



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

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-ninth session

SUMMARY RECORD OF THE 1482nd MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 9 August 2001, at 3 p.m.

Chairman: Mr. SHERIFIS  
later: Mr. VALENCIA RODRIGUEZ (Vice-Chairman)

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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 5) (continued)

Fifteenth and sixteenth periodic reports of Ukraine (CERD/C/384/Add.2; HRI/CORE/1/Add.63/Rev.1)

1. At the invitation of the Chairman, the members of the delegation of Ukraine took places at the Committee table.

2. Mr. SEREDA (Ukraine) said that since the consideration of his country's previous periodic report (CERD/C/299/Add.4), the economic situation of Ukraine had improved substantially: gross domestic product (GDP) had increased by 5.8 per cent, industrial production by 12.9 per cent, agricultural production by 9 per cent and per capita annual income by 9.6 per cent. The unemployment rate had fallen from 4.3 per cent in 1999 to 3.8 per cent in the first half of 2001. Furthermore, the State had cleared the backlog of unpaid civil servants' salaries, and had set up a social insurance system covering unemployment, accidents in the workplace, occupational diseases and invalidity.

3. Ukraine had also embarked on a reform of its State apparatus with a view to enhancing the protection of human rights. A human rights body had recently been established and had submitted its first report to parliament.

4. The legislative and judicial apparatus was being reviewed, as was witnessed by the adoption of the new Criminal Code in April 2001 and the amendment of the Civil Procedural, Criminal and Arbitration Codes. Ukraine had also set up a court of appeal and had amended several laws relating to such matters as placement under police custody, detention and police searches. It also planned to double the number of judges in local courts, as part of the move to establish an impartial judicial system accessible to all citizens.

5. Ukraine was thus endeavouring to set up a judicial system guaranteeing respect for human rights, as was witnessed by the adoption of a wide range of laws on immigration, refugees and nationality. Thus, for instance, the system of "passes" had been abolished by a presidential decree of 15 June 2001 authorizing the free movement of persons and freedom to choose one's place of residence. All the new laws had been submitted to the Office of the United Nations High Commissioner for Refugees (UNHCR) and to the Organization for Security and Cooperation in Europe's High Commissioner on National Minorities, with a view to ensuring that they were consistent with international human rights instruments. Furthermore, the draft law on foreigners and stateless persons in Ukraine, which was currently before parliament, was a first step towards accession to the various international conventions on statelessness.

6. He stressed the multi-ethnic character of Ukraine, which, according to the 1989 census, included 110 nationalities. Ukrainians accounted for 72 per cent of the population, Russians for 11.4 per cent, while the remainder was made up of minority national groups such as Jews, Belarusians, Moldovans, Bulgarians, Poles, Hungarians and Romanians.

7. Having inherited a sombre tradition of discrimination, Ukraine had made it a priority, upon its accession to independence, to guarantee the rights of its various minorities and to do its utmost to encourage peaceful coexistence among them. *Inter alia*, it had adopted a wide range of laws to protect ethnic nationalities, in the fields of education, languages, culture, freedom of conscience and religion and freedom of the press. Experts from international organizations such as UNHCR, the Organization for Economic Cooperation and Development (OECD) and the Council of Europe had given their seal of approval to Ukraine's legislation on national minorities.

8. Since July 2000 the Ministry of Justice had been the body responsible for questions concerning relations between the various ethnic communities. The State Department for Nationality and Migration

Issues, which was a department of the Ministry of Justice, took measures to prevent conflicts based on race or ethnicity, prepared draft laws, and regularly reviewed the economic, social and cultural situation of minorities. The Government was also supporting the creation of cultural associations for the various national minorities. It had also set up a council comprised of representatives of those associations, which it consulted when preparing draft legislation on the rights of minorities.

9. Between 1994 and 2000 the Government had focused its activity on education and culture and, among other measures, had set up 36 ethnic minority cultural centres. It was also encouraging the use of minority languages on radio and television and in the press.

10. One of the most complex questions facing the Government was the resettlement in Ukraine of persons who had been deported more than half a century previously, especially the Crimean Tatars. As of 1 January 1999, about 270,000 Crimean Tatars had been permanently resident in the Autonomous Republic of Crimea alone. To facilitate their resettlement, the Government had allocated huge resources to the construction of housing, roads and electricity and gas supply networks, and to setting up schools and health centres, and had borne the costs of their repatriation. It had also set up a programme to integrate the Crimean Tatars in Ukrainian society, involving, *inter alia*, the creation of bilingual schools, television and radio broadcasts, and the publication of newspapers in the Tatar language. An institute of technical education had also been built in Crimea, catering for 4,000 students from ethnic minorities, half of whom were Crimean Tatars. In that regard, the Government was grateful for the financial support provided by various international organizations, including UNHCR and the United Nations Development Programme (UNDP).

11. In spite of those encouraging results, some problems persisted, including the absence of any legislation on the status of repatriated persons, the high rate of unemployment among such persons, and the low rate of participation of Crimean Tatars in the agrarian reform and in courts and bodies responsible for defending their rights. With a view to rectifying those problems, the Government envisaged creating a department, within the Council of Ministers, responsible for repatriation issues.

12. The Roma population, which had numbered 47,917 at the most recent census, also had great difficulty in integrating in society. Consequently, a school had been set up in which general subjects were taught in their language, and activities to promote their language and culture had been introduced.

13. In recent years religious associations had flourished in Ukraine. Of the 26,000 recorded associations, 52.3 per cent were Orthodox, 27.1 per cent Protestant, 13.2 per cent Greek Catholic and 3.2 per cent Roman Catholic. There were also 405 Islamic associations, 314 of them in Crimea.

14. Under the 1993 Refugees Act, 2,950 persons had obtained refugee status, 872 of them children under 16 years of age. Those persons were nationals of 47 countries worldwide, most of them from Africa and the Middle East. A further 2,697 persons had obtained temporary protection for humanitarian reasons. Since January 1999 all those persons had received financial aid and an allowance. Following the revision of its legislation on refugees in June 2001 with a view to bringing it into line with international standards, Ukraine was planning to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

15. On the implementation of article 4 of the Convention, he said that the legislation in force made contempt for the national dignity of others an offence. Article 66 of the Criminal Code punished incitement to racial hatred, violation of the honour or dignity of others on grounds of their nationality, and restrictions on the civic rights of others for racial motives. However, his delegation was unable to provide statistics on sentences handed down in implementation of article 4.

16. Article 67 of the Criminal Code provided for “aggravating circumstances” when a crime was perpetrated for racial, nationalistic or religious reasons. Article 161 concerned violations of equality before the law for reasons of racial, national or religious affiliation; while article 442 concerned genocide.

17. With regard to the acquisition of nationality by persons who had been deported, including the Crimean Tatars, the new law and bilateral agreements concluded by Ukraine with Uzbekistan and Kazakhstan had resulted in the introduction of a simplified and accelerated procedure. It was also planned to conclude similar agreements with Turkmenistan, the Russian Federation and Tajikistan.

18. In concluding, he pointed out that while Ukraine still had some way to go in combating racial discrimination, it could nevertheless pride itself on being one of the few countries of the former Soviet Union that was free from inter-ethnic conflicts.

19. Ms. McDougall (Country Rapporteur) said that it could be seen from a reading of the report that Ukraine, a newly independent State, was going through a difficult period of transition, while confronted with a serious economic crisis rendered even more acute by the sudden switch to liberal economic policies. However, it had adopted a forward-looking Constitution and numerous measures to guarantee protection of the human rights of its citizens. In particular, it had recently abolished the death penalty.

20. Ukraine faced the difficult challenge of providing for the revival of the national identity while ensuring that the rights of its ethnic, linguistic, religious and cultural minorities were not infringed. The 1989 census had revealed the existence of 110 nationalities and peoples in Ukraine. The fifteenth and sixteenth periodic reports (CERD/C/384/Add.2) provided demographic statistics on the major ethnic groups, but failed to provide statistics for smaller ethnic groups such as the Armenians.

21. The report contained no information concerning the situation of the Roma, who were allegedly severely persecuted in Ukraine. The most recent census dated back to 1989, and thus provided no data on the current situation. How had the situation changed in the 12 intervening years? Did Ukraine plan to conduct a further census?

22. The overall structure of the report was unsatisfactory, and the information it contained was insufficient to assess whether the requirements of articles 2, 3 and 4 of the Convention had been satisfied. There also appeared to be some misunderstanding with regard to the meaning of article 3, as information supplied under that article seemed to relate more closely to article 4.

23. With regard to the implementation of article 2 of the Convention, she welcomed the measures taken in the field of language and culture to create a climate conducive to building a multicultural society based on mutual respect and appreciation of diversity. However, neither article 24 of the Constitution, on equality of citizens, nor the National Minorities Act met the requirements of article 2 with regard to the prohibition of racial discrimination. She urged the State party to review its legislation in order to bring it more closely into line with the Convention, which required the adoption of detailed legislation prohibiting racial discrimination in all spheres of public life.

24. On article 4, she welcomed the provisions of the legislation in force, such as article 37 of the Constitution, article 66 of the Criminal Code and the National Minorities Act, and also the new Criminal Code prohibiting the dissemination of fanatical racial and ethnic ideas, as well as measures taken by the Government to rebuke and prosecute publications and organizations for fomenting anti-Semitism and inter-ethnic hatred (para. 198 of the report). However, insufficient information was given on the implementation of article 4. In that regard she drew the delegation's attention to the Committee's general guidelines regarding the form and contents of reports (CERD/C/70/Rev.4), and to its concluding observations adopted following its consideration of the thirteenth and fourteenth periodic reports of the State party (A/53/18, para. 152). In particular, it would be helpful to have clearer information on the penalties incurred, and to know whether the law punished hate speech irrespective of any incitement to violence or act of violence. Given that anti-Semitism appeared to be rife in Ukraine, she would like to know what steps the Government had taken to halt the publication and distribution of the 260 anti-Semitic publications referred to in paragraph 50 of the report. Had the authors of anti-Semitic and other racially or ethnically intolerant materials been prosecuted under criminal laws? If so, what had been the outcome? What other measures had been taken in that area?

25. On article 5 of the Convention, she was impressed by the constitutional and legislative provisions adopted by the State party. However, she regretted the lack of information on the Roma, a gap that should be filled in the next periodic report. According to information in her possession, the Roma were particularly likely to be victims of the discriminatory practices of the Ukrainian police, which included “prophylactic” arrests, forced labour, harassment, torture and illegal detention. The police were alleged routinely to detain dark-skinned persons for arbitrary document checks, and there were reports of an increase in racially motivated violence against persons of African or Asian origin. In addition, it appeared that the Ukrainian courts still accepted confessions obtained under duress or signed by illiterates who had been unaware of what they were signing. Had the police officers concerned been disciplined? Was a record compiled of cases of police brutality? The situation of the Roma gave particular cause for concern in that it was exacerbated by the many problems that they faced in the areas of education and employment. There was evidence that the Roma had difficulty in gaining access to jobs, except for the lowest-paid and most menial work. Had the Government taken any measures to rectify that situation, for instance, through affirmative action programmes, or by punishing enterprises that applied discriminatory recruitment and promotion policies? Lastly, she asked for further details of the problems encountered by the Roma in obtaining identity cards, proving their citizenship, and effectively exercising their rights.

26. With regard to the implementation of article 6, she asked for fuller information about the work of the Office of the Human Rights Ombudsman, a post established in 1998 by a law that in principle gave it broad powers. How effective had that post been? How many cases had been dealt with by the Office, and what had been their outcome? According to United States State Department reports, the Office of the Human Rights Ombudsman had received more than 100,000 letters since its inception, and in 1998 some 13,000 appeals by Ukrainian citizens had been filed with the European Court of Human Rights. What proportion of those appeals had been claims based on racial or ethnic discrimination, and what had been the outcome of the proceedings?

27. Mr. Valencia Rodríguez took the Chair.

28. Mr. de GOUTTES welcomed the efforts made by the Government of Ukraine on behalf of ethnic minorities, including the Crimean Tatars, refugees, immigrants and the Roma. The State party’s report contained some useful information, but, as Ms. McDougall had pointed out, was generally too legalistic and abstract and did not give a precise picture of how the Convention was implemented in Ukraine.

29. Recalling that in its previous concluding observations (A/53/18, para. 153) the Committee had recommended that the State party should continue to take all necessary steps to fully restore the rights of repatriated members of minorities, including the Crimean Tatars, he asked whether the economic difficulties and the financial crisis Ukraine had suffered (para. 24 of the report) had hindered the Government’s policy of promoting the economic, social and cultural rights of those minorities. Had there been any response to its appeal for international assistance (para. 41 of the report)?

30. On the question of the difficulties faced by the Roma, particularly those living in the Transcarpathian (Zakarpats’ke) region, he said he would welcome additional information on the measures taken to guarantee the rights of the Roma, and, in particular, to protect them against the ill-treatment to which they were allegedly subjected by the police.

31. With regard to the implementation of article 4 of the Convention, he agreed with Ms. McDougall that the information contained in paragraphs 60, 62 and 66 of the report was not entirely satisfactory. The provisions of article 66 of the Criminal Code, of article 413 of the draft Criminal Code and of article 18 of the National Minorities Act did not go far enough. What was the situation with regard to intimidation, the dissemination of ideas based on racial superiority or racial hatred, acts of racial violence, racial insults and defamation, participation in racist organizations and racist propaganda? He had noted with interest the new amended legislation to which the delegation had referred. The Committee would judge whether the Government of Ukraine had taken full account of the requirements of article 4 of the Convention when considering the State party’s next periodic report.

32. With regard to article 6 of the Convention, he expressed surprise at the absence of complaints of or prosecutions for racial discrimination in a country in which 110 national and ethnic groups coexisted and in which a large number of immigrants had settled. The absence of such complaints and prosecutions was not necessarily a positive sign, for it might also indicate that the victims were insufficiently acquainted with their rights, a lack of confidence in the police or the justice system, or inertia on the part of the police or judicial authorities responsible for prosecuting those offences. He also noted the reference, in paragraph 196 of the report, to incitement to inter-ethnic hatred by some press publications. He hoped to find more information on that question in the next periodic report. On a general note, he encouraged Ukraine in its efforts to strengthen the rule of law and democracy and to ensure that the provisions of the Convention were implemented in their entirety.

33. Mr. RESHETOV congratulated the delegation of Ukraine on its high calibre and expressed confidence that the ensuing dialogue would be constructive. On the situation of the Crimean Tatars, while it was important to overcome the consequences of their exile and to help them resume a normal life, the authorities must ensure that other ethnic and minority groups did not suffer in consequence. According to information at his disposal, some Tatars were alleged to have committed religiously motivated acts of violence. Furthermore, Tatars were reported to have organized demonstrations demanding that 30 per cent of all posts in local administration should be reserved for them, despite the fact that they represented only 10 per cent of the population. It was important to promote the employment of Tatars, but it was also incumbent on the State party to guard against the emergence of large-scale ethnic conflicts.

34. Mr. DIACONU said that Ukraine was a newly independent country with a heterogeneous population and a legacy of problems, but one that was making efforts to consolidate the State and the national identity. He singled out the support provided by the State for persons displaced during the Soviet period, including the Crimean Tatar and German populations, and expressed confidence in the Government's ability to strike a balance between the rights of repatriated persons and those of other ethnic groups.

35. With regard to the implementation of article 4 of the Convention, he wondered whether the concept of "wilfulness" did not make it more difficult to apply article 66 of the Ukrainian Criminal Code. Was wilfulness a prerequisite? Was it possible to commit an offence other than "wilfully"? Who was responsible for proving that the offence had been committed "wilfully", the prosecution or the victim?

36. He had read in paragraph 64 of the report that only organizations and associations that preached war, violence or incitement to inter-ethnic, racial or religious hatred were prohibited, but he noted that, contrary to the requirements of article 4 of the Convention, persons participating in the activities of those organizations and associations were not prosecuted. He recommended that the State party should review its legislation so as to ensure that all aspects of article 4 were covered by the legislation in force. He also wished to know why the acts of incitement to inter-ethnic hatred condemned by the President of Ukraine (para. 51) had not been the subject of criminal proceedings.

37. He asked for more information on the representation of minorities in the Ukrainian parliament and in local administrative bodies, having regard to their demographic weight in the regions in which they lived.

38. Noting, furthermore, that "citizens who belong to national minorities are guaranteed, in accordance with the law, the right to receive instruction in their native language or to study their native language in State and communal educational establishments and through national cultural societies" (para. 174), he wondered whether, in practice, all children in minority groups actually benefited from the provisions of that law. According to information received by the Committee, at least one town, 90 per cent of whose population was Romanian, had no educational establishment in which classes were taught in Romanian. In that regard, could the delegation inform the Committee what relevant steps had been taken since the announcement in 1998, by the Presidents of Ukraine and Romania, of their intention to establish a multicultural and multilingual university?

39. With regard to the implementation of article 5 of the Convention, he would welcome more information concerning the Roma, and, in particular, concerning their geographical distribution, their way of life (nomadic or sedentary) and their economic and social situation; and on the various measures taken to promote their social integration.

40. Ms. BRITZ welcomed the information provided in the report concerning compliance by the Ukrainian legislation with the requirements of the Convention, and on special measures taken to meet the needs of minorities, particularly in the area of education. However, she regretted that so little information was provided on the real situation of minorities, and, in particular, on their economic and social status in comparison to the norm of the population.

41. She also noted “an increase in the number of publications denouncing anti-Semitism” (para. 50), but pointed out that other sources, on the contrary, drew attention to an increase in the harassment of racial minorities and in the number of clashes between the police and minorities, particularly those of Asian origin. Did the delegation have any specific information in that regard, and did it consider that tensions existed between the various ethnic groups living in Ukraine? She was also curious to know more about the nature of relations between Russians and Ukrainians, and whether those relations were a matter of concern for the State party.

42. Mr. PILLAI expressed concern at the demographic situation in Ukraine, since, if the report was to be believed, over the past five years the population had fallen by an average of almost 400,000 per year (para. 34). Ukraine also appeared to be experiencing a fall in its birth rate, and to have an abnormally high number of families with only one child—a most disturbing situation, particularly as, according to paragraph 43 of the report, Ukraine was suffering serious demographic problems, including high net emigration, primarily of persons of working age. Furthermore, while, according to paragraph 40, emigration in the early 1990s had had an obvious ethnic dimension, it seemed that economic instability was now the main motivation for those wishing to leave. What was the impact of that trend on the composition of the ethnic groups living in Ukraine?

43. Mr. THORNBERRY, noting that Ukrainians were described as “the indigenous nationality” in paragraph 26 of the report, asked what was meant by that expression. If it was intended to identify Ukrainians as the founder nation, were they designated as such in the Constitution, and, if so, what were the legal consequences of that status? Could the delegation indicate precisely what groups were regarded as national minorities in Ukraine, and whether the Roma were one of them? Were the Crimean Tatars recognized as an indigenous people within the meaning of the term in international law, namely, as a people with their own language and culture?

44. Noting that “citizens who belong to national minorities are guaranteed, in accordance with the law, the right to receive instruction in their native language” (para. 174), he asked the delegation to explain the practical arrangements for such instruction and to indicate whether educational strategies had been adopted in that area, at primary, secondary and university levels.

45. Noting that only paragraph 199 of the report referred to the implementation of article 7, and to the penalties incurred for incitement to racial, national or religious hatred, he asked for further information on the type of teaching and training provided in Ukraine in the areas of anti-racism, tolerance and mutual respect.

46. Mr. SHAHI noted that it was stated in paragraph 29 of the report that more than 250,000 Crimean Tatars were permanently resident in the Autonomous Republic of Crimea alone, and asked whether the return of Crimean Tatars deported under Stalin was a continuing trend.

47. The delegation should ensure that the next periodic report of Ukraine contained fuller information on the rate of unemployment among the 110 nationalities and ethnic groups living in Ukraine (para. 25), including comparative statistics for the unemployment rates among the minorities and ethnic Ukrainians.

48. According to information provided by the Supreme Court, no criminal or civil cases involving racial discrimination had come before the courts in the previous five years (para. 79). That was all the more surprising in view of the fact that racial hostility was an offence under Ukrainian law, and that the President of Ukraine, Leonid Kuchma, had condemned ethnic intolerance and urged all Ukrainian citizens, political parties and organizations to create a climate opposed to any such shameful practices (para. 51). He was also concerned at the fact that the statistics compiled by the Ministry of Internal Affairs for 1998 recorded no offences under article 66 of the Criminal Code (para. 194), which, *inter alia*, made it a criminal offence “willfully to incite national, racial or religious hostility and hatred” (para. 60). It was to be hoped that the Government would accord due attention to that situation, and that the Committee would be provided with fuller information on any specific cases of racial discrimination that came before the courts.

49. He also asked whether the statement that “following the exhaustion of all domestic legal remedies, everyone has the right of recourse to the relevant international judicial institutions or the relevant bodies of international organizations of which Ukraine is a member, or in which it participates, for the protection of their rights and freedoms” (para. 71) meant that Ukraine recognized the competence of the Committee to receive and consider communications from individuals, pursuant to article 14 of the Convention.

50. Mr. ABOUL-NASR said that he had been surprised to read in the core document on Ukraine (HRI/CORE/1/Add.63/Rev.1, para. 35) that Ukraine was a founder State of the United Nations and had been a full Member of the Organization from its inception. Could the Ukrainian delegation explain how that was possible, given that country had not gained independence until the late 1980s or early 1990s.

51. Mr. SERADA (Ukraine) said that the delegation would welcome more time in which to answer the many questions that had been asked by members of the Committee. However, in response to Mr. Aboul-Nasr, he said that Ukraine had become an independent sovereign State following a national referendum on 1 December 1991.

52. The CHAIRMAN said that the Ukrainian delegation would continue to reply to members' questions and comments at the Committee's next meeting.

#### THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 10) (continued)

Proposal by the Committee on the question of reparations for victims of slavery, the slave trade, colonization, apartheid, foreign occupation and other forms of servitude (CERD/C/59/Misc.18/Rev.1, document distributed in the meeting room, in English only)

53. The CHAIRMAN said that he was submitting to the Committee, for consideration, a text of a very general nature, drafted in consultation with other members and which was intended to help the World Conference against Racism to reach a consensus on a sensitive issue. The first paragraph of the text reproduced almost word for word several paragraphs of the preamble to the International Convention on the Elimination of All Forms of Racial Discrimination, and the second paragraph was based on the provisions of articles 2 and 6 of the Convention.

54. Mr. SHAHI said that he had compared the draft text before the Committee with a resolution of the Sub-Commission on the Promotion and Protection of Human Rights (resolution 2001/1, in document E/CN.4/Sub.2/2001/L.11), concerning “Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, of colonialism and wars of conquest”. The preamble to that resolution proposed measures to make reparation for slavery and colonialism, such as rehabilitation of the dignity of the peoples affected, active cooperation in development not limited to existing measures of development assistance, debt cancellation, implementation of the “Tobin tax”, technology transfers and restoration of

cultural objects. On the other hand, the operative part of the resolution was worded in very vague terms, merely alluding to the raising of public awareness of the issue, and to the initiation of a process of reflection on appropriate procedures for implementing the resolution.

55. The proposal by Mr. Valencia Rodríguez, more concise and more general in scope, was nevertheless more specific, as it expressly encouraged States to apply measures to correct the adverse consequences of those practices. Given that the resolution of the Sub-Commission was raising some extremely thorny issues in the Preparatory Committee for the World Conference, it would be preferable, in the interests of achieving a consensus, not to enter into too much detail regarding the precise nature of the compensation. Consequently, he was inclined to accept the proposal by Mr. Valencia Rodríguez.

56. The CHAIRMAN confirmed that he had intended that the proposal should be general in character, so as to avoid controversy and facilitate consensus.

57. Mr. BOSSUYT proposed inserting, in the fourth line of the first paragraph, the word “adverse” before the word “consequences”, so as to ensure consistency with the second paragraph, in which the words “adverse consequences” were used. He also pointed out that the listing, in the first paragraph, of the various practices that were condemned (slavery, colonialism, apartheid, etc.) in no way implied that they all had the same status in international law.

58. Mr. PILLAI said he was satisfied that the draft text submitted to the Committee was the fruit of careful consideration. He wished, however, to amend the latter part of the second paragraph slightly, by inserting, in the fifth line, the words “particularly those” after the word “victims”, so as to highlight the idea that compensation was due to all victims of slavery without exception.

59. Mr. RESHETOV supported Mr. Bossuyt’s proposal to qualify the word “consequences” with the adjective “adverse”. He was also surprised that there was no reference, among the measures recommended in the second paragraph, to legal instruments, as such instruments were expressly provided for by the Convention. He asked whether that omission was deliberate, perhaps because a reference to legal measures might make it difficult to achieve consensus at the World Conference. If that was not the case, the text should be amended slightly.

60. Mr. BOSSUYT suggested deleting, in the fifth line of the second paragraph, the word “most” before “affected”; the text would then refer to all victims who were still affected by the consequences of slavery. He also drew Mr. Reshetov’s attention to the fact that the second paragraph contained a legal reference, as it referred to the provisions of the Convention.

61. Mr. ABOUL-NASR endorsed Mr. Bossuyt’s comments, particularly because the text under consideration was simply a sort of declaration of intent reflecting the position of the Committee, which, like other bodies, was making its contribution to the preparations for the World Conference.

62. Mr. de GOUTTES thanked Mr. Valencia Rodríguez for his proposal, the text of which had already been subjected to considerable amendment and represented a hard-won compromise. He thus favoured leaving the text as it stood, subject to a few slight changes such as those that had been proposed for the first paragraph. It would, however, be better to leave the second paragraph unchanged.

63. Ms. McDougall said she was surprised to find the verb “compensate” used in the text, as the World Conference against Racism would be examining the question of reparations in general. The concept of compensation seemed too restrictive in comparison with the more general principle of reparation. The word “adverse” also seemed a very inadequate description of the consequences of practices that had wrought such havoc down the years.

64. The CHAIRMAN reminded the Committee that the purpose of the draft text was to reconcile the various members' positions, and that the summary record of the meeting would reflect the various points of view expressed during the debate.

65. Mr. SHERIFIS said it was gratifying to have a compromise text that could be adopted unanimously, given the considerable differences of opinion that had arisen during its drafting. He was in favour of mentioning "adverse" consequences of slavery, colonialism and apartheid, but would also like the list of practices that were condemned to be extended to include foreign occupation, which should be placed on the same level as other forms of servitude.

66. The CHAIRMAN said that the authors of the draft text had considered the possibility of mentioning foreign occupation, but had felt that that practice was subsumed under "other forms of servitude". He asked whether other members of the Committee wished to include a mention of "foreign occupation" at the end of the first paragraph.

67. Mr. DIACONU said that any foreign occupation, whether or not legitimate, involved racial discrimination and had adverse consequences. Accordingly, he favoured the proposal by Mr. Sherifis to include a specific reference to foreign occupation.

68. Mr. de GOUTTES said that he did not object to that proposal in principle. It would, however, be useful to know what progress had been made with the draft declaration and programme of action being considered in the Preparatory Committee for the World Conference. The authors of the Committee's own draft proposal had favoured reproducing the list of condemned practices that was to be found in the Preparatory Committee's draft. It was also important to ensure that there were no needless discrepancies between the two texts.

69. Mr. ABOUL-NASR assured Mr. de Gouttes that the Preparatory Committee was continuing to seek a last-minute consensus. In his view, while the draft proposal under consideration was rather weak, it nevertheless represented a consensus reflecting the position of the Committee as a whole and seemed more balanced than the resolution of the Sub-Commission on the Promotion and Protection of Human Rights. He urged the Committee to adopt it forthwith, so that it could be communicated as swiftly as possible to the Preparatory Committee.

70. Mr. RESHETOV endorsed Mr. Aboul-Nasr's view concerning the relative weakness of the proposal, which would clearly be rejected by the Preparatory Committee in consequence. Nevertheless, the Committee was entitled to give its opinion and to make proposals to other bodies, provided it could agree on a common position. He also supported the proposal by Mr. Sherifis to mention foreign occupation at the end of the first paragraph.

71. Ms. JANUARY-BARDILL said that the Committee should not concern itself with the debates in the Preparatory Committee or other bodies, but should instead formulate its own position. She endorsed Ms. McDougall's proposal to replace the notion of compensation by that of reparation, which was indeed less restrictive.

72. Mr. TANG said that the text proposed by Mr. Valencia Rodríguez reflected the Committee's position in principle. However, if all its members were in agreement, nothing prevented it from adding a reference to different forms of reparation and compensation.

73. Mr. RESHETOV pointed out that reparation could take various forms, including political or moral reparation, whereas the notion of compensation was purely material, a fact that might make it unacceptable to many countries. It would thus be better to replace the term "compensation" by "reparation".

74. Mr. ABOUL-NASR formally requested that a decision should be taken on the inclusion of the word “reparation”, and that a vote should then be taken on the text as a whole, as amended, without further discussion.

75. Mr. de GOUTTES said he continued to be of the view that the proposal submitted to the Committee was a good compromise text that should not be tampered with. If it was amended and put to the vote, he would abstain from voting.

76. Mr. BOSSUYT said that a reference to the idea of reparation was superfluous, as the text already referred to the notions of compensation and correction. The text of the proposal should be left as it stood.

77. Mr. THORNBERRY suggested an amendment that would take up Mr. Reshetov’s proposal to amend the fourth and fifth lines of the second paragraph, so as to read: “... measures to make reparation for and correct the adverse consequences of those practices ...”.

78. Mr. de GOUTTES maintained his reservation regarding substantive amendments to the text. If the draft proposal was not put to the vote, he wished that reservation to be placed on record.

79. Mr. BOSSUYT endorsed the position of Mr. de Gouttes.

80. The CHAIRMAN proposed adopting the text without a vote with two amendments to the first paragraph, on the understanding that the comments and reservations of members of the Committee, including in particular those of Mr. de Gouttes, would appear in the summary record of the meeting. The document would then be transmitted to the Contact Group as a contribution to the preparations for the World Conference.

81. Mr. PILLAI said he favoured adopting all the amendments proposed, both to the first paragraph, so as to refer to “adverse” consequences and to “foreign occupation”, and also to the second paragraph (deletion of the word “most” and reference to measures to make reparation for and correct those adverse consequences).

82. The CHAIRMAN said it was his understanding, in the light of the debate, that a majority of the Committee wished to adopt the text of the draft proposal with the following amendments: in the first paragraph, the word “adverse” would be inserted before the word “consequences” and the words “foreign occupation” would be inserted in the last line. In the second paragraph, in the fourth line, the phrase “other measures to compensate and correct the adverse consequences” would be replaced by “other measures to make reparation for and correct the adverse consequences”, on the understanding that the views expressed by members of the Committee during consideration of the draft text would be recorded in the summary record of the meeting.

83. The proposal by the Committee on reparations for victims of slavery, the slave trade, colonization, apartheid, foreign occupation and other forms of servitude, as amended, was adopted.

The meeting rose at 5.55 p.m.