

CROATIA

Special Decisions or Action taken Re: Reporting, Including Urgent Action Procedure

CERD CERD/C/SR.983 (1993)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
Forty-second session
PROVISIONAL SUMMARY RECORD OF THE 983rd MEETING

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SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF
THE CONVENTION (continued)

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Draft decisions on the former Yugoslavia

90. The CHAIRMAN drew attention to the draft decision submitted by Mr. Rechetov, which read:

"In view of recent reports of armed conflict within the territory of former Yugoslavia and in accordance with rule 65 of its rules of procedure relating to the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination requests further information by 31 July 1993 from the Governments of the Federation of the Republic of Yugoslavia (Serbia and Montenegro), Croatia and Slovenia, on the implementation of the Convention within their territories.

The Committee trusts that the Government of Bosnia-Herzegovina has given attention to the process of notifying its succession to the treaty obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and, if it proceeds accordingly, the Committee requests further information by 31 July from the Government of Bosnia-Herzegovina on the implementation of the Convention within its territory."

91. He then drew attention to the draft decision proposed by Mr. Aboul-Nasr, Mr. Banton, Mr. Garvalov, Mr. van Boven, Mr. Wolfrum and Mr. de Gouttes, which read:

"In view of recent reports of ethnic conflict within the Federal Republic of Yugoslavia (Serbia and Montenegro) and in accordance with rule 65 of its rules of procedure relating to the provisions of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination requests further information by 31 July 1993 from the Government on the implementation of the Convention within the territory.

The Committee on the Elimination on Racial Discrimination decides that at its forty-third

session it will review the eighth and the tenth reports of Yugoslavia submitted and considered in 1985 and 1990 and the Committee's consideration of them to see whether any lessons can be learned about the processes generating ethnic conflicts and about the ways in which the Committee can react to signs of increasing tension."

92. Mr. DIACONU asked whether the sponsors of the two draft decisions could not agree to combine them into a single text.

93. Mr. RECHETOV said he could accept a combined text. He suggested that, in the decision he had proposed, the words "within their territories" at the end of the first paragraph should be deleted.

94. Mr. de GOUTTES said that he could agree that a reference to Croatia and Slovenia should be added to the text of the second draft decision.

95. Mr. RECHETOV pointed out that, since the Committee was requesting information from all successor States to the former Yugoslavia, it was important that the text adopted should include a reference to Bosnia and Herzegovina.

96. Mr. FERRERO COSTA said he agreed that the two texts needed to be brought into line, but he was not sure whether there had in fact been any reports of ethnic conflicts in Slovenia. He feared that to request information from all the Republics that had belonged to the former Yugoslavia without distinction might water down the central issue facing the Committee, which was the ethnic cleansing reported to be taking place in Serbia and Croatia.

97. Mr. WOLFRUM proposed that the beginning of the second draft decision should be amended to read: "In view of recent reports of ethnic conflict within the territory of the former Yugoslavia ...". The end of the paragraph would read: "... requests further information by 31 July 1993 from the Governments of the former Yugoslavia (Serbia and Montenegro), Croatia and Slovenia on the implementation of the Convention within their territories".

98. The text could then continue with the second paragraph of the first draft decision, with the wording brought into line with that of the recommendation already adopted on the subject and with the addition of the words "if possible".

99. Mr. RECHETOV said he could accept that suggestion.

100. Mr. FERRERO COSTA pointed out that the wording should be brought into line with article 3 of the Convention, which used the phrase "territories under their jurisdiction" rather than "their territories". That distinction was an important one.

101. Mr. WOLFRUM said that he had intended to use that wording.

102. Mr. SHAHI noted that the first part of the proposed text used the words "the former Yugoslavia", but later referred to "the Republic of Yugoslavia"; the texts should be made consistent.

103. In his view, it would be too much in the present circumstances to expect the Government of

Bosnia and Herzegovina to be in a position to provide information, but he could accept the text if the words "if possible" were included.

104. The CHAIRMAN suggested that a small working group consisting of Mr. Yutzis, Mr. Rechetov, Mr. Diaconu, Mr. Ferrero Costa, Mr. Wolfrum and Mr. de Gouttes should be set up to prepare a revised text for adoption the following day.

105. He further suggested that Mr. Shahi should be designated to monitor the work of the fourth session of the Preparatory Committee for the World Conference on Human Rights.

106. It was so decided.

CERD CERD/C/SR.984 (1993)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION
Forty-second session
PROVISIONAL SUMMARY RECORD OF THE 984th MEETING

DECISIONS AND GENERAL RECOMMENDATIONS OF THE COMMITTEE

Draft decision concerning the former Yugoslavia

1. Mr. WOLFRUM read out the following revised draft decision concerning the former Yugoslavia, prepared by the Working Group appointed for that purpose:

"1. The Committee is gravely concerned about the ongoing ethnic conflict in the territory of the former Yugoslavia.

2. The Committee requests the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro) and of the Republic of Croatia to send it, as soon as possible and not later than 31 July 1993, further information on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

3. The Committee encourages the Republic of Bosnia and Herzegovina to confirm to the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination, that it continues to be bound by obligations under the Convention. If it proceeds accordingly, the Committee requests further information, as soon as possible and not later than 31 July 1993, on the implementation of the Convention.

4. The Committee decides to examine the situation in the territory of the former Yugoslavia, within the framework of its Convention, at its forty-third session to be held in August 1993."

2. Mr. RECHETOV proposed a drafting change in paragraph 4 of the text, where the word "its" should be deleted before the word "Convention" and the full title of the Convention should be reproduced.

3. Mr. SHAHI asked Mr. Wolfrum to confirm that the names of the countries mentioned in the draft decision were correct and in conformity with the designations accepted by the General Assembly. Also, he wondered whether, given the situation currently obtaining in Bosnia and Herzegovina, it was appropriate to request that country to provide the Committee with further information by 31 July 1993.

4. Mr. WOLFRUM confirmed that the names of the various republics in the territory of the former Yugoslavia were those found in the decision on the subject adopted by the Commission on Human Rights, which was correct. The request for information from Bosnia and Herzegovina in paragraph 3 of the draft decision had been very carefully formulated by the Working Group. The request would give Bosnia and Herzegovina an opportunity to report on the incidents that were taking place in its

territory but over which the official Government of Bosnia and Herzegovina had no control. Bosnia and Herzegovina was thus being offered a very interesting possibility.

5. Mr. FERRERO COSTA said that the Working Group, consisting of Mr. Rechetov, Mr. Wolfrum and himself, had reproduced in the draft decision all the concerns expressed by the Committee. He hoped that it would be adopted by consensus.

6. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt the draft decision.

7. It was so decided.

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CERD A/48/18 (1993)

VIII. Decisions and General Recommendations Adopted by the Committee at its forty-second session

A. Decisions

1 (42) Further information requested from certain States of the former Yugoslavia

1. The Committee expresses its grave concern over the ongoing ethnic conflict in the territory of the former Yugoslavia.

2. The Committee requests the Government of Yugoslavia (Serbia and Montenegro) and the Government of the Republic of Croatia to submit, in accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, further information on the implementation of the Convention. This information should be submitted as soon as possible and no later than 31 July 1993.

3. The Committee encourages the Government of the Republic of Bosnia and Herzegovina to confirm to the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination, that it continues to be bound by the obligations under that Convention. If the Government of Bosnia and Herzegovina proceeds accordingly, the Committee requests it to submit information by 31 July 1993 on the implementation of the Convention.

4. The Committee decides to examine the situation in the territory of the former Yugoslavia in regard to the International Convention on the Elimination of All Forms of Racial Discrimination at its forty-third session to be held in August 1993. In accordance with rule 64 of its rules of procedure, the Committee invites representatives of the States concerned to be present at the examination.

983rd meeting
19 March 1993

CERD A/49/18 (1994)

II. Prevention of Racial Discrimination, Including Early Warning and Urgent Procedures

A. Action taken by the Committee

...

Croatia

26. In its decision 1 (42), the Committee had expressed its grave concern over the ongoing ethnic conflict taking place in the territory of the former Yugoslavia and had requested the Government of Croatia, as well as other successor Governments, to submit by 31 July 1993 additional information on the implementation of the Convention in its territory. That information (see CERD/C/249 and HRI/CORE/1/Add.32) was considered by the Committee at its 1002nd meeting (forty-third session) on 12 August 1993 (see CERD/C/SR.1002). During the consideration of that information, the representative of the State party invited the Committee to send one of its members to Croatia in order to clarify its concerns to the Government and to assist it in adapting its legislation and policies to the requirements of the Convention.^{7/}

27. In its concluding observations, the Committee noted the invitation extended to it by the representative and requested the State party to confirm by 1 October 1993 if it agreed that a mission be undertaken by the country rapporteur, Mr. Mario Yutzis, under the Advisory Services and Technical Assistance Programme of the Centre for Human Rights to assist the Government in reporting on the implementation of the Convention. Confirmation was subsequently received and the mission was undertaken from 21 to 25 March 1994.

28. During his mission, Mr. Yutzis met with numerous officials from various government ministries and the Supreme Court and discussed with them a wide range of issues under the Convention including: the drafting and implementation of legislation on ethnic and national minorities; the role of an independent electronic media in creating an atmosphere of tolerance and understanding; conditions at alien reception centres and policies concerning refugees; and the access of "foreign" persons to educational, health and other benefits.

29. At its 1062nd meeting (forty-fifth session), on 15 August 1994, the Committee considered the report of Mr. Yutzis on his mission. As a result of that consideration, the Committee requested its chairman to address a letter to the Minister for Foreign Affairs of the Republic of Croatia expressing the Committee's appreciation to the Government for the cooperation and assistance extended to Mr. Yutzis during his mission and reiterating the Committee's request that the State party provide further information, as set out in its concluding observations adopted at its forty-third session.^{8/} In his

^{6/} [See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18)], para. 547.

^{7/} Ibid., para. 487.

^{8/} Ibid., paras. 496-506.

letter, the chairman indicated that the further information requested by the Committee should be submitted no later than 1 December 1994 so that it might be considered by the Committee at its forty-sixth session (27 February-17 March 1995). The Committee also expressed its readiness, should the Government so request, to send one of its members, within the framework of the Advisory Services and Technical Assistance Programme of the Centre for Human Rights, to assist the Government on any matter it deemed appropriate, with a view to implementing the provisions of the Convention.