

REPUBLIC OF SERBIA

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

...

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

...

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.

Draft decision concerning the case of Mr. Vidas

8. Mr. BANTON said that at the request of the Committee he had prepared, in response to a communication from Mr. Vidas, a draft decision reading as follows:

"Draft decision. Further information requested from the Government of Yugoslavia

In view of information received from Mr. Kazimir Vidas, who was a member of the Committee on the Elimination of Racial Discrimination from 1988 to 1992 and latterly one of its Vice-Chairmen, 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 1 July 1993 from the Government of Yugoslavia concerning the protection of the civil rights of Mr. Kazimir Vidas during that period of 1992 in which he was resident in Belgrade.

The Committee has been informed that in March 1992, during Mr. Vidas' absence from Belgrade, his apartment was illegally occupied and that a menacing press campaign was organized against him. If this is true, and whoever may be responsible, these actions could constitute discrimination based upon national or ethnic origin contrary to article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination."

9. He had prepared the draft decision on the basis of article 9, paragraph 1, but he was not sure that that provision afforded a sound legal basis, since it stipulated that the Committee might request further information from the States parties following a report. In the present case that was not so. A more correct procedure would be for the Chairman to send a letter either to the Yugoslav Mission to the United Nations office at Geneva or to another Yugoslav authority.

10. Mr. DIACONU considered that the second procedure suggested by Mr. Banton would be far more appropriate. The Chairman of the Committee could write to the Ministry of Foreign Affairs of the Federal Republic of Yugoslavia to request information from it. At its August session, the

Committee could consider that country's report. Subsequently, it could ask it to supply further information.

11. Mr. RECHETOV favoured the procedure proposed by Mr. Diaconu. Moreover, he had difficulty with the term "a menacing press campaign". The Committee knew nothing about such a campaign; in particular, it did not know whether it had included elements connected with Mr. Vidas' origins, which would make it a case of discrimination.

12. Mr. de GOUTTES endorsed the proposal made by Mr. Diaconu. It seemed important to him that the Committee should react with sufficient vigour. Every time a member of a United Nations human rights body had been attacked, the body concerned had reacted; the Committee could not fail to do the same. He agreed that the procedure adopted should take the form of a letter from the Chairman rather than a decision of the Committee. He understood Mr. Rechetov's objection and considered that a formula such as "According to information brought to the Committee's notice" must be found, while maintaining a reference to the two developments. Moreover, the Committee might consider giving a certain amount of publicity to the letter by bringing it to the notice of the media within a reasonable period of time.

13. Mr. GARVALOV agreed with previous speakers that the solution to be adopted should take the form of a letter addressed by the Chairman to the Yugoslav Minister for Foreign Affairs. Nevertheless, the letter must have the support of the Committee, which would therefore have to adopt a decision instructing the Chairman to send it.

14. Mr. FERRERO COSTA said that he, too, was in favour of sending a letter, which must be given extensive publicity in the media, as Mr. de Gouttes had proposed. However, as Mr. Garvalov had pointed out, a letter from the Chairman was not sufficient: there must also be a decision by the Committee.

15. Mr. LECHUGA HEVIA agreed with Mr. Garvalov that the letter from the Chairman must reflect a decision by the Committee. As far as its content was concerned, it could reproduce the complaints made by Mr. Vidas and express the Committee's concern. It would be advisable, as Mr. de Gouttes had proposed, to give the letter the greatest possible publicity.

16. Mr. SONG said that he, too, favoured the idea of a letter from the Chairman of the Committee to the Yugoslav Minister for Foreign Affairs. A copy of the letter from Mr. Vidas could be annexed to it. The Committee could also consider writing to Mr. Vidas to inform him of the action taken further to his letter.

17. Mr. RECHETOV noted that all members of the Committee seemed to agree that the Chairman, on the instructions of the Committee, should send a letter to the Yugoslav Minister for Foreign Affairs. The Chairman could also, again on instructions from the Committee, write to Mr. Vidas and inform him of the measures taken by the Committee following receipt of his letter.

18. In the past, the Committee had taken a decision concerning the independence of its members. The question of protecting their rights was just as important and might arise again in the future.

19. Mrs. SADIQ ALI endorsed Mr. Rechetov's statement.

20. Mr. de GOUTTES said that, in his letter to the Yugoslav Minister for Foreign Affairs, the Chairman could take up the contents of the draft decision which had served as a starting point for the discussion, using a formula such as "According to information brought to the Committee's notice" to introduce the account of the acts complained about by Mr. Vidas.

21. Mr. RECHETOV pointed out that the Committee must state, in its decision, that the greatest publicity would be given to the letter.

22. The CHAIRMAN said that, if there was no objection, he would take it that the Committee instructed him to send the Yugoslav Minister for Foreign Affairs a letter taking up the contents of the draft decision under consideration, as well as a letter to Mr. Vidas expressing the Committee's sympathy and informing him of the measures taken by it. The Secretariat would be requested to ensure that the letter was publicized in the media.

23. 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

¹ [Ed. Note: Formerly Yugoslavia. Effective 4 February 2003, the State of Yugoslavia changed its name to Serbia and Montenegro.]

CERD A/49/18 (1994)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

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A. Action taken by the Committee

21. 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 the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as other successor Governments, to submit by 31 July 1993 additional information on the implementation of the Convention in its territory. The information received (see CERD/C/248) from the Government of Yugoslavia (Serbia and Montenegro) was considered by the Committee at its 1003th to 1006th meetings, during its forty-third session, on 13 and 16 August 1993 (see CERD/C/SR.1003-1006). During that consideration, the representative of the State party declared his Government's willingness to fulfil its obligations under the Convention and to cooperate with the Committee, as well as other international bodies, in the search for constructive solutions.^{4/}

22. Taking into account that willingness expressed by the Government during the consideration of the matter and the need to promote a dialogue between the Albanians in Kosovo and the Government, the Committee, in its concluding observations, offered its good offices in the form of a mission of its members. The purpose of the mission would be to help promote a dialogue for the peaceful solution of issues concerning respect for human rights in Kosovo, in particular the elimination of all forms of racial discrimination and, whenever possible, to help the parties concerned to arrive at such a solution.^{5/} The Committee had requested the State party to respond by 1 October 1993 if it wished to accept that offer. The response was subsequently received and a mission consisting of three Committee members (Mr. Hamzat Ahmadu, Mr. Yuri Rechetov and Mr. Rüdiger Wolfrum) visited the Federal Republic of Yugoslavia (Serbia and Montenegro) from 30 November to 3 December 1993.

23. During its visit, the good offices mission met with authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), and the Republic of Serbia, the Serbian authorities in Kosovo and representatives of the ethnic Albanians of Kosovo. The mission had no difficulty in establishing contacts and expressed appreciation for the close cooperation of all the authorities and individuals contacted as well as the very frank and open nature of the exchange of views. The members of the mission felt that there was a need for its continuation since during the visit they had received positive indications that the mission might be able to accomplish the task with which it was entrusted.

^{4/} See Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18 (A/48/18), para. 529.

^{5/} Ibid., para. 546.

24. At its forty-fourth session, the Committee considered, in private meetings, the interim report of the good offices mission. As a result of that consideration, the Committee requested its chairman to address a letter to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia expressing the Committee's appreciation to the Government for the cooperation and assistance extended to the good offices mission and proposing, inter alia, that a number of specific steps, particularly in the fields of education and health care, be taken with a view to normalizing the situation in Kosovo. The Committee also outlined possible conditions for bringing together in a future meeting in Serbia a group of representatives of the provincial, republican and federal authorities and representatives of ethnic Albanians from Kosovo with members of the good offices mission.

25. At its forty-fifth session, the Committee considered, in private meetings, the response received from the Minister for Foreign Affairs, which drew attention to the decision adopted at the Fifteenth meeting of States parties to the Convention, on 17 January 1994, excluding the Federal Republic of Yugoslavia (Serbia and Montenegro) from participating in that meeting. As a result of the discussions, the Committee requested that its chairman communicate to the Minister for Foreign Affairs its wish that cooperation of the State party with the good offices mission be continued, as agreed upon by the Committee at its forty-fourth session. The Committee also reiterated its request, contained in the concluding observations adopted by the Committee at its forty-third session, 6/ that the State party provide it with further information on measures taken to implement the Convention.

6/ Ibid., para. 547.

CERD/C/SR.1081 (1995)

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-sixth session

SUMMARY RECORD OF THE 1081st MEETING

Monday, 6 March 1995, at 3 p.m.

...

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

Draft letter from the Chairman to the Ambassador of the Federal Republic of Yugoslavia

3. The CHAIRMAN recalled that the Committee was due in the course of the session to consider additional information from the Federal Republic of Yugoslavia, requested under article 9, paragraph 1, of the Convention. By letter dated 15 February 1995, it had been informed that the Government of that country did not intend to send a delegation to attend the discussion.

4. He called the Committee's attention to and invited comments on a draft letter he had prepared for transmission to the Ambassador of the Federal Republic of Yugoslavia. The text of the draft letter read as follows:

"Excellency,

"I refer to your letter of 27 February 1995 which transmits the position of your Government on the invitation extended to it to participate in the consideration by the Committee on the Elimination of Racial Discrimination of the additional information supplied by your Government pursuant to a request of the Committee.

"May I convey to you the great regret of the Committee concerning the decision of your Government not to send a delegation to meet with it during its current session. While the absence of a delegation does not preclude consideration of the information which has been supplied, it does, however, greatly hinder the process of dialogue. Indeed, it may be observed that the Committee considers past dialogue with your Government to have been most valuable.

"Note has been taken of the reasons presented by your Government as underlying its position. In this regard the Committee would like to restate its view that it has always considered your country as a State party to the International Convention on the Elimination of All Forms of Racial Discrimination and that it, in its actions, will continue to proceed on the basis of this understanding.

"It is the hope of the Committee that your Government will reconsider its decision in sufficient time to allow for a dialogue to occur during the present session.

"Please accept, Excellency, the assurances of my highest consideration."

5. Mr. van BOVEN said that he had no objection to the draft. He confirmed the understanding that the Committee continued to consider the Federal Republic of Yugoslavia as a State party to the Convention. The Committee might perhaps wish also to emphasize its concern to ensure compliance by States with their obligations in respect of instruments to which they were party.

6. To that end, the second sentence of the third paragraph of the draft letter might be amended to read: "In this regard the Committee would like to restate its view that it has always considered your country as a State party to the International Convention on the Elimination of All Forms of Racial Discrimination and bound by the provisions of the Convention ...", the remainder of the text remaining unchanged except perhaps for an editorial adjustment to indicate that the word "its" referred to the Committee.

7. Mr. ABOUL-NASR said that he agreed with Mr. van Boven and supported his suggested amendment. The implication was that the Federal Republic of Yugoslavia was duty bound to provide the Committee with the information requested.

8. Concerning the final sentence in the second paragraph of the draft letter, he could not agree that past dialogue with the Government had been particularly "valuable". What was important was the future and, for that reason, the sentence might be replaced by: "The Committee considers the continuation of the dialogue with your Government to be most valuable".

9. Mr. WOLFRUM said that he viewed the past dialogue as having been very important for the Committee, but he nevertheless endorsed Mr. Aboul-Nasr's views concerning the need to look ahead. If the second paragraph was to be amended, he suggested that the emphasis should be placed on continued dialogue, as a significant, if not the only, means of ensuring effective implementation of the Convention.

10. Mr. van Boven's amendment to the third paragraph, supported by Mr. Aboul-Nasr, seemed to him superfluous: the fact of being a State party to a treaty implied commitment to its provisions. However, he could accept the added emphasis, especially if the final wording brought out the fact that during the dialogue so far the Committee had treated its interlocutor as a State party.

11. Mr. de GOUTTES said that the draft letter was generally appropriate, but he nevertheless approved the changes in the second paragraph suggested by Mr. van Boven, Mr. Aboul-Nasr and Mr. Wolfrum. He warmly supported Mr. van Boven's amendment to the third paragraph: considering a country to be a State party to the Convention and considering it to be bound by that instrument were not the same thing.

12. He was somewhat concerned at the risk that, in considering the Federal Republic of Yugoslavia a State party to the Convention, the Committee might be seen as supporting one of the claims made by the Yugoslav delegation against the decision taken by the meeting of States parties. For that reason, he would prefer to see Mr. van Boven's amendment modified to read: "In this regard the Committee would like to restate its view that it has always considered your country as bound by the

provisions of the Convention, as a State party to the Convention ...".

13. Responding to a request for clarification from Mr. SHAHI, Mr. van BOVEN repeated his proposal, as amended, by Mr. Aboul-Nasr, whose formula he approved. He saw merit in Mr. de Gouttes' suggestion. What should be stressed above all was the State party's obligation to implement the provisions of the Convention. That might be achieved if, in the second sentence of the third paragraph, the phrase "and bound by the provisions of the Convention" was replaced by "and thereby duty bound to implement its provisions". The final choice of wording should be left to the Chairman, as the author of the original draft.

14. Mr. WOLFRUM suggested that Mr. Aboul-Nasr's amendment to the final sentence in the second paragraph of the draft should be further amended, to read: "The Committee considers that continuation of the dialogue with your Government will contribute to the implementation of the Convention".

15. He believed the States parties had not denied that the Federal Republic of Yugoslavia was bound by the Convention and was a State party to it. They had, however, excluded the Government of that country from participating in their meeting. That was not the same thing. He fully supported the wording just proposed by Mr. van Boven for the second sentence of the third paragraph, as it best reflected the situation.

16. Mr. SHAHI approved the wording for the second paragraph of the draft proposed Mr. Aboul-Nasr and Mr. van Boven. He also supported the proposed amendment to the third paragraph, but he suggested, in the interest of clarity, that the words "your country" in the amended text be replaced by "the Federal Republic of Yugoslavia (Serbia and Montenegro)".

17. Mr. van BOVEN stressed the importance of referring in the Chairman's letter to compliance with obligations under the Convention. He recalled that, in a letter dated 26 January 1995, the Federal Republic of Yugoslavia (Serbia and Montenegro) had reiterated the contention that the suspension of its legitimate right to participate in the meetings of the States parties signified at the same time the suspension of its obligations under the Convention. That was a worrying matter which definitely called for an explicit or implicit response on the part of the Committee.

18. Mr. de GOUTTES said that he approved the amendments proposed by and the comments of Mr. van Boven. He could also accept by Mr. Shahi's suggestion.

19. The CHAIRMAN thanked the members of the Committee for their valuable suggestions, which appeared to him to be mutually compatible. He would redraft the letter accordingly.

...

CERD A/51/18 (1996)

II. PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT PROCEDURES

A. Decisions adopted by the Committee at its forty-eighth session

30. The following decisions were adopted by the Committee under this agenda item at its forty-eighth session.

...

Decision 2 (48) on the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Committee on the Elimination of Racial Discrimination recalls its concluding observations relating to the Federal Republic of Yugoslavia (Serbia and Montenegro) adopted on 20 August 1993 ^{4/} and in particular its offer to render good offices in the form of a mission of some of its members with the purpose of helping to promote a dialogue for the peaceful solution of issues concerning respect for human rights in Kosovo, in particular the elimination of all forms of racial discrimination, and whenever possible of helping parties concerned to arrive at such a solution. ^{5/}

The Committee also recalls that the State Party concerned responded positively to this offer, that the good offices mission was consequently carried out from 30 November to 3 December 1993 and that the mission met with authorities of the State Party and the Republic of Serbia, the Serbian authorities in Kosovo and representatives of the ethnic Albanians in Kosovo.

The Committee further recalls that at its forty-fourth session it considered, in private meetings, the interim report of the good offices mission and that as a result its Chairman addressed a letter to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) expressing the Committee's appreciation to the Government for the cooperation received and proposing, inter alia, that a number of specific steps be taken with a view to normalizing the situation in Kosovo.

The Committee now considers that the time has come to resume the good offices work which the Committee started to undertake in 1993. For that purpose the Committee requests its Chairman to take up contact with the authorities of the State Party concerned in order to explore the possibilities of reopening the dialogue for the peaceful solution of issues concerning respect for human rights in Kosovo, with particular emphasis on the elimination of all forms of racial discrimination.

The Committee will further consider this matter at its forty-ninth session.

^{4/} [Official Records of the General Assembly, Forty-eighth Session], Supplement No. 18 (A/48/18), paras. 530-547.

5/ Ibid., para. 546.

1153rd meeting
13 March 1996

...

B. Decisions adopted by the Committee at its forty-ninth session

31. At its forty-ninth session, the Committee discussed under this agenda item the situation in ... the Federal Republic of Yugoslavia (Serbia and Montenegro) ... The Committee adopted decisions with respect to ... The action taken with respect to the other States Parties is described below.

...

33. With respect to the Federal Republic of Yugoslavia (Serbia and Montenegro), the Committee decided to take no other formal action in addition to the decision taken at the forty-eighth session. Two members of the Committee reported on an informal meeting with representatives of the Federal Republic of Yugoslavia (Serbia and Montenegro) concerning the situation of the Albanian population in Kosovo. The Committee decided that it would like to continue the dialogue with the State Party and noted the success of its previous Good Offices Mission and its willingness to continue to work with the authorities. It was decided that this country would remain on the Committee's list of countries to be considered under the early-warning measures and urgent procedures at its next session.

CERD A/53/18 (1998)

Chapter II

Prevention of racial discrimination, including early warning and urgent procedures

...

B. Decisions adopted by the Committee at its fifty-third session

...

Decision 3 (53) on the Federal Republic of Yugoslavia

The Committee on the Elimination of Racial Discrimination,

Considering the grave developments in Kosovo and Metohija since the adoption of its concluding observations on 30 March 1998 concerning the report submitted by the Federal Republic of Yugoslavia,

Referring to its concluding observations of 30 March 1998 concerning the report submitted by the Federal Republic of Yugoslavia,

Also referring to general recommendation XXI (48) of 8 March 1996,

Noting Security Council resolution 1160 (1998) of 31 March 1998,

1. Calls upon the Government of the Federal Republic of Yugoslavia and the leadership of the Albanian community in Kosovo and Metohija to stop immediately all military and paramilitary activities or hostilities and to enter into negotiations on a just and lasting solution for Kosovo and Metohija, which shall include a status of the highest level of autonomy which will make it possible for everyone to enjoy human rights and in particular to eliminate all forms of racial discrimination;
2. Reaffirms that questions relating to Kosovo and Metohija can be resolved only by peaceful political means in accordance with international standards in the field of protection of human rights, in particular with respect to the elimination of all forms of racial discrimination, and should be based on respect for the territorial integrity of the Federal Republic of Yugoslavia;
3. Further reaffirms that all people who have been displaced or who have become refugees have the right to return safely to their homes and properties and to receive assistance to do, and to be compensated appropriately for any such property that cannot be restored to them;
4. Reiterates its call that the Memorandum of Understanding on the normalization of education in Kosovo and Metohija, signed by President Milosevic and representatives of the Albanian population in September 1996, be implemented fully;

5. Expresses its deep concern about:

(a) Persisting grave violations in Kosovo and Metohija of basic human rights, including the rights set out in articles 5 (a) and (b) of the Convention;

(b) The disproportionate use of force by the State party's law enforcement agencies and the military against the Albanian population in Kosovo and Metohija which, as reported by the United Nations High Commissioner for Refugees, has resulted in numerous violations of the right to life, destruction of property and in a great number of people being displaced or made refugees, of whom many are women and children, whose deaths or deprivation of their rights to security of person and protection against violence or bodily harm cannot be condoned or justified for whatever reason;

(c) Acts of violence against civilians in Kosovo and Metohija based on ethnic origin committed by whatever groups or individuals;

6. Requests the Government of the Federal Republic of Yugoslavia, in view of article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, to provide it with information about the attempts that have been undertaken to achieve through a meaningful dialogue with the Kosovo-Albanian leadership a political solution for the status of Kosovo and Metohija, including the observance of international human rights, in particular as enshrined in the Convention. Such information should be submitted by 15 January 1999 so that the Committee can consider it at its session in March 1999.

1296th meeting
17 August 1998

CERD A/54/18 (1999)

Chapter II

Prevention of racial discrimination, including early warning and urgent procedures

...

A. Decisions adopted by the Committee at its fifty-fourth session

...

Decision 1 (54) on Yugoslavia

1. In its decision 3 (53) adopted on 17 August 1998 at its fifty-third session, the Committee had expressed its deep concern about the persisting grave violations of basic human rights occurring in Kosovo and had requested the Government of the Federal Republic of Yugoslavia to submit additional information about the attempts that had been made to achieve a peaceful solution to the situation. On the basis of the report submitted by the State party (CERD/C/364), the Committee re-examined the situation in Kosovo under its early warning and urgent action procedures at its fifty-fourth session and adopted the following decision.

2. The Committee reaffirms its earlier decisions and its concluding observations of 30 March 1998 concerning Yugoslavia and refers to its general recommendation XXI (48) of 8 March 1996. It further notes Security Council resolution 1203 (1998) of 24 October 1998.

3. In the light of the current tragic events occurring in Kosovo, the Committee expresses its appreciation to the State party for having submitted additional information as requested by the Committee and having contributed to a continuing dialogue with the Committee.

4. However, the Committee notes with dissatisfaction the apparent one-sided characterization of the conflict in its report. The State party, in its report as well as in its oral statements, made serious allegations of human rights violations committed by what was therein referred to as a terrorist organization, generally known as the Kosovo Liberation Army (KLA). There was no willingness from the side of the State party to acknowledge that some of its present and past actions might have contributed to the escalation of the conflict or its responsibility concerning the disproportionate use of force by the State party's law enforcement agencies and the military against the Albanian population in Kosovo. The Committee emphasizes that, according to information available to it from the United Nations and other sources, it is an established fact that grave human rights violations have been committed also by the State party. The Committee, while condemning all forms of terrorist activity, reiterates its position that the State party's reference to the state of insecurity and terrorism cannot in any way justify racial discrimination, including acts of violence and intimidation, against a particular ethnic group.

5. Noting the State party's assurances of its willingness to engage in a meaningful dialogue with the

leadership of the Albanian community in Kosovo, the Committee calls upon the State party and other actors involved to adopt concrete and serious measures to this end, in order to achieve a just and peaceful solution to the situation. The solution should include a status of autonomy at the highest level for the province of Kosovo and respect for the territorial integrity of the State party.

6. For this purpose, the Committee finds that it is in the self-interest of the peoples of the afflicted area, as well as of the State party, that confidence is restored and that this can only be achieved by according full and immediate respect to all human rights, including those protecting equality and non-discrimination, as well as to the norms of international humanitarian law and the rule of law.

1326th meeting
16 March 1999

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C. Decisions adopted by the Committee at its fifty-fifth session

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Decision 1 (55) on Kosovo (Federal Republic of Yugoslavia)

1. The Committee on the Elimination of Racial Discrimination opposes all forms of racial discrimination and ethnic cleansing, irrespective of which groups are the perpetrators and which the victims. It has affirmed its support for multi-ethnic societies.

2. In the light of recent events in Kosovo the Committee has reviewed its earlier decisions relating to the region, notably 2 (47) of 17 August 1995, 2 (48) of 13 March 1996, 2 (51) of 18 August 1997, 3 (53) of 17 August 1998 and 1 (54) of 16 March 1999. In this respect it calls particular attention to the following:

(a) Any attempt to change or to uphold a changed demographic composition of an area against the will of the original inhabitants, by whatever means, is a violation of international human rights and humanitarian law;

(b) Persons shall be given the opportunity to return safely to the places they inhabited before the beginning of the conflict and their safety shall be guaranteed, as well as their effective participation in the conduct of public life;

(c) All those who commit violations of international humanitarian law or war crimes shall be held individually responsible for such acts.

3. The Committee recalls that a mission of three Committee members visited Kosovo in 1993 to help promote a dialogue between the Albanians in Kosovo and the Government of Yugoslavia, and that the Committee later again offered its good offices to promote such a dialogue.

4. The Committee also recalls its general recommendation XXI, in which it set out its approach to the right of peoples to self-determination, emphasizing that the implementation of the principle of self-determination requires every State to promote, through joint and separate action, universal respect for an observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations. Equally, the Committee has expressed its view that international law has not recognized a general right of peoples unilaterally to declare secession from a State.
5. The Committee further recalls its general recommendation XXII, on the rights of refugees and displaced persons, in which it noted that these include the right to have restored to them property of which they were deprived in the course of the conflict and to be compensated appropriately for any such property that cannot be restored to them.
6. The Committee is painfully aware that the Kosovo Albanians have been the victims of war crimes and crimes against humanity. At the same time the Committee expresses its profound concern that in recent weeks Serb inhabitants of Kosovo have been driven from their homes and made to flee Kosovo, that Serb inhabitants have been murdered, and that Roma inhabitants have been targeted.
7. The Committee appeals to all States to provide economic assistance and to ensure that such assistance reaches the population of Kosovo with a view to securing adequate living conditions for everybody without distinction as to race or national or ethnic origin.
8. The Committee appeals for support for the Special Representative of the Secretary-General in his efforts to restore the rule of law and respect for human rights, and calls with greatest urgency upon all those in power in Kosovo at the present time to ensure full and effective respect for human rights without distinction as to race or national or ethnic origin, and to promote understanding and tolerance among all ethnic groups in Kosovo.

1343rd meeting
9 August 1999