



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

Distr.
GENERAL

CERD/C/SR.1188
7 March 1997

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fiftieth session

SUMMARY RECORD OF THE 1188th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 4 March 1997, at 3 p.m.

Chairman: Mr. GARVALOV

later: Mr. BANTON

CONTENTS

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

Fourteenth periodic report of the United Kingdom of Great Britain and
Northern Ireland (continued)

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY-WARNING AND URGENT
PROCEDURES

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GE.97-15773 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Fourteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (continued) (CERD/C/299/Add.9; HRI/CORE/1/Add.5/Rev.1)

1. At the invitation of the Chairman, the members of the delegation of the United Kingdom resumed their places at the Committee table.

2. Mr. GILLESPIE (United Kingdom), commenting on the social, health and education provisions for the Traveller community in Northern Ireland, said that the Department of the Environment in Northern Ireland awarded grants to district councils to provide caravan sites for the accommodation of approximately 900 people, or 90 per cent of the Traveller community, in addition to the permanent sites in five of the main administrative areas. Public sector housing was also allocated on an individual basis to Traveller families.

3. The Department of the Environment had established an Advisory Committee on Travellers (ACT) in Northern Ireland to advise and encourage Councils and others involved in the provision of sites for long-term resident Travellers. In March 1992 the ACT had organized a major conference to raise awareness of Traveller issues among government departments and agencies and a number of reports on Traveller problems had been published. The Department of Health and Social Services and the Health and Social Services Boards provided a wide range of services to the public and had developed policies to assist minority communities, including Travellers, to make use of the services which addressed their special needs.

4. The policy of the Department of Education for Northern Ireland on the education of Travellers' children was that education could be most effectively provided in a non-discriminatory environment which was understanding of, and sympathetic to, the way of life of Traveller families and respected the uniqueness of their culture. It was felt that the long-term interests of both Traveller children and those of the majority community would best be served if they were educated together. In 1993 the Department of Education had issued guidelines for ensuring equality of educational opportunities for all children. The overall policy was supervised by the Northern Ireland Forum for the Education of Travellers' Children.

5. In response to questions on organizations promoting racist views, he said that such organizations did exist; although the Government had no power to ban them, membership of those organizations did not protect individuals against public order offences relating to incitement to racial hatred.

6. The police and the Crown Prosecution Service worked closely to apprehend and convict distributors of offensive material. The power of arrest introduced under section 19 of the Public Order Act 1986 had significantly improved investigative powers, particularly in identifying persons responsible for the circulation of anonymous material. The Attorney-General had consented to the prosecution of a number of persons for the circulation of material

produced by the organization Combat 18. His delegation could not comment further on that matter as the cases were currently before the courts. There were no elected representatives of such organizations at any level in the political structure of the United Kingdom.

7. Turning to questions relating to ethnic minorities and the criminal justice system, he explained that stop-and-search powers had been instituted under the Police and Criminal Evidence Act 1984 to strike a balance between the discretion to stop and search and the protection of citizens against arbitrary interference. Systematic data on police stop-and-search operations had been collected and published since 1993. That information was ethnically monitored and the Home Office had conducted two seminars in October 1996, in conjunction with the Association of Chief Police Officers, to ensure accurate collection, understanding and interpretation of the data. Since April 1996 ethnic monitoring of those activities had been extended to include arrest, cautions, homicides and deaths in police custody, and it was expected that all aspects of the criminal justice system would be monitored in future.

8. He assured the Committee that his Government intended to learn from the information it had collected in order to avoid discriminatory treatment of ethnic minorities. To that end, the Home Secretary was required, under section 95 of the Criminal Justice Act 1991, to publish the relevant information annually.

9. The interpretation of statistics on the disproportionate number of Black people subjected to stop-and-search operations was not straightforward. Consequently, the Metropolitan Police had set up a working group with the Commission for Racial Equality to study the statistics, issues of accountability and police practices.

10. The lay visiting scheme operating throughout England, Wales and Northern Ireland had evolved from a recommendation by Lord Scarman in 1981 for a system of independent, unannounced inspections of procedures and detention by local community members. The police were required to give immediate access to lay visitors, at any time of day, to inspect cells, speak to detainees and examine custody reports, with the detainees' consent. Areas of concern or complaints were immediately drawn to the attention of the custody officer, and a report on each visit was submitted to the responsible police authority.

11. Deaths in police custody in 1995 had fallen to their lowest level since 1981. For some time definitions distinguishing between the causes of death of persons in custody had been unclear. All such deaths were reported to the coroner and the Police Complaints Authority. Following full investigations, a report was submitted to the Crown Prosecution Service to determine whether an officer should face criminal charges.

12. Referring to the Committee's interest in the training of law enforcement officials, he pointed out that further details on the training of judges were contained in annex 4 of the report. All police officers received training in community and race relations matters as part of their probationary training, and more advanced training was provided at the Police Staff College. In

addition, the Home Office organized the Holly Royde seminars which focused on practical solutions to real problems faced by management-level police officers.

13. With regard to complaints of racial discrimination, he drew the attention of the Committee to annexes 11 and 12 to the report describing the role of industrial tribunals and gave figures on complaints and compensation awards. The introduction of a new offence of "intentional harassment", as mentioned in paragraph 5 of the report, was intended to enhance protection against racially-motivated violence and to apprehend persons who made life a misery for individuals of different races. The Government had strengthened its legislation in that area by removing the need to prove that harassment was intentional.

14. In the area of higher education, the statistics showed that 1 in 8 students pursuing advanced courses was from an ethnic minority. That figure compared with 1 in 20 in the general population and 1 in 14 in the 15-24 age group. The Government was seeking to promote equal opportunities for participation in higher education by a number of means, including the development of good-quality access to courses.

15. For the study of non-European languages, pupils were free to choose one of those languages from the National Curriculum list if they attended schools which offered them. The National Curriculum to be followed for all languages required development of awareness of the culture underlying the language being studied. He referred to paragraph 107 of the report, which stated the need to recognize and provide for learning about minority groups by the majority of the population; that approach had been an important element in the overall design of the National Curriculum.

16. As to the question about racial harassment in housing, he said the legislation referred to in paragraphs 81-83 was not intended to work against ethnic minorities. That initiative had arisen out of the work of the Racial Attacks Group and represented follow-up on advice on good practice which had previously been issued to local authorities.

17. In reply to questions on ethnic-minority broadcasting and other forms of cultural expression, he reported that there was a substantial and thriving minority newspaper industry in the United Kingdom, both in English and in mother tongues. Minority community groups had been assisted by local authorities to build and maintain cultural centres, and libraries were well aware of the need to provide books in languages people could read. Part III of the Public Order Act 1986 forbade the broadcasting of racially inflammatory material, and the Broadcasting Act 1990 extended that ban to include all BBC and independent television services.

18. The reference to Islamophobia and the report of the Runnymede Trust would be commented on in the next periodic report by the United Kingdom. The Prime Minister had expressed the Government's view that the contribution of the Muslim population of Britain to society was valued. Furthermore, there were guidelines in place to help ensure that religions were not misrepresented in the broadcast media, and legislation required broadcasting regulators to make every effort to ensure that religious views were not treated abusively.

19. Noting the interest in the socio-economic position of the Irish community in Britain, he said that, broadly speaking, the Irish community had integrated successfully in Britain. People born in Ireland had a similar socio-economic profile to that of the total population, although large numbers of Irish males tended to engage in blue-collar work. The Department of Health was tackling the problems of the Irish community through its Health of the Nation Programme.

20. He had been asked about the United Kingdom's position on the proposed European Union Monitoring Centre on Racism and Xenophobia. He wished to make it clear that the United Kingdom had not vetoed the establishment of that centre. All 15 member States of the European Union had agreed in principle on the setting-up of the centre at the meeting in Florence in 1996. The United Kingdom had been participating actively in ongoing discussions concerning the basis on which the centre should be set up.

21. Finally, regarding publicity given to the fourteenth periodic report, he said copies of the report had been placed in the library of both Houses of Parliament and it had also been circulated personally by the Parliamentary Under-Secretary of State at the Home Office to a large number of NGOs. He explained that the placement of the copies in libraries was a recognized way of bringing important documents to the attention of Parliament and the media. The Government would carefully examine the best means of publicizing the observations of the Committee.

22. Mr. SHERIFIS thanked the delegation for the quality of the dialogue and responses supplied by the United Kingdom delegation. He wished to raise an additional point concerning the education of the public about obligations of States parties under the Convention. During its forty-second session, the Committee had adopted General Recommendation XVII on the establishment of national commissions or other appropriate bodies. He therefore asked whether the United Kingdom Government had considered the establishment of such institutions or whether they had already done so on the basis of that Recommendation.

23. Mr. van BOVEN commended the delegation for its detailed replies and the model example of dialogue it had provided. There were, of course, points of disagreement to be pursued in future reports, and the Asylum and Immigration Act remained a matter of concern.

24. During the previous discussion of the United Kingdom report in 1996, the Committee had insisted that information should be included not only on Hong Kong, but also on the dependent territories. He was therefore pleased to note that the Government had complied by providing such information. He was particularly concerned that the requirements of the Convention should be incorporated into Hong Kong legislation because, in his opinion, the Bill of Rights Ordinance did not adequately respond to certain provisions of the Convention. Referring to paragraph 258 of the report concerning the introduction of a bill against racial discrimination by a member of the Legislative Council, he expressed the hope that the bill would be enacted and remain valid in the future.

25. Mr. WOLFRUM explained that he had intended to suggest not that the Government should implement the provisions of article 4 outside the framework of the law, but that it might find resourceful ways of using existing legislation on, say, criminal offences, public safety or public order to disband racist organizations.
26. Mr. de GOUTTES said that the Committee would certainly welcome the United Kingdom's positive response to its question about the apparent reluctance of the Government to support the proposed European Union Monitoring Centre on Racism and Xenophobia.
27. The Committee's request for information about training for judges by the Ethnic Minorities Advisory Committee had apparently gone unanswered and he hoped that more information would be provided in the next report on the steps taken to provide training in human rights, with particular reference to racial and ethnic discrimination, for all law enforcement officials.
28. Mr. FERRERO COSTA said that the Government's relationship with the Committee could perhaps be described not as a dialogue of the deaf exactly, but as a dialogue without a meeting of minds, since there was clearly a divergence of views on the United Kingdom's interpretation of article 4 of the Convention, whose provisions the Committee regarded as mandatory, and on the incorporation of the Convention in domestic legislation. He hoped that due attention would be given to the Committee's concerns, especially in view of the increase in racial discrimination in Europe today. With regard to Hong Kong, he appreciated the measures taken to safeguard the human rights covered by the Convention, and had no doubt that the People's Republic of China, as a State party, would continue to implement the Convention in Hong Kong.
29. Mr. GILLESPIE (United Kingdom) said that Mr. Sherifis' question about the implementation of the Committee's General Recommendation XVII would be answered in the next report. He informed Mr. de Gouttes that more detailed information about the training of judges and the role of the Ethnic Minorities Advisory Committee was contained in annex 4 to the fourteenth periodic report. The great majority of judges now attended training seminars, and the aim was to extend training to the magistrates of lower courts. The next report would contain more information about training in the police force.
30. Mr. S. WONG (United Kingdom), replying to questions about Hong Kong, said in reply to Mr. van Boven that the private member's bill against racial discrimination introduced by a member of the Legislative Council in July 1996 had already been debated and would be going through its second reading during the current legislative year. The Government believed in a step-by-step approach to anti-discrimination legislation, which must have full public support, and in the need for a thorough examination of all its implications in the light of experience. The study of racial discrimination already referred to had been put in hand in July 1996 and a consultation paper issued in February 1997. The Committee had indicated its support for that approach when it had considered the thirteenth periodic report.
31. Mr. RECHETOV (Country Rapporteur) observed that there had been no progress in the Committee's dialogue with the United Kingdom on several major

issues of principle, notably the incorporation of the Convention in domestic legislation and the interpretation of article 4. In both cases, it came down to a question of State responsibility: the Convention had been signed and ratified not by Parliament but by the State party, which was responsible for implementing its provisions. Domestic constitutional arrangements were interesting, but the substantive issue was whether the provisions of the Convention were being implemented or not. As Mr. van Boven had said, the basic provisions of the Convention concerned universal human principles, in the same way as those of the Convention on the Prevention and Punishment of the Crime of Genocide and as such were binding under international law; in legal terms, such fundamental principles as those covered by article 4 could not, therefore, be subject to reservations. The Committee should indeed discuss the question of the admissibility of reservations on the basic principles of the Convention and adopt a text reflecting its views; that being done, its dialogue with Governments which maintained reservations would make more sense and be based on the principles of international law.

32. He welcomed the additional information provided on Hong Kong. Paradoxically, the new interest in human rights in Hong Kong, referred to by Mr. Aboul-Nasr, and the wealth of information now provided highlighted some of the shortcomings of the previous situation with regard to the rights of the Chinese population, a situation that was fortunately changing now. That did not prevent the Committee from giving full attention to the continued implementation of the Convention, both now and after the transfer of sovereignty, and he hoped that further information would be duly provided in future reports by the People's Republic of China.

33. While a great deal of information had been given in response to most questions, no satisfactory explanation had been given for the observed discrepancy between the status, in regard to the implementation of the Convention, of the various dependent territories and that of the metropolitan territory. Although it was not necessarily a question of race, there might be a racial subtext. In conclusion, he expressed the hope that the Committee's useful contacts with the United Kingdom would continue.

34. Mr. GILLESPIE (United Kingdom) considered that the delegation's meeting with the Committee had not been a dialogue of the deaf but had been a very educational experience.

35. The CHAIRMAN thanked the United Kingdom delegation for its participation and for the exhaustive answers it had given to members' questions and comments. The Committee looked forward to continuing its dialogue with the United Kingdom Government.

36. The United Kingdom delegation withdrew.

37. Mr. Banton took the Chair.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY-WARNING AND URGENT PROCEDURES (agenda item 4)

38. The CHAIRMAN asked whether members wished to add any States to the list of those already scheduled for consideration under item 4.

39. Mr. WOLFRUM said that, although the Committee had decided at its previous session to remove Papua New Guinea from the list, for want of information, several unconfirmed reports in the press indicated that the situation in Bougainville was deteriorating. Although it was a small-scale conflict, it had an impact on the majority of a population which was generally neglected by world public opinion. He accordingly requested that it should be put back on the agenda for the next session.

40. At the current session, he requested the inclusion of Zaire in the list. Not only was it difficult to deal with the human rights situation in the Great Lakes region without including Zaire, but the current conflict in Zaire itself had clear ethnic components.

41. Mr. van BOVEN supported Mr. Wolfrum's proposals. He, too, had heard disturbing reports about the situation in Papua New Guinea. Although there was always an element of selectivity in the Committee's choice of situations warranting attention and he had some doubts about an effective response, the Committee had in the past adopted a position of special responsibility towards Papua New Guinea. As the Committee's Country Rapporteur for Zaire at its previous session, he had quoted extensively from the report of Mr. Garretón, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Zaire, drawing attention to the potentially explosive situation and ethnically-motivated violations of human rights in that country. There, too, he had some doubts that the Committee could be effective where other bodies had failed, but it should make its contribution.

42. The CHAIRMAN pointed out that if Zaire was to be included in the agenda, the Zairian mission would need to be contacted and the timetable rearranged accordingly.

43. Mr. de GOUTTES supported the proposal to consider Zaire under item 4 at the current session.

44. Mr. ABOUL-NASR said that he would support the inclusion of Zaire or any other State in which the Committee wished to consider, provided that the State concerned was informed and given the opportunity to send a representative; that background information was obtained from the Special Rapporteur and any other United Nations source; that members of the Committee specified their source of information when speaking about the situation in the country concerned, especially when there was a United Nations presence in the area; and that any member proposing a State for consideration prepared a paper as a basis for discussion.

45. The CHAIRMAN said he took it that the Committee endorsed Mr. Wolfrum's proposals.

46. It was so agreed.

Situation in Burundi

47. At the invitation of the Chairman, Ms. Simbizi and Mr. Sabushimske (Burundi) took places at the Committee table.

48. Mr. de GOUTTES (Country Rapporteur) said that the situation in Burundi was causing great concern and could not be dissociated from the alarming situation in the Great Lakes region as a whole, especially in Zaire. Summarizing the Committee's work on Burundi at its forty-ninth session, he said that the Committee had had before it the report of the human rights observer mission in Burundi covering the period 19 April-15 July 1996, which had drawn attention to the human rights violations perpetrated on both sides, the difficulties encountered by the judiciary, and the disturbing situation in prisons and detention centres. The Committee's meeting of 6 August 1996 had been attended by Mr. Ayala Lasso, High Commissioner for Human Rights, who had reported on the work of the Bujumbura office since June 1994, including assistance in reforming the judicial system, human rights education for military personnel and promotion of racial and ethnic tolerance through radio broadcasts, and on the efforts made to strengthen the office and the mission with the request for 35 additional observers and an appeal for assistance by the international community and for a global political solution.

49. The Committee had adopted resolution 1 (49) on Burundi which contained, in essence, three recommendations: the first concerned the functioning of the judicial system, urging the adoption of measures to enable the perpetrators of crimes against humanity, massacres and other acts of violence to be prosecuted and convicted, so that there would be no impunity for them; the second was aimed at enabling refugees and displaced persons to return to their homes, urging the international community to provide the necessary funds and logistical support for that purpose; and the third, of a political nature, concerned the re-establishment of democratic institutions, dialogue between the parties, national reconciliation and bringing an end to the vicious cycle of violence, with an endorsement of the proposal to dispatch a multinational peace force to Burundi in order to provide security assistance and facilitate a comprehensive political dialogue in the country.

50. Since the forty-ninth session of the Committee, the situation in Burundi had become increasingly precarious, and massacres and other acts of violence were common, although it was difficult accurately to judge the scale of the atrocities. The Hutu rebellion had not been quelled and the army continued to take the law into its own hands. Major Buyoya's regime had been accused of implementing a repressive policy against the Hutu populations and launching a mass army recruitment drive among young Tutsis. The Government maintained that it would punish the persons responsible for the massacre in Kobero and begin proceedings against the persons involved in the October 1993 putsch. It said that Tutsi extremists were under control.

51. The economic situation had deteriorated seriously as a result of the assassination of Mr. Ndadaye in October 1993. Development aid was tailing off and the economic sanctions were taking their toll. There had been little progress in terms of ensuring peace and achieving a lasting institutional consensus.

52. The National Assembly, which had been reinstated in September 1996, was still unable to operate normally. Government attempts to launch a "national debate" at the end of January 1997 had come to nothing. Peace negotiations were continuing, although there was some criticism by the Tutsis of

Mr. Julius Nyerere, the former President of Tanzania, who was acting as mediator in the crisis in Burundi, because of his unconditional support for sanctions against Burundi.

53. According to Amnesty International, the situation of refugees remained a cause for concern. It alleged that refugees were being maltreated by the Burundian security forces and that 75,000 refugees from Rwanda had left Burundi to return home as a result.

54. The interim report on the human rights situation in Burundi (A/51/459) prepared by Mr. Paulo Sergio Pinheiro, Special Rapporteur of the Commission on Human Rights, was of particular interest to the Committee in that it provided detailed information on developments in Burundi and made a number of recommendations. According to the report, the human rights situation in Burundi had assumed catastrophic proportions and was characterized by targeted assassinations, arbitrary arrests, forced disappearances, looting, banditry and the destruction of private property. Although both the Hutu and Tutsi communities were to blame for the situation, the State and its armed forces bore a heavy share of responsibility for the atrocities, including massacres, committed against civilians. The Special Rapporteur stressed that the situation in Burundi had deteriorated since the coup d'état of July 1996 carried out by the Tutsi minority. The Special Rapporteur was particularly concerned at the renewed outbreak of massacres since the coup d'état at the fact that representatives of NGOs and humanitarian institutions were also facing serious risks to their lives. The economic sanctions imposed following the Arusha Regional Summit on Burundi in July 1996 were taking their toll on the inhabitants of town and country alike.

55. The Special Rapporteur had made several recommendations. The first was that the Burundi army and security forces, and judicial and education systems should be urgently reformed, and that the example of democratic transition in South Africa be followed. Secondly, the de facto authorities should work with UNHCR to ensure the repatriation of 4,500 refugees who were still in Burundi and the peaceful return of the 200,000 Burundi refugees in Zaire and Tanzania. Thirdly, members of parliament and the National Assembly should be given protection. Fourthly, free and fair elections should be held in the near future. Fifthly, the extrajudicial or summary executions, forced disappearances and other acts of violence and massacres which were occurring throughout the country should be terminated. Sixthly, the persons responsible for such atrocities should be arrested, tried and no longer allowed to enjoy impunity. Seventhly, the practice of indefinite detention without formal charge or conviction should be eliminated and eighthly, NGOs and humanitarian associations in Burundi should once again be able to operate in conditions of security.

56. At the international level, the Special Rapporteur recommended that the international community should provide greater political, financial and logistical support to Burundi. Secondly, an inter-agency emergency plan should be drawn up to assist the most needy and vulnerable population groups in Burundi. Thirdly, pressure on the Burundi authorities should be maintained through economic sanctions, particularly with a view to ensuring a ceasefire between all the interested parties. Fourthly, consideration should be given to the possible establishment of an international peace-keeping force which

would neutralize the army and the rebels, ensure the reorganization of the army and the security forces, and enable a real dialogue on the country's problems to be initiated. Fifthly, there should be a significant increase in the number of human rights observers in Burundi. Sixthly, illegal and uncontrolled movements of arms which threatened peace and stability in the Great Lakes region should be eliminated. Seventhly, the Security Council should set up an international court to prosecute those who had ordered and carried out the assassination of President Ndadaye, the genocide against the Tutsis and the ensuing massacres of the Hutus. Eighthly, the international legal assistance project should be supported. And ninthly, a special session of the Commission on Human Rights should be held to examine the most urgent problems in the Great Lakes region. The Committee should consider adopting a new recommendation or decision on the basis of the recommendations made by the Special Rapporteur and fresh information.

57. Ms. SIMBIZI (Burundi) said that she welcomed the opportunity to set the record straight regarding some of the information and reports that had been passed on to the Committee. The problems facing Burundi were rooted in its history and dated back to colonial times and the subsequent period when politicians had used power for personal gain and, in so doing, divided the population. The slant given to the conflict in her country, namely that it was the result of ethnic antagonism, was incorrect. There was no ethnic conflict. The Hutus and the Tutsis were one people with a common language, culture, territory and religion.

58. Her Government was doing all it could to re-establish the democratic process interrupted by the assassination of President Ndadaye in 1993 and to overcome divisions in society. However, that process could not be successful without peace and bread.

59. The Government welcomed the contribution of the international community, the Organization of African Unity Observer Mission in Burundi, the presence of human rights observers, and visits by the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees. They had been able to see for themselves the progress that had been made and discuss areas of concern.

60. Burundi was facing problems with regard to the administration of justice, the prison system, detention centres and so forth. It had received technical assistance from the Centre for Human Rights and cooperated fully in the provision of assistance to prisoners.

61. The question of refugees and displaced persons was a cause for concern. However, the situation had improved since the Committee's forty-ninth session and publication of the report of the Special Rapporteur on the human rights situation in Burundi (A/51/459). The time had come for a more objective and fresh analysis of the situation.

62. The Government was trying to solve the problem of impunity. Progress had been made in investigations into the 1993 putsch and in judicial proceedings against persons responsible for murders or massacres. At the behest of her Government, foreign lawyers were advising their counterparts in Burundi.

63. Allegations of a deliberate policy of repression targeted at the Hutu population were unfounded. Hutus were not being rounded up and sent to camps. People had been moved from their homes in rebel-held areas simply for their own protection, as the various international missions in the country could verify. The army had apprehended and prosecuted 175 military personnel guilty of human rights violations.

64. The sanctions imposed on Burundi were hitting the most vulnerable sectors of society the hardest. It was unfortunate that the Special Rapporteur had not seen fit to recommend the lifting of the sanctions so that a political solution to the problems facing Burundi could be found. The matters he had raised in his report, including reform of the army, the judicial system and education, were covered in the transitional programme which had been launched by President Buyoya.

65. The question of security for the population at large and representatives of the international community had been dealt with in the most recent report of the United Nations High Commissioner for Refugees. She had described a situation totally unlike the picture painted by the Special Rapporteur.

66. The CHAIRMAN asked if there was any way in which the Committee could help improve the situation in Burundi.

67. Ms. SIMBIZI (Burundi) said that the Committee had an important role in disseminating information, which was why it was so important that it should understand the positive developments that had taken place in Burundi since the reports on which it was basing its analysis had been compiled.

68. In closing, she said that the situation in Burundi had taken a turn for the better, both as far as security was concerned and from the political point of view. President Buyoya had stated his willingness to negotiate with all parties to the conflict, both at home and abroad. Burundi needed support in order to embark upon the peace process and restore democracy.

69. The CHAIRMAN sought guidance from members of the Committee on how they wished to proceed, bearing in mind that the representative of Rwanda was also waiting to appear before the Committee.

70. Mr. ABOUL-NASR said that, in his view, the Committee should postpone its meeting with the delegation of Rwanda until it had finished with Burundi. The representative of Burundi had referred to a report by UNHCR which, she said, corrected some of the information which the Committee had received. He had not seen that report and had difficulty following the discussion without it. The representative of Burundi had also noted that the High Commissioner for Refugees had recently been to Burundi; the Committee needed to know the findings of that visit. Perhaps it should invite a representative of UNHCR to address the Committee.

71. The CHAIRMAN observed that the difficulty which the Committee was currently facing was of its own creation, because it had taken its decisions on the programme of work for the current session at the end of August 1996.

72. Mr. CHIGOVERA noted that, according to the representative of Burundi, an ethnic conflict was not involved. Yet the Committee had received many reports over the years that ethnic issues had, in fact, played a role. He therefore asked the representative of Burundi to explain to the Committee what the cause of the conflict was.

73. Mr. YUTZIS said that the delegation of Burundi should be able to continue providing the Committee with information. He agreed that the Committee should continue hearing the delegation of Burundi and find another time when the delegation of Rwanda could attend. According to the representative of Burundi, certain circles wanted people to believe that the conflict was inter-ethnic in nature, but actually it was not. The Committee would need to devote more time to that question. He would also like to know what the representative of Burundi thought about the proposals made by the Special Rapporteur on Burundi.

74. The CHAIRMAN, speaking in a personal capacity, said that in the future the Committee should consider more systematically what it wanted to achieve by continuing to consider a country under agenda item 4 after it had issued an early warning.

75. Mr. van BOVEN said that the Chairman had made a good point. As Burundi was already on the agenda of the Commission on Human Rights, the Committee should consider what unique contribution it could make. As he saw it, the Committee should bring its past recommendations to the attention of the Burundi delegation and ask how they had been followed up.

76. Mr. WOLFRUM agreed with Mr. Aboul-Nasr on the need to request further information, possibly inviting the representative of UNHCR to speak to the Committee. Clearly, the Committee must also see the UNHCR report to which the representative of Burundi had referred. He endorsed Mr. Chigovera's remarks: the representative of Burundi who had addressed the Committee at an earlier session had also stated that there was no ethnic conflict in Burundi; if UNHCR had a different view, then the Committee would need to reconsider the entire matter. If, as the representative of Burundi asserted, the conflict was a political power struggle, then the Committee was not competent to deal with it. But if the conflict was motivated by ethnic antagonisms, even in part, and the Government denied that fact, then that very denial constituted one of the root causes of the problem.

77. He agreed with Mr. Yutzis on the need to devote more time to the subject. As to Mr. van Boven's comment, taken to its logical extreme it implied that if the Committee considered that its recommendations were not being followed up, it should drop the entire procedure, a view which he did not share. The Committee should concern itself with conflicts which fell within the scope of the Convention.

78. Mr. SHERIFIS said that the situation in Burundi, Rwanda and Zaire was obviously very serious, and the Committee should do everything it could to be of assistance. Representatives of countries always said that conflicts had no ethnic connotations. He was eager to hear the reply of the delegation of Burundi to the question posed by Mr. Chigovera. Did it feel that the Committee could contribute usefully to helping the country and, if so, in what

fashion? If its assistance was requested, the Committee should devote more time and energy to the matter. As he saw it, the Committee should return to the issue, at which time it should invite representatives of UNHCR to appear before it.

79. Mr. DIACONU said that he reserved the right to speak on the subject when it was taken up again. In his view, the Committee must continue its dialogue and draw conclusions, which of course would have to be conveyed to the Government of Burundi. He also agreed on the need to hear more on what the representative of Burundi had to say about the events in that country.

80. Mr. FERRERO COSTA also endorsed Mr. Aboul-Nasr's proposal on finding time to pursue the dialogue. The representative of Burundi might then respond to three questions: whether or not the conflict was of an ethnic nature; what Burundi thought about the views of the Special Rapporteur on Burundi; and what Burundi expected of the Committee.

81. Ms. SIMBIZI (Burundi) said that to answer the main question posed by the Committee, namely whether or not the conflict was ethnic in nature, it was necessary to look back in history to the 1930s, when Burundi had still been a Belgian colony. At that time, an educated elite had come into existence and had invented an artificial division between Hutus and Tutsis. Influenced by what had been known as the Rwandan Revolution of 1959, the power struggle within the elite had gradually grown more intense, leading to outbreaks of violence in 1965, 1972, 1988 and, most destructive of all, in 1989, which had seen large-scale massacres. The political elite had used propaganda to instil an atmosphere of mutual fear in the illiterate population, making people think that they had to kill or be killed. But fundamentally, the problem remained political in nature.

82. The CHAIRMAN said that, in view of the late hour, the Committee was obliged to postpone the discussion. The Bureau would meet to consider whether any changes could be made in the Committee's timetable.

The meeting rose at 6.05 p.m.