



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-sixth session

SUMMARY RECORD OF THE 1683rd MEETING

Held at the Palais Wilson, Geneva,
on Monday, 28 February 2005, at 3 p.m.

Chairman: Mr. YUTZIS

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

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

Thematic discussion on the prevention of genocide

1. The CHAIRMAN invited States parties, civil society organizations and experts to participate in the debate on the prevention of genocide from the standpoint of racial discrimination. It was hoped that the debate would highlight the most effective preventive measures.
2. Mr. SHAHI said that the Committee, acting under its early warning and urgent action procedure, had drawn the Security Council's attention to a number of instances of systematic and massive violations of human rights that were in danger of escalating into genocide.
3. On the tenth anniversary of the Rwanda genocide, the Secretary-General had presented an Action Plan to Prevent Genocide, reminding the world that during the 1990s the international community had failed to prevent the genocides in Srebrenica and Rwanda. The Action Plan emphasized the need for swift and decisive action to halt genocide, including military action in extreme cases.
4. The appointment of Mr. Juan Méndez as Special Adviser on the Prevention of Genocide fulfilled the requirement for a United Nations mechanism to act independently for early warning purposes, and to address the root causes of genocide and ethnic cleansing, such as systematic discriminatory policies against ethnic, national or religious minorities.
5. The Rwanda genocide stood out as the most horrific example of the failure of the United Nations system to heed and correctly evaluate early warnings, which had been sounded by the United Nations Assistance Mission for Rwanda (UNAMIR) almost three months before the bloodshed had started, and also by the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions.
6. In September 2003, the Secretary-General had announced the appointment of the High-Level Panel on Threats, Challenges and Change, to focus on challenges to peace and security, including threats of genocide. In January 2004, the first international conference on that subject since the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide in 1948 had been held in Stockholm. The Swedish Prime Minister had called for a preventive strategy for genocide that included provisions for the worst-case scenario when prevention failed and atrocities occurred. The international community must equip itself with the capacity for rapid deployment of peacekeeping forces to halt genocide when prevention failed. Although developing countries could provide military contingents, they lacked the necessary financial and logistical resources, and therefore the High-Level Panel also envisaged the contribution of forces by developed countries. Training and disciplinary control were necessary to prevent abuses of prisoners and civilians by military contingents. The Global Peace Operations Initiative put forward by the United States for Western nations to train, equip and

provide logistical support to the international peacekeeping forces merited the serious consideration of the United Nations. It was widely held that genocide could only be prevented by a rapid reaction force to be deployed within two to three days of early warning; at present that took between 15 and 45 days.

7. The report of the International Commission of Inquiry on Darfur, recently submitted to the Security Council, absolved the Government of Sudan of the charge by the United States Congress and the European Union (EU) Parliament of pursuing a policy of genocide in Darfur. However, it concluded that, directly or through the militias under its control, the Government was responsible for crimes against humanity and war crimes that could be no less serious than genocide. A sealed list of 51 suspects had been submitted to the Secretary-General, and the Commission of Inquiry recommended that he immediately refer the situation in Darfur to the International Criminal Court (ICC). However, the United States wanted an ad hoc tribunal to prosecute the alleged crimes. The Vice-President of Sudan did not favour prosecution until there was peace between the Government and the rebels. According to the United Nations envoy for Sudan, the Government had neither stopped the violence nor brought the offenders to justice.

8. In a 2004 decision (CERD/C/65/Dec.1), the Committee had recommended the deployment in Darfur of an adequately reinforced African Union (AU) protection force with the logistical and financial assistance of the EU and the United States. The AU was due to increase its military contingents to 4,000, although that would still not be sufficient to protect an area the size of Darfur; and regrettably, their mandate did not empower them to act to protect the civilian population. There had been no indication of support by the EU, and the United States was reported to have provided only a modicum of financial support. What Sudan needed was help from the international community.

9. Mr. MÉNDEZ (Special Adviser on the Prevention of Genocide) said that his mandate involved gathering information, providing early warning and presenting appropriate recommendations to prevent genocide from occurring. The creation of the position of Special Adviser had been part of the Secretary-General's Action Plan, but also part of the broader United Nations efforts to create a culture of prevention of massive violations of human rights and humanitarian law. There was a collective international responsibility to protect, to be exercised by the Security Council, which included the authorization of military intervention as a last resort in the case of genocide, other large-scale killing, ethnic cleansing or serious violations of international humanitarian law. The High-Level Panel had also recommended deterring parties to a conflict from committing crimes against humanity, war crimes or genocide, by referring cases to the ICC at an early stage.

10. Prevention required both early warning and early action. It was therefore crucial not to miss important developments that might not attract broad public attention in their early stages. Early warning should always be accompanied by practical proposals that enabled the international community to act in a timely fashion. To that end, his office had prepared notes on the situation in Darfur, the Democratic Republic of the Congo and Côte d'Ivoire. His office had undertaken a joint mission with the High Commissioner for Human Rights to Darfur and had submitted recommendations to the Security Council on the protection of civilians and the prevention of future violations of human rights and humanitarian law. In addition, it provided more general guidance on related issues, such as hate speech and public incitement.

11. Early warning required indicators, and most models identified more or less the same 5 countries most at risk and another 10 with a potential risk of massive violence based on national, ethnic, racial or religious factors. Most of the internal United Nations mechanisms relied on the expertise of staff on the ground and at Headquarters to evaluate situations on a case-by-case basis.

12. His Office should act as a focal point for early warning information coming from inside and outside the United Nations system. The Office was developing its working methods and priorities and was currently meeting with academic institutions, civil society organizations and United Nations partners to exchange views on existing early warning systems. The Office had joined the United Nations Interdepartmental Framework for Co-ordination on Early Warning and Preventive Action and the Executive Committee on Peace and Security, as well as initiating cooperation with the Early Warning Unit of the Office of Cooperation on Humanitarian Affairs and the Inter-Agency Standing Committee's working group on preparedness and contingency planning.

13. Possible situations that merited the Special Adviser's attention had been determined on the basis of the legal definition of the crime of genocide according to the 1948 Convention. Accordingly, the situation must involve a national, ethnic, racial or religious group at risk, and violations of human rights or humanitarian law which might become massive or serious. Another important criterion was a history of acts of genocide in the country in question. Countries that matched most criteria were placed on the watch-list of countries of concern, and additional precipitating or external factors determined those countries in which immediate involvement was necessary.

14. His Office could benefit from cooperation with CERD, and would be interested to share its experience of early warning and urgent action procedures. As systematic discrimination was most often among the root causes of conflict, the different aspects of racial discrimination were important criteria in guiding his attention to particular situations. The possibility of joint field visits could be considered as a concrete form of cooperation.

15. Mr. DIÈNE (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance) said that one of his central concerns was the disturbing resilience of genocide, which continued despite all the ethical, legal and scientific breakthroughs and the adoption of international instruments. Before prevention was possible, the causes of genocide must be analysed.

16. The issue of semantics was important in the context of prevention, and the first task was to define the term "genocide". While the genocide had been occurring in Rwanda, the Security Council had continued to debate the definition, and the absence of agreement on the categorization of what was happening had been the major political obstacle. It might be necessary to reconsider discrimination in terms of degrees, and define what degree constituted a genocide risk.

17. The second element necessary for the prevention of genocide was memory. Genocide could not be prevented if previous acts had not been acknowledged, analysed and included in educational curricula to create the intellectual tools necessary to combat it. If there was no collective memory of acts of genocide, there could be no way of recognizing indicators that a developing situation was similar to a previous one which had culminated in genocide.
18. When discussing prevention, the link must be made between genocide and the construction of identity. In the most documented cases of genocide, an ethnic group, religion or community had defined its identity as a model and demonized another identity, with the result that genocide had become natural and automatic. The prevention of genocide must be undertaken as a long-term objective.
19. The prevention of genocide was also linked with the issue of multiculturalism, as the majority of countries where genocide had been committed were multicultural and multi-ethnic. The refusal to acknowledge such diversity was one of the causes of genocide, so in the prevention of genocide States must develop the value of multiculturalism. The cultural aspect of genocide could not be ignored: the majority of cases of genocide had begun in the cultural domain before taking the form of physical violence. The issue of prevention should therefore not be restricted to the legal perspective.
20. Mr. BIERWIRTH (Office of the United Nations High Commissioner for Refugees) said that his Office (UNHCR) welcomed the Committee's timely discussion on the prevention of genocide. Despite the efforts made by the international community to outlaw and prevent genocide, it still remained a reality. Although UNHCR did not have a direct mandate to assess whether a situation in a given country amounted to genocide, it had an important role to play in the prevention of serious human rights violations.
21. Genocide was one of the worst forms of persecution and would always trigger a need for international protection. UNHCR encouraged the Committee to initiate urgent procedures, express its concerns in cases of massive or persistent patterns of racial discrimination, and indicate risks of potential genocide. Effective refugee protection mechanisms and the provision of asylum could mitigate the effects of genocidal policies and actions on individuals. Genocide rarely occurred in political and historical isolation, and tended to result from prolonged discrimination, human rights violations and persecution. Although it was often committed in a war context and was premeditated, there were also hidden forms of evolving genocide, which could be detected through risk indicators, such as increased refugee flows. UNHCR statistics could therefore play an important role in joint international efforts to improve early warning measures.
22. UNHCR welcomed the Committee's efforts to review its working methods with the aim of enhancing cooperation with other United Nations agencies. It would be helpful if a procedure was introduced that allowed for oral briefings by agencies on issues that were of joint concern to them and the Committee. Such a procedure had been introduced by other treaty bodies and had proven successful. An improved early warning system for the prevention of genocide could have a positive impact on operational planning for UNHCR. The identification of risk situations and

contingency planning for potential mass outflows of refugees were required. Successful prevention strategies required comprehensive and persistent efforts at the earliest stage. UNHCR welcomed the Committee's increased interest in capacity-building for the prevention of racial discrimination.

23. UNHCR had taken note of the report by the International Commission of Inquiry on Darfur, and although it was not in line with its mandate to comment on the findings and conclusions of that report, it was imperative that measures should be taken to prevent further human rights violations and escalations of violence. UNHCR regretted the delays that had occurred in the organization of the international response to that crisis. Lessons must be learned from the situation in Darfur and used to prevent similar crises in the future, since early warnings would be ineffective if they were not followed by an early and effective response.

24. Mr. KAVARUGANDA (Rwanda) said that there had been several occurrences of genocide in Rwanda, the most recent of which had been in 1994 and had claimed the lives of over 1 million Rwandans. His Government was making a concerted effort to ensure that such events were never repeated. Measures had been taken to encourage the involvement of all ethnic groups in domestic politics, abolish impunity for persons who had participated in genocide and increase punishments for those who attempted to cause rifts between people on the basis of ethnicity, race and religion. The best agents for prevention were capable States that exercised their authority responsibly and acted in cooperation with other States and the United Nations to deal with threats to humanity. The principle of non-intervention in internal affairs must not be applied to protect those who committed genocide. The fight against genocide depended on funds, energy and rapid responses.

25. His Government welcomed the General Assembly resolution on assistance to the survivors of the 1994 genocide in Rwanda, particularly orphans, widows and victims of sexual violence (A/RES/59/137). Although the Government was making considerable efforts to support the survivors of the genocide, much remained to be done and funds were lacking. He appealed to all donor countries to fulfil their obligations under that resolution and assist Rwanda in its recovery from such a grave humanitarian crisis.

26. Mr. BIVER (Luxembourg), speaking on behalf of the European Union (EU), Bulgaria, Romania, Turkey, Croatia, Albania, The former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, and Serbia and Montenegro, said that the importance of preventing genocide should not be underestimated. The EU supported the development and strengthening of monitoring and rapid response mechanisms, and considered that the Special Adviser on the Prevention of Genocide would play a central role in coordinating the measures taken by United Nations bodies and agencies. The EU would be interested to know the Committee's opinions on how it could use urgent procedures as preventive measures. He also asked how the Special Adviser had approached the task of fulfilling his mandate since his appointment and how he planned to continue his work.

27. The EU was particularly interested in the announcement that the Office of the United Nations High Commissioner for Human Rights had established an early warning unit, which would work in close cooperation with the Special Adviser and other United Nations bodies. The definition of indicators for the prevention of genocide could be used as a basis for coordinated activities in the United Nations system. Incitement to racial hatred, particularly in

the media, was often a sign of an increase in violence, which could lead to conflict. He asked whether the members of the Committee considered it within their mandate to study incitement to racial hatred with a view to using it as an indicator for genocide prevention.

28. All measures taken to collect and exchange information relevant to the prevention of genocide could not be fully effective unless they were followed by specific action at the heart of the United Nations, in particular in the Security Council. He recalled the importance that the EU attached to the effective functioning of the International Criminal Court. The EU welcomed the report of the International Commission of Inquiry on Darfur, wished to emphasize the importance of ending impunity for the perpetrators of acts of genocide in Sudan, and urged the Security Council to adopt a decision to that end.

29. Mr. CERDA (Argentina) said that his Government was committed to the prevention of genocide and combating impunity for persons who had committed crimes of that nature. Methods of preventing genocide must be constantly reviewed and updated, at both the national and international levels. Efforts must be made to promote tolerance and inclusion in order to eliminate racial hatred. Particular attention should be paid to historical memory, which could prevent future occurrences of genocide. Argentina wished to work with the rest of the international community in order to promote respect for existing standards and reparation, improve monitoring and the use of indicators to identify potential risk situations, and develop early warning and rapid response mechanisms. It was particularly important to monitor the situation of minority groups across the world, and to promote non-discrimination, which was fundamental to the prevention and punishment of genocide. Argentina welcomed the establishment of the post of Special Adviser on the Prevention of Genocide.

30. Mr. KURTTEKIN (Turkey) said that his country was a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the text of which was enshrined in its Criminal Code. Turkey had participated in the recent ceremonies commemorating the liberation of the Nazi concentration camp at Auschwitz during which the international community had declared its determination not to forget the Holocaust and not to allow such a disaster to occur again in the future. His Government welcomed the appointment of a Special Adviser on the Prevention of Genocide. International efforts must be made to address problems of hatred, intolerance, marginalization and discrimination, which caused genocide. The Government believed that the promotion of tolerance was imperative, and collective efforts to encourage mutual understanding and respect in multicultural environments must be strengthened.

31. Ms. ANDERSSON (Sweden) said that events over the past decade, including the current crisis in Darfur, demonstrated the need to develop measures and improve coordination within the United Nations system and with other actors for the prevention of genocide. Although signs of conflict and escalating ethnic intolerance did not go unnoticed thanks to the media and publicity by NGOs, the international community had failed to understand complex situations and act in a timely and effective manner. Efforts must be made to improve coordination between United Nations bodies, and the relationship between human rights, security and development must be emphasized. Her Government welcomed the appointment of the Special Adviser, who could play an important role in referring information on cases of serious violations of international humanitarian law and potential conflict situations to the Security Council. The Committee's working methods should be strengthened, and she hoped that it would work in close cooperation with the Special Adviser to define early warning measures and procedures.

32. The focus must be on preventing human rights violations before they occurred and, in particular, before they degenerated into genocide. Further cooperation was necessary, and new strategies and instruments must be developed to improve the timing of intervention. The participation of NGOs in prevention processes was particularly important.

33. Mr. AMIRBAYON (Azerbaijan) said that, as a country whose population had on several occasions been subjected to ethnic cleansing and massacres amounting to the crime of genocide, Azerbaijan understood the importance of ensuring that such crimes did not recur. It therefore supported all measures to help the international community fulfil its obligations in that connection.

34. His Government welcomed the recent appointment of a Special Adviser on the Prevention of Genocide as a complement to the Convention on the Prevention and Punishment of the Crime of Genocide. Early warning mechanisms were crucial in guaranteeing the effective implementation of the Convention; it was also important to ensure that genocide was not manipulated for political purposes.

35. Genocide was too serious a crime for allegations to be made lightly, particularly allegations dating back decades or centuries. It was the responsibility of experts to determine the validity of allegations on the basis of credible evidence. The best way to prevent genocide was to eliminate its root causes, which included policies of racial discrimination and intolerance, forced expulsion, ethnic cleansing and incitement to ethnic or religious hatred.

36. With regard to the proposed establishment of a committee on the prevention of genocide, Azerbaijan shared the concerns expressed about the possible duplication of efforts with existing bodies, including the Office of the Special Adviser. More information on the mandate, funding sources and procedures of the proposed committee would be welcome.

37. Mr. PIRE (Guatemala) said that his Government was pursuing a systematic policy to prevent genocide through specific measures aimed at eliminating racial discrimination through public education and awareness raising. To that end it would honour its obligations under the Agreement on Identity and Rights of Indigenous Peoples, the peace accords, relevant international treaties and the recommendations of United Nations special rapporteurs who had visited the country.

38. During 36 years of internal armed conflict, the scale of violence and loss of life in Guatemala had been recognized by the Historical Clarification Commission set up under the peace accords as being tantamount to genocide. It had most seriously affected the indigenous population by hindering their development and the establishment of a multicultural society. Significant progress towards combating racism and discrimination included the implementation of the peace accords and the Decentralization Act, which would encourage civil participation at all levels. The Presidential Commission against Discrimination and Racism, whose mandate was to raise awareness of such problems, also played an important role in building a multicultural society.

39. Genocide could not be dealt with separately from racism and racial discrimination, since it was the direst consequence of racist and discriminatory practices. In that connection, measures envisaged by his Government to prevent genocide included: changing social and cultural

attitudes as of school age, inter alia by reforming curricula; establishing forums for discussion on racism at the national and international levels; promoting the wealth of knowledge of indigenous peoples to facilitate understanding of cultural diversity; ensuring the implementation of relevant international instruments and bringing national legislation into line; promoting multiculturalism so as to benefit the most vulnerable sectors of the population.

40. Ms. SOSA NISHIZAKI (Mexico) said the atrocities stemming from genocide were such that the international community must reflect on the risks of indifference or inaction. There were three areas in which action must be taken in order to establish a comprehensive strategy to combat genocide: preventing situations of potential genocide; reacting when such crimes were committed; and punishing the perpetrators.

41. Efforts must be made to step up prevention, inter alia through the peaceful settlement of disputes, action to combat intolerance and racism, and an appropriate legal framework to protect minorities. The Secretary-General's Action Plan to Prevent Genocide was a move in the right direction.

42. Her Government agreed on the need for mechanisms to centralize information from the different human rights bodies so as to deal with genocide in a comprehensive manner. Instead of setting up new structures, optimum use should be made of existing ones through improved coordination. It would welcome regular meetings between the Special Adviser on the Prevention of Genocide and the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Enforced or Involuntary Disappearances, the Committee against Torture and the Committee on the Elimination of Racial Discrimination. They could be organized during the annual meetings held between the special procedures and the Chairpersons of the treaty bodies. Through their reliable information sources they could give early warning of potential cases of genocide. Such a broad mechanism would provide a more complete picture of the situation.

43. The appointment of Mr. Méndez as Special Adviser was an important step forward, and her Government pledged him its unswerving support.

44. Mr. LEVANON (Israel) said that he was speaking as the representative of the Jewish people, whose centuries of persecution had reached their apogee during the Holocaust, which had led to the coining of the term "genocide". In that connection, he expressed appreciation for the international community's commemoration of the sixtieth anniversary of the liberation of Auschwitz.

45. Genocide was an issue that concerned all individuals on a constant basis since it usually occurred when the perpetrators believed that no one was watching or caring about what happened to their "brothers". The challenge was to prevent conflicts from reaching that stage by intervening effectively when necessary. Experience showed that once the violence began it might be too late.

46. First, in order to prevent genocide it must be recognized that words did matter. Physical violence was usually preceded by a constant verbal assault on, and dehumanization of, the particular group targeted, as in the case of Nazi propaganda. Such propaganda was usually orchestrated by the media, with incitement from the highest levels.

47. Secondly, it was important to report honestly what would invariably become evident: self-respecting States should not request that field reports be toned down. It was necessary to establish international warning mechanisms to report expeditiously on activities that might constitute genocide.
48. Thirdly, forces dispatched to guarantee the safety of endangered civilians must be given the logistical and political support they needed to accomplish their mission. Their commanders must understand that their success would be judged by the way in which atrocities were prevented.
49. Fourthly, the political and military leaders who instigated and supervised genocide must be warned that they would be held responsible for their actions. Lastly, civil society and the international community should strongly condemn the behaviour of the perpetrators in order to raise international awareness.
50. Israel had been concerned at the upsurge in hate speech directed at Jews in recent years and related terrorist attacks. Words led to deeds, and the question was what the international community was prepared to do to ensure the safety of humanity. In any adversarial relationship between States and people there were some lines that should never be crossed.
51. Mr. RAAD (Syrian Arab Republic) said that freedom was a right enshrined in the Syrian Constitution and upheld by the State. Article 7 of the Constitution guaranteed freedom of belief. All citizens were equal and exercised their constitutional rights. Torture and all forms of degrading treatment were prohibited.
52. His country was a party to the Convention on the Prevention and Punishment of the Crime of Genocide and international instruments relating to the prevention of apartheid and slavery. Over the centuries Syria had welcomed successive influxes of migrants, as was borne out by its cultural heritage.
53. Syrian law prohibited human rights violations and protected against all forms of discrimination; article 307 of the Penal Code made any act or written or verbal statement inciting to religious or racial intolerance a punishable offence. There was no ethnic, racial or religious discrimination in Syria and there had never been any genocide.
54. It was necessary to strengthen the Convention on the Prevention and Punishment of the Crime of Genocide, in particular article 8. Israel's practices vis-à-vis Arab citizens in the occupied Syrian Golan, the occupied Palestinian territories and southern Lebanon constituted a violation of the Convention. Such practices amounting to the crime of genocide had always been instigated by a mentality based on the non-observance of fundamental rights.
55. Ms. MTSHALI (South Africa) said that 27 January 2005 had marked the sixtieth anniversary of the liberation of Auschwitz. In the aftermath of the Second World War humanity had pledged that it would never happen again, but experience had showed otherwise. The year 2004 had marked the tenth anniversary of the Rwanda genocide; it had also marked 10 years of freedom for South Africa. Given that South Africa had been so preoccupied with extricating itself from its own problems, it had not cried out loudly enough against the heinous crime committed against the Rwandan people at that time; for that it owed an apology.

56. During a special session held as part of the sixtieth session of the Commission on Human Rights to commemorate the tenth anniversary of the genocide in Rwanda, the Secretary-General had expressed regret that the United Nations had failed to prevent the event which had resulted in the deaths of about 1 million people. He had put in place a five-point plan to prevent genocide. The international community also bore responsibility for addressing the factors that triggered such events, the protection of civilians in times of war, ending impunity, heeding early warnings of genocide and taking action as appropriate.

57. Through the African Union, South Africa was involved in peacekeeping initiatives in Africa. The establishment of peace and stability in Africa would facilitate the successful implementation of the New Partnership for Africa's Development. By tackling poverty and underdevelopment, Africa would also be involved in combating factors leading to genocide.

58. His Government welcomed the appointment of a Special Adviser on the Prevention of Genocide, and also the entry into force of the Rome Statute for an International Criminal Court to prosecute cases of genocide. With such mechanisms in place, the international community must summon the political will to make sure that genocide became history, inter alia by ratifying the Convention on the Punishment and Prevention of the Crime of Genocide and ensuring that justice prevailed and impunity was terminated. South Africa pledged its commitment to cooperate with the United Nations to that end.

59. Ms. BLATZEC (Hungary) associated herself with the statement made by Luxembourg on behalf of the EU. There seemed to be general agreement that genocide never happened from one day to the next. It was a process that took a long time to develop in a disturbed society. The prevention of genocide also took a long time and entailed the peaceful coexistence of different ethnic and national communities based on the principle of non-discrimination and equal treatment. The full participation of all those groups in society and the recognition of their differences helped to build mutual confidence.

60. Her Government had long been in favour of an effective system within the United Nations to protect and promote the rights of minorities and was confident that the appointment of a Special Adviser would result in an early warning mechanism, which would protect the interests of vulnerable groups. In conclusion, she stressed the importance of fully implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and of strengthening existing United Nations bodies.

61. Mr. CHAPMAN (Minority Rights Group International and the International Movement against All Forms of Discrimination and Racism) said that the Committee was well placed to identify early indicators of genocide, which included: the use of identity cards to distinguish specific groups; the absence of a legislative framework and institutions to prevent racial discrimination and provide recourse to victims of discrimination; the exclusion of groups from positions of power, employment in State institutions or key professions; violence against minority groups that had traditionally maintained a privileged position; isolated incidents or rumours which sparked off violent mob activity against a minority group; the demonization of minority groups in the media; segregation; forced relocations or evictions without adequate compensation; policies to prevent delivery of essential services or assistance; and the organization of militia groups or extreme right-wing political groups which could be seen to be stepping up activities and recruiting new members, perhaps by coercion.

62. Since some of those indicators might be present in many States, they would need to be considered in conjunction with other information, such as that gleaned from shadow reports by NGOs. The Committee should also consider genocide risk factors which identified States that had a high risk of genocide, namely: political upheaval; prior history of genocide; ideological orientation of the ruling elite; regime type; ethnic character of the ruling elite; and openness to trade. The secretariat and NGOs should undertake to provide the Committee with an assessment of those risk factors with respect to the countries that were to be examined.

63. In the interests of transparency, the Committee's web site should include more detailed information about how the Committee decided to trigger urgent procedures and early warning mechanisms, how it decided which action to take, and what contribution, if any, NGOs or academics could make in that regard. He wished to know how NGOs and other external experts could alert the Committee to a particular situation and urge it to take action. The web site should also provide clear information for NGOs on how to submit alternative information, such as shadow reports.

64. The Committee should consider introducing "Chairman's statements" as a way of drawing attention to a situation in which a minority was at particular risk, a practice that had proven useful in the Commission on Human Rights. The working group coordinated by Ms. January-Bardill, which had been established at the Committee's previous session, might be given the role of considering indicators of imminent genocide. Since there was a clear need for a procedure that would be operative throughout the year, the working group might also receive and consider information between sessions.

65. Given the importance of receiving information from NGOs, the Committee should address the phenomenon of States parties withdrawing their delegations at the eleventh hour; the risk of a last-minute cancellation represented a considerable disincentive to NGOs, whose members often travelled to Geneva at their own expense to present their shadow reports. The Committee should be more ready to consider the situation in a State party in the absence of a report. When the Committee received information about a situation to which it was not in a position to respond, it should forward that information to other bodies, such as the Special Adviser on the Prevention of Genocide. The Committee should also consider maintaining lists of countries it deemed to be at risk of genocide; in the event that it decided to do so, it should share relevant information with the Special Adviser.

66. Mr. SALTIEL (United Nations Watch) said that incitement played a key role in genocide. The topic was of personal interest to him because his family had belonged to the Jewish community in Thessaloniki (Greece) that had been decimated by the Nazi Holocaust. The Holocaust had not begun in the gas chambers: it had begun with words.

67. In Cambodia, the Khmer Rouge had murdered 25 per cent of the population after Pol Pot had incited action against "counter-revolutionary elements" and declared as subhuman a completely manufactured group labelled the "new people". In Rwanda, Radio Télévision des Mille Collines had urged ethnic Hutus to kill members of the Tutsi minority; three station staff members had been convicted for incitement to genocide by the International Criminal Tribunal for Rwanda.

68. Although recent developments offered new hope for peace in the Middle East, real peace would require an end to what had been described as “an existential or genocidal anti-Semitism”. Propaganda and inflammatory statements from sources that included the Egyptian State media, the official television station of the Palestinian Authority, the charter of the terrorist organization Hamas and former President Rafsanjani of Iran amounted to public advocacy of the destruction of the State of Israel and the Jewish people. A secret archive assembled by African Union monitors in Darfur that had been published by the New York Times had included a document that apparently outlined genocidal policies and encouraged “killing, burning villages and farms, terrorizing people, confiscating property from members of African tribes and forcing them from Darfur”.

69. Since genocide began with words, he proposed three ways of attempting to prevent it: by monitoring the media in zones at risk of genocide; by establishing a “genocide alert committee”; and by showing courage. Raoul Wallenberg, the Swedish diplomat in Hungary during the Holocaust who had saved more Jews than almost any single Government, had shown not only that one person could make a difference, but that one person could resist and prevail over radical evil.

70. Mr. OBEMBO (Anti-Racism Information Service) said that the key aspects of the definition of genocide contained in article 2 of the 1948 Genocide Convention were the “intent to destroy”, “in whole or in part”, groups identified in terms of nationality, ethnicity, race or religion. Effective protection against genocide required the international community to move from a culture of reaction to one of prevention; early warning systems were therefore vital. Objective criteria must be established to identify a clear threshold that would trigger action. Early warning systems would not be effective if there was not the political will to take action when potentially genocidal situations arose. Political leaders must therefore facilitate debate on the issue of genocide at the highest levels, with a view to bridging the gap between knowledge and action. Government officials and NGOs should receive training to help them to recognize the warning signs of genocide. To that end, an international network of centres for genocide studies should be set up. Moreover, civil society and the general public had a responsibility to put pressure on political leaders to take action whenever situations of genocide occurred.

71. Existing international instruments must be utilized fully. The International Criminal Court, in particular through its deterrent effect, was a key institution in the prevention of genocide. More States should ratify the Rome Statute, so that those who sought to practise genocide would know that they would not find shelter anywhere in the world. Ratification of the Statute was a clear commitment of States’ responsibility to protect the people.

72. Ms. COX (Bournemouth University) emphasized the need for effective rapid response units which could intervene in areas that were experiencing pre-genocidal massacres. She emphasized the importance of undertaking forensic investigation of genocides, since forensic science was less easily undermined than witness testimony. For that reason, the introduction of investigative expertise to pre-genocidal areas could have a deterrent effect. A group of Iraqis had recently completed five months’ intensive training in forensic investigation in order to allow them to begin to tackle the legacy graves. The establishment of a centre for investigative science, perhaps in the Great Lakes region of Africa, might prove useful in preventing genocide.

73. Mr. MALEZER (Foundation for Aboriginal and Islander Research Action) said that although the record indicated that no genocide had been committed against indigenous peoples since the crime of genocide had first made it onto the statute books in 1948, that was not the experience of the indigenous peoples themselves. For most of them genocide was an ongoing historical agenda. The physical destruction of indigenous populations took the form of the appropriation by the State of indigenous lands and resources. However, although the physical destruction of indigenous populations was hard to deny, it was difficult to prove the existence of intent. He suggested that forced assimilation might equate to an intent to physically destroy indigenous peoples, and noted that States and the media found it easy to vilify them because they were at the bottom of the social ladder.

74. Discrimination against indigenous peoples, whether it took the form of genocide, “cultural genocide” or gross violations of human rights, always centred on the taking of territories and resources. The Committee should ask reporting States to provide specific information that would serve as early indicators of the dehumanization of indigenous peoples, the organization of racist groups and the polarization of society. The Committee should also develop stronger links and better information exchange with the Permanent Forum on Indigenous Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples. The Committee should also make use of bodies such as the International Indigenous Commission, which was being established to investigate complaints by indigenous peoples. Where the resolution of a complaint or conflict had not been achieved, the cooperation and coordination of the Commission on Human Rights and OHCHR would be of great benefit to indigenous peoples.

75. Mr. BEKIR (Indigenous Peoples of Crimea Foundation) said that although 60 years had passed since Stalin had attempted to exterminate the Crimean Tatars by deporting them to labour camps and into exile in central Asia, the Crimean Tatars continued to suffer the consequences of the illegal confiscation of their land and property. Crimean land and infrastructure that had been used by the Russians for 50 years was now in the quasi-legal possession of the Ukrainian State, while property taken from the Tatars had become the private property of Ukrainian and Russian citizens. He therefore wished to stress that past genocides could not be considered to be at an end until the rights of the victims were restored; the impunity of Governments in such matters created the conditions for discrimination to continue indefinitely.

76. Ms. PAUL (Lutheran World Federation), reading a statement on behalf of Reverend John Rutsindintwarane of the Lutheran Church of Rwanda, said that during the 90 days of the 1994 genocide in Rwanda, he had witnessed human suffering in the refugee camps of Benaco and Kagenyi in Kagera Diocese (Tanzania), where, despite knowing that he was a member of the targeted ethnic groups, he had worked to serve militiamen and innocent refugees who had been used as human shields. When he recalled the Rwandan situation, there were two indicators that seemed important at the State level. State-sponsored hate propaganda and identification of “undesirable groups” who were targeted not because of their actions but because of their ethnicity, race, religion or affiliation to a particular group constituted an urgent warning signal that must be heeded. In Rwanda, such propaganda had been visible as long as two years before the genocide had begun. The United Nations should send warnings to States which sponsored or generated such propaganda. It must also listen to its own staff in the field:

General Roméo Dallaire had sent repeated warnings to United Nations Headquarters of communiqués, weapons caches and early massacres, but his warnings had gone unheeded.

77. Grass-roots work of one-to-one trust-building with people who were both perpetrators and victims of hate was an approach that could help to teach people about the prevention of genocide. For example, in the camp, Reverend Rutsindintwarane had befriended and built a relationship of trust with one Hutu refugee family who had approached him in need of medical care; the family had eventually learned that he was from the group they had persecuted. The family had taken the risk of voluntary repatriation in early 1995, before the forced repatriation of 1996; that experience showed that the elimination of ethnic or racial discrimination began with person-to-person encounters. The United Nations should take initiatives to empower community organizations and individuals who were enjoying success in conflict resolution, reconciliation and reconstruction in communities in crisis and after crises had occurred. As a Christian, Reverend Rutsindintwarane called on everybody, regardless of their faith, to remember that no one chose to be black or white, Hutu or Tutsi, or Asian or Latino: God had had a purpose in creating all those beautiful different colours and cultures, and those differences should be embraced wholeheartedly.

78. The CHAIRMAN thanked all those who had taken part in the debate. The Committee would benefit from the wealth of information and expertise that had been imparted.

The meeting rose at 6.05 p.m.