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the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-second session

SUMMARY RECORD OF THE 1560th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 6 March 2003, at 3 p.m.

Chairman: Mr. DIACONU

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

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

Thirteenth to seventeenth periodic reports of Tunisia (CERD/C/431/Add.4, HRI/CORE/1/Add.46, A/49/18, CERD/C/226/Add.10)

1. At the invitation of the Chairman, the members of the delegation of Tunisia took places at the Committee table.
2. Mr. MANSOUR (Tunisia), introducing his country's seventeenth periodic report (CERD/C/431/Add.4) said that human dignity, non-discrimination, tolerance, solidarity and openness were principles of fundamental importance to Tunisia. His country had been among the first to abolish slavery in 1846 and to introduce a Constitution in 1857, guaranteeing for all the right to inviolability, equality before the law, equal property rights for Muslims and non-Muslims, and freedom of religion and belief. Victims of discrimination had always been able to find refuge in the country. For example, as early as the fifteenth century, Tunisia had offered asylum to Muslim refugees from Andalusia and to Jewish refugees.
3. He listed a number of laws designed to prevent and to combat all forms of discrimination in his country. They included the Penal Code and the Press Code, which banned acts inciting to racial hatred and discrimination. The country's Constitution guaranteed equality for all before the law and recognized the same rights and obligations for everyone. The most significant constitutional reform, put to popular referendum on 26 May 2002, had marked a fundamental stage in the implementation of institutional structures, consolidating human rights and the rule of law and reinforcing the values of solidarity, cooperation and tolerance among individuals and social categories. The country had always rejected all forms of extremism and had respected religious freedom, including unrestricted worship and the rights of religious minorities. He listed a number of laws in that regard. Tunisian society had agreed not to use places of worship in political conflicts. To that end, a law had been adopted on 3 May 1988 with a view to preventing extremist movements from seizing mosques and using them to incite intolerance.
4. The country had made every effort to build a solid economy and a balanced society. The many positive results of such efforts included a significant increase in per capita income since 1986 and a remarkable reduction in the rate of poverty since 1980. Reforms had been introduced to ensure gender equality, to reinforce the rights of women and children, to consolidate the rights of the disabled and the elderly, and to promote a human rights culture. The country had undertaken bold reforms with regard to the emancipation of women, who were active in law, medicine and a variety of other fields. For example, they accounted for 25 per cent of all magistrates, including 60 per cent in the capital, and 46 per cent of medical professionals. They were also consolidating their role in politics and were being promoted to high-level decision-making posts.

5. The country attached particular importance to promoting the rights of the disabled and the elderly. Disabled persons were considered fully-fledged citizens and had the right to education, professional training and work. Firms with 100 or more employees had to reserve 1 per cent of posts for the disabled. Numerous measures had been introduced to facilitate the access of the disabled to places and services intended for public use and to foster their integration into professional life. They received a card which guaranteed free or cheaper access to public transport and allowed them to use certain health services free of charge. The country was committed to ensuring that everyone could benefit from its health policy. Thus, foreigners were entitled to health care without discrimination. In 1996, in recognition of the progress made by Tunisia in the health sector, the World Health Organization (WHO) had awarded President Zine El Abidine Ben Ali the Health-for-All Gold Medal.

6. The National Solidarity Fund, the Tunisian Solidarity Bank and a microcredit system were just some of the measures introduced with a view to protecting Tunisian society against disparities and the risk of imbalance among social categories and regions. Competent United Nations bodies had recognized the country's success in that field. The United Nations General Assembly had adopted President Zine El Abidine Ben Ali's initiative to create a World Solidarity Fund designed to combat poverty and exclusion in the world.

7. A law on education, which had come into force in July 2002, stipulated that education was a national priority, the aim of which was to establish the primacy of knowledge, solidarity, tolerance and modernity. The principles of non-discrimination, human dignity and equality between the sexes had been incorporated into school curricula. Over 99 per cent of 6-year-old boys and girls were enrolled in school. The percentage of girls in primary, secondary and higher education had increased substantially over the previous decade, reaching 47.6, 51.6 and 53.9 per cent respectively. Human rights initiatives extended to all branches of higher education. For example, a special place had been reserved in the Arts Faculty for the history of minorities, communities and religions. In that framework a number of international symposiums had been held in the country, including the meeting organized in 1998 on the history of the Jewish Community in Tunisia. The media also played an important role in combating racial discrimination. For example, one of the radio stations broadcast programmes in several languages on a daily basis and a growing number of people had access to foreign channels in all languages.

8. The country had actively participated in the World Conference against Racism and had adopted the Durban-2001 Declaration and Plan of Action. It had also taken part in a regional African workshop, held in Nairobi from 16 to 18 September 2002, which had focused on the follow-up to the Durban Declaration and Plan of Action. On the national level, extensive consultations had been initiated with a view to consolidating the spirit of the Durban Declaration and identifying the means of implementing the Plan of Action.

9. Mr. LINDGREN ALVES (Country Rapporteur), referring to part III, subsection D, of the core document (HRI/CORE/1/Add.46), welcomed the fact that the country gave precedence to international conventions over internal legislation. In view of the fact that under the Constitution the President's term of office was limited to two five-year periods, he wondered why President Zine El Abidine Ben Ali, who had taken office in 1987, was still in power. He emphasized that the question was not a matter of criticism. The point had not been dealt with in the report and he

would, therefore, welcome clarification. The core document revealed that the country's legislation accorded special attention to the definition of the crime of terrorism. He expressed concern that punishment for inciting to racially motivated violence seemed to be an extension of the prevention of terrorism. Legislation had not been separated, but perhaps the effect was the same.

10. The country's legislation had been designed to ensure equality among individuals. Steps had been taken, for example, to incorporate human rights into the system of education. In 1996, in the framework of the United Nations Decade for Human Rights Education (1995-2004), a national commission had been established in order to improve the supervision of human rights education and ensure the dissemination of culture.

11. He wished to have further information on the National Solidarity Fund, the National Solidarity Bank, and other innovative measures adopted in the economic and social fields. He believed that some of the most important recommendations made by the Committee following consideration of the country's twelfth periodic report had been taken into account. However, he wondered why the country refused to make the declaration under article 14, paragraph 1, of the Convention. The report contained almost no information on the accomplishments made and the difficulties encountered in the implementation of laws and other anti-discrimination measures.

12. Certain international non-governmental human rights organizations reported that the human rights situation in the country had deteriorated in recent years. According to the Amnesty International Report for 2002, around 1,000 prisoners of conscience had remained in prison in 2001, some of them having been there for over 10 years. However, the report referred to prisoners of conscience as opposed to persons discriminated against on the grounds of race, colour or ethnicity. He believed that religious extremism and all other forms of fundamentalism, which resulted in violent activities, went well beyond matters of conscience. Could the Government provide information on the above-mentioned allegations, as well as on reports to the effect that human rights defenders had no freedom of action?

13. Referring to the introduction to the seventeenth periodic report, he said that the assertion that "racial discrimination had never existed in Tunisia" was too audacious, especially in a country that had been "a melting pot for diverse peoples and civilizations" (para. 1). He had no doubt that "the values of tolerance and respect were deeply rooted in [the] Arab-Muslim civilization", but to say that Tunisia was "in the forefront of human civilization" was the type of assertion which, when made by countries of the Western world, was firmly rejected. Such attitudes should be avoided.

14. Concerning recent socio-economic data, he commended Tunisia for its performance, which was particularly impressive in a period in which globalization was having a terrible impact on the rest of Africa and elsewhere. It was encouraging that Tunisia had reduced its demographic growth by improving health care and promoting the role of women in society. He also commended the Government for the reduction in the poverty level and the increase in life expectancy achieved in the period under consideration.

15. With regard to implementation of article 2, he expressed doubts about the assertion in paragraph 10 of the report that no public or private body or institution in Tunisia engaged in acts of racial discrimination. How could any Government make such a statement? Did not illegal acts take place which escaped a Government's attention? Paragraph 11 stated that there was no disadvantaged racial group whose situation would require the adoption of provisional measures to guarantee that group's exercise of its human rights and fundamental freedoms in the economic, social, cultural, political or other fields. He recalled that when he had been in Tunisia in the 1970s, the living conditions of the Berbers in the desert had been very harsh. He asked the delegation to provide updated information on their current situation. He had been told by a person of Berber origin that the negation of the existence of that minority went so far as to prohibit the use of Berber first names. He asked the delegation to comment on that point. Were persons who spoke the Berber language the victims of discrimination? One solution regarding the Berbers of Tunisia, who were not very numerous, would be to classify them as an indigenous people and ensure that they benefited from the protection which a number of international conventions afforded.

16. Turning to paragraph 14, he noted that although the main focus of the new provision of the Penal Code was on offences defined as terrorism, it also stipulated that acts which incited racial hatred were to be treated in the same manner, and he therefore considered that the State party had complied with the recommendation on the subject which the Committee had made in March 1994 in its Concluding Observations (A/49/18, paras. 160 to 180) on the twelfth periodic report of Tunisia (CERD/C/226/Add.10). He asked what the penalty was for such acts.

17. With regard to the implementation of article 4, the report contained a list of legal provisions governing the prohibition of racial discrimination, although once again the main emphasis was on terrorism and religious extremism. The penalties described in that section were for violation of the right to worship. He asked what penalty was applied to persons or organizations which advocated racist ideas or theories.

18. As to implementation of articles 5 and 6, the report provided considerable information on legislation and practice, which appeared to be in conformity with the Convention. The report stated that Christians and Jews had the same guarantees as Muslims. Did Hindus, animists and atheists have the same rights? Could they hold political office? He also enquired what progress had been made towards recognizing equality of the sexes, to which paragraph 49 referred. To what extent was gender equality possible in an Islamic country?

19. Mr. HERNDL said that in its Concluding Observations of 1994, the Committee had voiced concern about a number of subjects, but the seventeenth periodic report had failed to provide any additional information; it contained no data on the ethnic composition of the population and said very little about the actual implementation of Tunisia's legal provisions. With regard to the implementation of article 4 of the Convention, in its Concluding Observations, the Committee had expressed concern that specific and other measures to prevent and prohibit racial discrimination had not been adopted and that domestic legislation lacked provisions to implement fully article 4 of the Convention (para. 175), and it had recommended that specific legislation be introduced to implement the provisions of article 4 of the Convention (para. 177). Paragraphs 20 and 21 of Tunisia's seventeenth periodic report referred to amendments to the Press Code and the Penal Code, but those changes had been made in 1993,

prior to the drafting of the Committee's Concluding Observations. Likewise, the provisions mentioned in paragraphs 22 to 25 had already been discussed in the previous country report. Although incitement to racial discrimination had been made an offence (article 52 bis of the Penal Code), the report had not made any reference to provisions prohibiting racist organizations, assuming such provisions existed. In that connection, paragraphs 77 and 78 should have been placed in section IV, because they contained good examples of implementation of article 4.

20. Concerning implementation of article 5, he asked whether any measures had been taken to familiarize the police and administrative officials with the Convention. Turning to paragraph 49, on inheritance law, he noted that in its Concluding Observations on Tunisia of 1999 (E/C.12/1/Add.36), the Committee on Economic, Social and Cultural Rights had recommended that men, women and children of both sexes should be enabled to enjoy the right to inherit on a basis of equality (para. 21). It was unclear from the wording of paragraph 49 whether Tunisia had followed up that recommendation.

21. As to implementation of article 6, no information had been provided on the activities of the Office of the Ombudsman, whose creation had been reported in the previous report. Turning to the implementation of article 8, he referred to the amendment to article 8 (6) adopted by the General Assembly. In its Concluding Observations (para. 180), the Committee had asked Tunisia to ratify that amendment, but the report had not referred to the question. It was to be hoped that the Government would ratify it soon.

22. Mr. VALENCIA RODRIGUEZ, noting the Government's assertion that racial discrimination had never existed in Tunisia, pointed out that there had never been a single State for which the Committee had concluded that that phenomenon was completely unknown.

23. He asked whether article 32 of Tunisia's Constitution, to which paragraph 48 referred, could be interpreted to mean that the Convention took precedence over domestic law. It seemed that Tunisia was in compliance with article 4 (1) of the Convention, but more information was needed. Apart from the law on political parties, what other legislation prohibited organizations which propagated racial hatred, and how had their provisions been applied? With regard to the implementation of article 5, he asked what exactly the special treatment was which refugees enjoyed that helped make it possible for them to work (para. 38). Concerning the right to acquire Tunisian nationality, he would like to know whether, pursuant to Act No. 2002-4 (para. 41), Tunisia accepted the principle of dual nationality. If it did, that would be an important legal development.

24. According to paragraph 48 of the report, foreigners could acquire immovable property in Tunisia once they had obtained authorization from the governor of the region or on the basis of bilateral treaties. What conceptual differences existed between the two procedures? Did treaties offer better guarantees for citizens of countries with which such treaties had been concluded? He also sought further information on the results of the measures taken to strengthen the right of Tunisians residing abroad to education (para. 71).

25. Concerning implementation of article 6, he asked whether civil proceedings to claim damages were instituted after sentencing in criminal proceedings or whether the same judge who ruled on the criminal offence could also decide on damages. Paragraph 77 of the report noted that there had been a few other cases in addition to the one cited. Could the delegation provide more information on them? With regard to implementation of article 7, he commended the Government for the considerable progress made in the area of equality between boys and girls in education and welcomed the establishment of a national commission for human rights education (para. 85). Was the Convention part of that educational effort? He urged the Government to make use of the media to disseminate information on the Convention and the activities of the Committee.

26. Mr. THIAM commended the Government for the courageous measures taken with regard to such controversial questions as polygamy and inheritance law. He agreed with the country rapporteur about the lack of demographic data in the report. The homogeneity of the population seemed to indicate the disappearance or non-existence of other ethnic groups, such as the Berbers. It was to be hoped that the creation of the Tunisian melting pot did not mean that the ethnic groups which had inhabited the country before the Arabs had become extinct. The report did not respond to the concerns raised in the Concluding Observations about measures to protect the culture of ethnic, cultural and religious minorities.

27. With regard to the implementation of article 2, it would be useful to have more information on the functioning of consultative human rights bodies, their volume of work and measures taken to ensure their independence. He also wondered whether the Convention could be invoked in Tunisian courts. Had the courts heard any cases involving allegations of racial or religious discrimination? Tunisia had taken many praiseworthy measures to promote economic and social rights and adopt human rights legislation. That effort would have been easier to assess if the report had provided more data in that regard. It was to be hoped that the next report would contain consolidated information and statistics.

28. Mr. de GOUTTES, referring to paragraphs 3 to 8 of the report, said that data were needed on socio-economic indicators concerning the most vulnerable social groups, who were most at risk of being the targets of racial and ethnic discrimination. It would be useful for the Committee to receive information on the practical application of the measures taken to implement article 4. He expressed concern that the State party might have gone too far in associating with terrorism the incitation of hatred or racial or religious fanaticism. The report mentioned just one case that had been prosecuted involving racial hatred, dating back to 1994. Had there been anymore? The delegation should provide the Committee with further information and statistics on the number and kinds of complaints of racism that had been filed, and how they had been followed up.

29. The delegation should comment on the fact that according to the Amazigh World Congress, the 5 to 10 per cent of the Tunisian population that was Amazigh suffered from racial discrimination. Amazigh children were reportedly unable to study in their language; they did not enjoy the right of association; the use of Amazigh first names was prohibited; and there was a lack of a press and media in their language. According to Amnesty International, NGOs

advocating human rights faced obstacles in carrying out their work. The 1994 report had mentioned the existence of the Higher Committee on Human Rights and Fundamental Freedoms. What had happened to that body?

30. Mr. KJAERUM, noting the importance to the Committee of statistical data on the ethnic composition of the country and of socio-economic indicators, requested information on the breakdown by ethnicity of the prison population. Referring to the prohibition against the issuing by political parties of recommendations that incited or encouraged violence with a view to sowing hatred among citizens, he asked if any such cases had been prosecuted, and whether the penalty for such an offence would entail the disbanding of the party in question or another form of sanction. Was the case cited in the report of prosecution for the manifestation of racial and religious hatred the only one of its kind? The delegation should describe the substance of that case.

31. He expressed surprise that the citizenship of naturalized persons could be revoked if they committed certain offences within a 10-year period of acquisition of nationality. How often was that provision applied? Was there any intention to rescind it? What nationality did such persons have once they were thus stripped of Tunisian citizenship? In his view, unless they acquired their citizenship through fraud naturalized citizens should enjoy the same rights as others. Noting that the Committee had in its previous concluding observations requested information on the functioning of human rights bodies and mechanisms, he specifically asked how the Higher Committee on Human Rights and Fundamental Freedoms worked, and whether there were any plans to establish a national human rights institution in conformity with the Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights, also known as the Paris Principles. Lastly, he asked whether the Government had taken any steps to adopt a national plan of action to follow up on the Durban Declaration and Programme of Action.

32. Mr. AMIR underscored the extremely important historical role played by Tunisia, the home of Saint Augustine of Hippo and the civilization of Carthage, as a cradle of dialogue between Europe and the Mediterranean. He regretted that the thirteenth to seventeenth periodic reports, submitted in a single document, did not give sufficient weight to the country's history and importance and did not sufficiently show how the situation in the State party had evolved.

33. The delegation should describe in further detail the provisions relating to nationality, as that would help the Committee gain a better understanding of the efforts to promote gender equality in inheritance law, for example in cases of mixed marriages. Did the entire population have sufficient access to health care and other social services, despite the high level of unemployment and the existence of social disparities? In the absence of tables showing social indicators it was very difficult for the Committee to formulate an idea of the problems of human rights in general and discrimination in particular.

34. Mr. YUTZIS, referring to the Committee's concluding observations issued in 1994, asked what steps had been taken to ensure the independence from the executive branch of the Administrative Mediator, the Higher Committee of Human Rights and Fundamental Freedoms and other human rights bodies. He felt that the State party's approach, whereby it reserved the same treatment for acts inciting hatred or racial or religious fanaticism as for acts of terrorism,

was unbalanced, since acts of racial discrimination were not necessarily acts of terror. In the current circumstances, the word “terrorism” had extremely contentious connotations and its wholesale association with racial discrimination was inappropriate, notwithstanding the fact that certain very specific manifestations of racism and xenophobia could take the form of terrorism.

35. The State party should provide disaggregated data to permit the Committee to verify implementation of article 5 of the Convention. In 1994 the Government had reported that some 25,000 foreigners were living in Tunisia. How many were currently in the country, and what nationalities were they? Had the number of non-Muslims increased or declined? During the discussion of the last report the delegation had affirmed that the Berbers were very well integrated and had advanced no claims for recognition, and it had stated that there were no nomadic tribes in the country. In the current report too, he detected a tone indicating that the Government considered that Tunisia was ethnically and culturally homogenous. Did the Government consider integration to be desirable? There was a danger that the concept could be confused with assimilation. The Amazighs had an ancient culture and literature that was evolving, and it was regrettable that the Government did not mention their situation in its report.

36. The Committee had not been informed whether foreign nationals received the same pay as Tunisians, nor had it received information concerning their standard of living. What criteria applied when foreigners requested authorization to acquire immovable property in Tunisia? Why was there a mention of the special protection afforded for the Catholic religion? Did that mean that ethnic groups that were Catholic were given more protection than others?

37. Mr. SHAHI, noting that “treaties had an authority superior to that of laws, subject to application by the other party”, asked what interpretation was given to that clause in the case of multilateral human rights instruments. The fact that Tunisia had enjoyed a great deal of economic growth in a relatively short time, with per capita income increasing threefold, was a heartening indication that the general situation of human rights was no doubt improving as well, since poverty was the worst enemy of human rights. He commended the State party for moving towards recognition in its inheritance law of equality of the sexes and of the entitlement of grandchildren whose parents predeceased the defunct. That was a bold step for a Muslim country, as it ran contrary to many interpretations of Islamic law. It was also encouraging that the State party had adopted an interpretation of freedom of speech and expression that was consistent with the position adopted by the Committee, as reflected in the case cited in paragraphs 77 and 78 of the report.

38. Ms. JANUARY-BARDILL enquired about the Ombudsman’s Office and whether there were any examples of cases that had been brought before it. She also asked about the independence of Tunisia’s Higher Committee on Human Rights and Fundamental Freedoms. The Committee had often encouraged the establishment of such institutions in accordance with the Paris Principles.

39. The CHAIRMAN thanked the delegation for its report and invited it to present its replies to the Committee’s questions the following day.

40. The delegation of Tunisia withdrew.

GENERAL DEBATE (agenda item 3)

41. Mr. ABOUL-NASR proposed that the Committee should have an exchange of views on the current world situation from the standpoint of racial discrimination. It should make a statement to draw the international community's attention to human rights violations occurring throughout the world, many of which were racially motivated. Those included massacres, bombings and other kinds of attacks, in which thousands were being killed. Although the Committee could not hope to solve all those problems, the least it could do was to issue a statement or include in its reports reference to the worsening situation of racial discrimination around the globe. He asked the other members for their suggestions.

42. Mr. BOSSUYT said he agreed that the Committee should discuss the threats to world peace, especially those arising from the situation in the Middle East. There had been yet another suicide bombing in Israel the previous day that had claimed innocent victims. It was not an isolated event, but rather was one of a series of regular attacks. Regrettably, such attacks provoked reactions that were completely disproportionate and contributed very little to improving or solving the problems in the region.

43. There were multiple threats to world stability stemming from the current situation in Iraq. The Iraqi regime was guilty of blatant and massive human rights violations. Examples included the war the country had waged on Iran and its invasion and occupation of Kuwait in 1990. The Iraqi regime had employed weapons of mass destruction in the war against Iran and in attacks on segments of its own population.

44. The world was in a quandary as to how best to react to that situation. The economic sanctions imposed on Iraq had proved to be completely ineffective. Worse still, they had caused great suffering for the country's innocent population. A war on Iraq would pose enormous risks and, in his opinion, was not justified. The dangers that had been invoked concerning the size and imminence of the Iraqi threat had not been sufficiently demonstrated. While there was indeed a problem concerning the exact status of the country's arsenal of weapons of mass destruction, it was better to rely upon the United Nations weapons inspectors to verify that status and to force the Iraqi regime to disarm. The risks of military intervention in Iraq were numerous; they included the military risk, the risk to the world economy, and political risks that could compromise international relations for many years to come. In his opinion, if military intervention in Iraq were to occur without the Security Council's authorization, it would endanger the entire system of collective security that had been painstakingly developed over the years, while threatening the system of international law as it currently existed.

45. Mr. AMIR said that many peace demonstrations were being held around the world, including in the United States, Australia and Great Britain. There was no better example, in the fight to eliminate discrimination, than that of the anti-war protesters. They were also a good example of public rejection of the arguments of war strategists, who, through the mass media, advocated acceptance of war simply on the grounds that strategic interests were at stake. It was important to highlight such movements, as they related very closely to the activities of the Committee.

46. The purpose of the current general discussion was to find ways for the Committee to give its opinion on the important events relating to its mandate. Because of their status as experts on the Committee, and not State representatives, Committee members were in a position to speak their minds as individuals and, if they so desired, to request that their opinions should be disseminated in the mass media.

47. Mr. LINDGREN ALVES said that the Committee should take a position on recent world events, perhaps through a statement drafted by the Chairman and subscribed by all the members. A war in Iraq presented a serious risk for the United Nations, for the international law system and for the fight against racial discrimination in the world. The Committee should issue a statement and publish it in the press.

48. Mr. VALENCIA RODRIGUEZ said that according to reports that had been received by the Committee, racial discrimination was on the increase in all parts of the world. The Committee should speak out about its concern over the extremely grave situation in the Middle East, as it was one such example. That situation had major implications for world peace and security; yet there did not seem to be any solution in sight. The fact that a war against Iraq might be declared in coming days or weeks should concern the Committee; it would have tremendous consequences for humanity as a whole, as well as on the application of the Convention. In his opinion, it was incumbent upon the Committee to make its concerns known to the international community.

49. Mr. SHAHI said he also had deep concerns about the international system and the world order. Referring to Mr. Henry Kissinger's words, he said that after the events of 11 September, the world had changed. That was because the United States had changed; it had realized it was vulnerable to attack. He reviewed some of the United States policies and positions on national security, one of which had involved a shift from its former stance of containment and deterrence to a strategy based on launching pre-emptive strikes and the use of special forces to subvert and overthrow rogue States from within. The Committee must ask itself what such a strategy would portend. In his view, it represented a departure from the international system that had evolved since the Second World War and to which the United States had been a great contributor.

50. He observed that international terrorists did not represent a particular State, which made containment very difficult. However, the situation in Iraq was not one that could not be contained. He understood that authorities in the United States were talking about changing the entire political landscape of the Middle East in much the same way that the British and the French had done following the First World War. If, as the United States proclaimed, a war in Iraq would liberate the Iraqi people from the tyranny of Saddam Hussein, the Committee should ask how that would justify violating the human rights of the 50,000 to 100,000 people who would die in such a war.

51. Mr. de GOUTTES said that the position of his country, which was to uphold international law and to oppose any notion of a pre-emptive war, was well known. Negotiations were still under way to try to save the collective security system to which other Committee members had already referred. He did not believe that the Committee on the Elimination of Racial Discrimination had sufficient weight by itself to influence events of such global

magnitude. However, if the Committee should nevertheless decide to prepare a statement, that statement should have two features: it should emphasize the risks of an international armed conflict from the standpoint of racial and ethnic discrimination; and it should be balanced in its content. Additionally, it should renew the Committee's condemnation of terrorism and refer to human rights violations that had been committed in the Occupied Territories, as well as in Iraq and elsewhere.

52. Mr. KJAERUM observed that the Chinese symbol for risk was a beautifully balanced composite of two elements: danger and possibility. His approach would be to look for the element of possibility in the risks being discussed. The ethno-political developments in the world over the last decade were such that particularities in tradition and culture had taken precedence over human rights and respect for the individual. The conflicts in the former Yugoslavia and in Rwanda were notable examples.

53. Similar developments in Western Europe and the United States were reflected in the increase - since 11 September and the beginning of discussions on a possible war with Iraq - in anti-Islam sentiment, xenophobia, racism and anti-Semitism. The agenda of those ethno-political groups constituted an attack on basic human rights principles. In fact, the whole human rights system as it had been built up over the last 50 years was under attack. For example, the British Government was launching a new refugee programme, which in many ways would constitute a breach of the 1951 Refugee Convention, as well as of some of the fundamental elements of the European Human Rights Convention. The larger issues of war and its implications for the United Nations were underpinned by trends occurring at a somewhat lower level, but exhibiting the same worrying characteristics.

54. There had been many references to "old" and "new" countries. In his view, the "old" countries were those that applied old means; the oldest means was war, weapons, and destruction. The "new" countries were those in favour of the rule of law, at both national and international levels. It was important to focus on positive aspects. One of those was the growing awareness among the general public of the treaty-body system and the notion that politics did indeed matter. Another positive aspect was that the divide between North and South was blurring, as stronger global networks were being formed. Interaction between them had increased markedly in the last five years.

55. Mr. RESHETOV said that an international body was working to disarm a distasteful regime. In his view it should be allowed to do just that. The Security Council was a thriving organism and was on the verge of demonstrating that it could disarm a State. If it succeeded in averting a war, the United Nations would be strengthened. If it did not, international law would be threatened. No matter how modest its influence, the Committee should speak out and express its views.

56. Ms. JANUARY-BARDILL said she agreed that the Committee should make a statement that specifically targeted the issue of war. Her personal view was that a military solution to the situation in Iraq was totally inappropriate. The Committee's role was to act as a custodian of racial justice; as one of its members, she would see a military solution as making its work more difficult, apart from worsening the situation in Iraq itself.

57. Mr. ABOUL-NASR said he was very impressed by the discussion and thought it was a good start. He appealed to the Chairman and to those writing the press releases to give extensive coverage to the general discussion.

58. The CHAIRMAN requested that a separate page be devoted to the Committee's general debate. If the Committee wished to formulate a statement, that would need to be finalized by the next day. He asked Mr. de Gouttes to consult with other Committee members in order to draft a short statement that would serve as a starting point. The Committee would continue its general discussion the following day after consideration of the States parties' reports.

The meeting rose at 6.05 p.m.