of the role of minorities in the creation and development of Pakistan, inter alia in school textbooks and the adoption of legislation forbidding religious discrimination.

49. Mr. McNAUGHTON (International Human Rights Association of American Minorities) said that the black population of the United States of America was still be subjected to economic slavery and discrimination. As a result of



racist policies, an alarming proportion of black Americans were incarcerated and their appeals were repeatedly denied and rejected in contravention of the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United States Constitution. It was to be feared that the privatization of prisons would further undermine the freedoms of black Americans as they were sacrificed to profit-seeking negotiators of prison contracts.

50. About 10 per cent of the indigenous population of the State of Chiapas, Mexico, were being marginalized by the Government's deliberate strategy of violence, intimidation, torture, rape and murder. Over 20,000 displaced persons had been driven from their land by the federal army and paramilitary groups trained and funded by the Government. The refugee camps were inhabited mostly by women and children, who suffered from lack of food and of clean drinking water.

51. In India, the Dalits, or untouchables, were treated as outcasts and subjected to torture and degrading treatment. The Muslim minority was also doomed to continuing poverty and backwardness. Although, according to the 1991 census, 12.6 per cent of the population were Muslims, their representation in the civil and foreign services was negligible and glaring disparities persisted in educational institutions. Their inequality was the result of a deliberate policy.

52. The repression of Muslims in India-occupied Kashmir had continued for half a century and become increasingly brutal in the past 10 years. The Security Council had rejected India's claims that the Kashmiri people had exercised its right of self-determination through so-called elections. The turnout for the 1997 elections had been 0.2 per cent. Women and girls lived in constant fear of rape and murder by members of the Indian army and the paramilitary and police officers who supported them. Kashmiri women were marrying earlier to avoid the social consequences of rape.

53. Kashmiri men and boys were brutally murdered on a daily basis, many while in police or army custody. As the permission of the Indian Government was necessary to prosecute human rights violations in which members of the military and security forces were involved, the perpetrators enjoyed impunity.

54. Mr. SAFI (World Muslim Congress) said that the Dalits, the so-called untouchables, continued to be harassed and persecuted in India. The Sikh minority in India also suffered discrimination at the hands of the authorities and Hindu fundamentalists had recently begun to issue threats against Christians. To counter criticism, India had established state minorities commissions but the Commission in the State of Maharashtra had been abolished by the State Government, a decision upheld by the Supreme Court.

55. The Government of India sought to impress the rest of the world with its benevolent treatment of the Muslim minority. Muslims were, however, heavily under-represented in central administrative and police services, only 3 out of 59 Supreme Court judges were Muslims, 57 per cent of Muslims lived below the poverty line, 58 per cent were illiterate and only 2 per cent of students at the country's prestigious public schools were Muslims. Anti-Muslim riots were common, and a large section of the Muslim community had lost faith in the ability of the State to protect them from communal depredations.

56. The ruling Bharatiya Janata Party (BJP) was committed to a policy of Hindu supremacy and to avenging Muslim rule in India prior to British colonization. It had organized the nationwide campaign in 1992 that had led to the demolition of the Ayodhya Mosque, allegedly because it had been built on the site of the birthplace of the Hindu deity Ram. Foundations for a temple dedicated to Ram had been laid. BJP had pinpointed 4,000 additional mosques in India that it wished to demolish for similar reasons.

57. His organization called on the Sub-Commission to urge the Government of India to reconsider its policy and to comply with its constitutional and international obligation to safeguard the interests of religious, ethnic and linguistic minorities.

58. Mr. THOMPSON (International Service for Human Rights) said that the media had often played an unconstructive and incendiary role by propagating racial and ethnic hatred. Consequently, his organization and the Minority Rights Group had recently organized, in collaboration with the Chairman of the Sub-Commission's Working Group on Minorities and the Office of the High Commissioner for Human Rights, an expert seminar on the role of the media in protecting minorities. The purpose of the seminar, which had been attended by over 30 journalists and representatives of minority and media rights groups, was to assist the Working Group by involving more experts in the discussion of minority access to the media and media action to represent minorities.

59. Other themes had included the need for greater diversity in the media, the training of minority journalists, censorship and the need for more effective self-regulation by the media to deal with racism and intolerance. The seminar's recommendations were contained in annex I to the Working Group's report (E/CN.4/Sub.2/1998/18). The participants had also proposed that minorities and minority-sensitive media should be included in the planning and publicizing of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001.

60. His organization, which was disappointed that the Working Group had failed to discuss the conclusions and recommendations of the seminar at its recent session, urged it to give the seminar documents the serious consideration they deserved. It trusted that future NGO cooperation with Sub-Commission working groups would prove more constructive. While his organization remained committed to assisting the Office of the High Commissioner, the Sub-Commission and its working groups, that commitment was not at any price in terms of the limited financial and human resources available.

61. Ms. MANN (Liberation) said that most of the 650,000 Koreans in Japan were the descendants of persons who had been forcibly transferred there during the period of Japanese colonization of the Korean Peninsula. They were still suffering various human rights violations. No State-run university in Japan allowed graduates of Korean high schools to take their entrance examinations. The Japanese Government still refused to grant any form of recognition to the ethnic characteristics of the Korean minority. Her organization thus called upon the Sub-Commission to investigate the situation and urged the Japanese Government to revise its discriminatory education policy.

62. The Government of Bahrain discriminated against the minority of Persian origin who were commonly known as Bidun or stateless. They were denied Bahraini nationality and hence were unable to buy land, start a business or obtain government loans. They also faced social and economic obstacles, including difficulties in finding employment. Many had been deported by the Government and denied re-entry.

63. The Sub-Commission should urge the Government of Bahrain to regularize the status of the Bidun population by facilitating their access to citizenship and passports, to end the practice of deportation and to announce that Bahrainis living in exile were free to return to the country. In addition, the Commission's Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance should look into the situation of Persian-origin minorities in Bahrain.

64. Mr. MALGUINOV (Observer for the Russian Federation) said that the Sub-Commission had a solid basis for its work on minorities, including, in particular, the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the documents of regional organizations such as the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the Organization of African Unity (OAU). The Sub-Commission's Working Group on Minorities had an important role to play in identifying the most serious problems encountered by minority representatives in asserting their rights and by States in protecting the interests of minority population groups. He urged it to focus more closely on key issues and practical situations with a view to achieving tangible results. It was to be hoped that the Working Group's recommendations would be reflected in the Sub-Commission's resolutions and its recommendations to the Commission on Human Rights.

65. A detailed discussion of inter-ethnic relations and the practical implementation of minority rights in the Russian Federation had taken place in March 1998, when the Committee on the Elimination of Racial Discrimination had considered the country's periodic report.

66. His delegation viewed all manifestations of nationalism and chauvinism as unacceptable, particularly when they occurred in neighbouring States and affected the rights and dignity of individuals of Russian origin legally resident there. It had withdrawn its draft resolution on the issue of the Russian-speaking population of Latvia, at the last session of the Commission on Human Rights, in response to undertakings by Latvian politicians to improve the situation and promises by international figures to bring pressure to bear on the Latvian authorities.

67. However, although the Latvian Saeime (Parliament) had, on 22 June 1998, adopted amendments to the Citizenship Act under which children born in Latvia after August 1991 could be granted citizenship and the examination requirements for adult applicants for citizenship had been relaxed, the measures fell short of the recommendations of international experts, including those of the OSCE High Commissioner on National Minorities. For example, citizenship was not granted automatically to children and a whole series of conditions were attached. Moreover, parents were required to provide guarantees of their children's "loyalty" to the State.

68. Recommendations by the OSCE, the Council of Baltic Sea States and the Council of Europe regarding the prohibition of the use of minority languages in trade or social organizations and the right to instruction in the minority language had not yet been implemented. The draft labour law still enshrined inequalities and persons without citizenship were unable to enjoy minority rights. Decisions on those issues were to be made by referendum, in the run-up to which a new anti-Russian campaign had been launched. The non-citizens most closely concerned would not be entitled to participate in the referendum.

69. He trusted that the international community would not allow matters to follow the course envisaged by the nationalists. It was surprising, to say the least, that some delegations sought to justify the events unfolding in Latvia. Non-Latvians were not making any extraordinary demands; they simply wished to be able to live under normal conditions. The first step was for Latvia to implement the recommendations of the OSCE High Commissioner on National Minorities.

Statements equivalent to the right of reply

70. Ms. JANJUA (Observer for Pakistan) said that the Constitution guaranteed protection to all the citizens of Pakistan and the Prime Minister was committed to the promotion and protection of the rights of all minorities. In the face of many challenges, the Government was making every effort to establish a liberal, tolerant, moderate and progressive society. It was determined to thwart any attempt to spread ethnic or religious intolerance and was working hard to control the activities of armed groups. Unfortunately, the country continued to be the target of foreign-funded, indiscriminate terrorist acts, which would not be tolerated.

71. With regard to the so-called blasphemy laws, her Government categorically rejected the statement by one NGO that Section 295 of the Pakistan Penal Code was used as a weapon to control minorities. Many countries penalized blasphemy and, indeed, blasphemy laws were applied discriminatorily in some developed countries, which was not the case in Pakistan. Section 295 applied to Muslims and non-Muslims alike. The complaints against Section 295 emanated not from its existence but from its occasional misuse. The Government had instituted appropriate safeguards against such misuse and was also considering more stringent measures to penalize those making false accusations. The higher courts were on their guard against miscarriages of justice.

72. The whole country had been shocked by the suicide of Bishop John Joseph. Every effort was being made to resolve the case, which was currently sub judice. The Government and country had also been shocked at the incident in Shantinagar. The Prime Minister had assured non-Muslim minorities of full protection, immediate compensation and the speedy repair of damaged churches and homes.

73. A National Commission for Minorities had been set up to review laws or practices of the Government or government agencies reported to be discriminatory towards minorities, to recommend measures to ensure fuller participation by minority communities in all aspects of national life, to

examine the grievances of minority communities and to ensure that the places of worship of minority communities were preserved and maintained. Such aims corresponded with the basic tenets of Islam and of the Constitution of Pakistan.

74. Lastly, she hoped that self-styled NGOs which had spoken about Pakistan would, for credibility's sake, summon up the courage to speak of the human rights ills in their own country.

75. Mr. WELDEGIORGIS (Observer for Eritrea) said that the statistics for human rights violations in Ethiopia he had given the Sub-Commission two weeks previously needed updating: the number of persons expelled had risen from 13,000 to 17,000 and the number of those in arbitrary detention from 1,000 to 2,000. Also expelled had been 33 staff members of United Nations agencies and 4 OAU staff members. The Sub-Commission should speak out, having failed to do so during Colonel Mengistu's years in power, lest it acquiesce in the crimes of yet another barbarous regime.

76. Both the Government of the United States of America and Amnesty International had expressed deep concern at the forcible separation of families, the undue hardships of those detained or expelled to Eritrea and the financial losses caused by sudden expulsions. Amnesty International had further criticized the fact that the International Committee of the Red Cross (ICRC) had not been given full access to detainees. A letter from the ICRC itself, of 10 July 1998, gave the lie to the statement by the Ethiopian Ministry of Foreign Affairs that civilians taken to the border of Eritrea had been accompanied by representatives of the ICRC.

77. He had repeatedly urged members of the Sub-Commission and observers to go and see the situation for themselves. He was, however, convinced that enough verifiable third-party documentation existed for the Sub-Commission to take a firm stand. An appropriate pronouncement could avert a disaster.

78. Mr. MUSAYEV (Observer for Azerbaijan) said that, over many centuries, various minorities had lived in Azerbaijan in peace and harmony with Azerbaijanis, owing to the people's respect for universal human values and for the religious convictions of others. Despite the continued armed aggression by Armenia, resulting in the presence of about a million displaced persons, the Government guaranteed the protection of the human rights of all. Full effect was given to the right of minorities to establish their own national, cultural and spiritual centres, which received all possible material and financial assistance from the State. Minority languages were used in the publication of newspapers and books, in radio and television broadcasts and in teaching. Minorities were represented in parliament and all the State structures.

79. Minorities had duties as well as rights, however. They could not engage in any activity contrary to the purpose and principles of the United Nations, including the sovereign equality, territorial integrity and political independence of States. There was a tendency for the right of peoples to self-determination to be misinterpreted as a right of minorities to set up their own States. In extreme cases, one ethnic group could deprive other groups - and the population as a whole - of their fundamental rights or could even commit genocide.

80. The most blatant example of such a perverse interpretation was when the principle was used to cloak armed aggression against an independent State and to consolidate annexation of its territory. Armenia was propagating the theory that the basis of its conflict with Azerbaijan was the desire for self-determination of the Armenian community in the Nagorny Karabakh region which, before the conflict, had enjoyed the widest political, economic and cultural autonomy as part of Azerbaijan. It was clear, however, that the issue involved a gross violation of Article 2, paragraph 4, of the Charter of the United Nations.

81. It was illusory to think that the right to Statehood for minorities might promote peace and stability. The best defence against the threat of ethnic dislocation and tension was genuine democracy open to all. Some forms of self-rule would facilitate the effective implementation of minority rights in the fields of education, language, the media, culture and religion. In that connection, his Government considered the principles of settlement for the armed conflict between Armenia and Azerbaijan, as enunciated by the Chairman-in-Office at the 1996 OSCE Lisbon Summit, to be a valuable contribution to a universal peace model, based on respect for the territorial integrity of States and the promotion and protection of human rights.

82. Mr. ALEMU (Observer for Ethiopia) said that various groups had been independently documenting the criminal acts of the Eritrean Government. German-based researchers for soil and water conservation in Africa had reported the results of a field trip to eastern Tigray, just south of the border between Ethiopia and Eritrea. The Irob people who lived there were highly innovative and industrious farmers. In May 1998, their territory had been invaded by Eritrean forces. In the northern part of their land, women and girls had been raped, churches had been desecrated and were used to store Eritrean weapons, houses had been dismantled for firewood or building materials and, it was suspected, young Irob men were being forcibly conscripted into the Eritrean army.

83. The rainy season had been good, but farmers were not allowed to cultivate their fields unless they agreed to become Eritrean citizens. Able-bodied people had fled to Adigrat, whose population had more than doubled with the influx of 35,000 refugees. Among those were farmers, who prided themselves on their ability to work the land and for whom idleness was a sin. The Irob could not accept the continued occupation of part of their land and the division of their people; they regarded themselves as Ethiopians. If the international community could not convince Eritrea to withdraw its troops, then the Ethiopian people would have no choice but to recover their land by force of arms.

84. Those statements by neutral observers should make the Eritrean Government realize that it could not escape from its criminal acts against children and civilians by masquerading as a victim.

85. Mr. IDRIS (Observer for Sudan) said that Christian Solidarity International had alleged that the famine in northern Bahr-el-Gazal had been deliberately engineered by what it called the National Islamic Front, in pursuit of ethnic cleansing of the Dinka people. The NGO in question knew very well that the situation had been caused by the combination of an

unprecedented drought and the defection of a senior military officer, which had caused havoc and displacement among the civilian population. It had interpreted as a diversionary policy his Government's move to allow access to all areas in the south for the international community to deliver relief. It had also failed to mention that three million southerners, many of them Dinkas, had taken refuge in Government-controlled areas and in the north.

86. The NGO had gone on to allege Government involvement in raids carried out by tribes in May 1998, without mentioning that the raids were against the Sudan People's Liberation Army (SPLA), which had previously devastated those tribes in unprovoked raids, destroying 68 villages, murdering over 100 people and stealing tens of thousands of cattle.

87. The call by that NGO for his Government to cease hostilities and accept the Intergovernmental Authority on Development (IGAD) Declaration of Principles was misleading: it was the Government that had repeatedly called for a permanent cessation of hostilities, while the Garang faction of the SPLA had repeatedly rejected such a move. The NGO was well aware that the Government had unilaterally declared an indefinite and comprehensive ceasefire in the south, whereas the rebels had not, and that the Government had already accepted the IGAD Declaration of Principles as a basis for negotiations with the rebels.

88. His Government had invited those interested in human rights issues, including Amnesty International, various representatives of the United Nations and dignitaries from the States of the European Union, to visit the country. To demonstrate its keenness to achieve peace, it had unequivocally accepted the right of the people of southern Sudan to self-determination, to be exercised through an internationally supervised public referendum. The Khartoum Peace Agreement provided for the southern region to govern itself as a single entity; and the Constitution guaranteed freedom of expression, association and religion for all, including the minorities.

The meeting rose at 6.05 p.m.