

CERD/C/SR.923
8 November 1991

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fortieth session

SUMMARY RECORD OF THE 923rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 August 1991, at 10 a.m.

Chairman: Mr. FERRERO COSTA

CONTENTS

Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention (continued)

Reconsideration of reports by States parties that are overdue
(continued)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 3) (continued)

In the absence of the Chairman, Mr. Ferrero Costa took the Chair.

Reconsideration of reports by States parties that are overdue (continued)*

Second to fifth periodic reports of Lebanon (CERD/C/65/Add.4)

1. Mr. WOLFRUM, Country Rapporteur, said that Lebanon had submitted only two reports since 1980. In its previous reports, the Lebanese Government had emphasized that it had been unnecessary to draft new measures with a view to adopting and implementing the International Convention on the Elimination of All Forms of Racial Discrimination, since the principles enshrined in that instrument had always been recognized by Lebanese national law.
 2. It was stated in the fifth report that Lebanon's demographic composition was pluralist. That pluralism appeared at the basis of society (the religious infrastructure of Lebanon) and was reflected at all other levels. Lebanon was reportedly a country of religious minorities which had decided to live together within the framework of a unitary State. The nature of the Lebanese regime was determined by those minorities' decision to coexist within one national territory. Respect for religious pluralism had given rise to pluralism in political matters, with regard to which certain special rules had been laid down. In its periodic reports, the Lebanese Government had informed the Committee about the constitutional provisions concerning equality for all Lebanese, the recognition of civil rights and the implementation of article 4 of the Convention. The members of the Committee had asked for further information on the judiciary and the application of the clause relating to equality of rights and had raised doubts as to whether the Penal Code really reflected the obligations deriving from article 4 of the Convention.
 3. The previous reports had given only very general information about Lebanon's demographic composition, the latest census having been held in 1932. Since then, some communities had declined in number as a result of low birth rates and/or emigration, while others, including the Shiites, had been gaining because of very high birth rates. According to one of the authors (Labaki, 1986), half of the population were Muslims and half were Christians. With the possible exception of Armenians, Arabic was the mother tongue of all communities.
 4. With regard to the current political situation, Lebanon, a parliamentary republic, had a Constitution consisting of a written document dated 1926 and later amended, and an unwritten understanding, the "National Covenant" of 1943. According to that agreement, the President of the Republic was a
-
- * Resumed from the 921st meeting.
- Maronite, the Prime Minister a Sunnite and the ministers and their higher collaborators were chosen according to a special ratio. The President of the Republic was elected by a Parliament whose President was a Shiite and whose members were Christians and Muslims in the ratio of six to five. It was stressed in the latest report - and the Committee had agreed - that such rules were not to be interpreted as instituting inequalities among citizens according to whether they belonged to a given religious community.
5. National and municipal elections were organized on the basis of a quota allocated to the religious communities and the same applied to appointments to the civil service. That system made Lebanon somewhat unusual.
 6. The current situation in Lebanon was characterized by fighting between various militias which had resulted in many violations of human rights.
 7. In a note verbale dated 22 December 1989 to the United Nations Office at Geneva (E/CN.4/1990/62), the Permanent Mission of Lebanon had informed the Centre for Human Rights that, since the beginning of December 1989, the Israeli occupation authorities and the militias under their control had been

conducting a large-scale campaign of arrests "in the Hasbaya area in the so-called 'security belt' which Israel occupies in South Lebanon". The Commission on Human Rights, in its resolution 1990/54, had condemned "the continued Israeli violations of human rights in southern Lebanon".

8. The information provided to the Committee since that latest report was outdated. Several attempts had been undertaken in the past, and others were under way, to reconcile the fighting groups in Lebanon. A positive element in that regard was the agreement recently concluded between Syria and Lebanon. Although account had to be taken of the extremely difficult conditions prevailing in Lebanon, the latter should try to submit the information requested under article 9 of the Convention. However, the Committee, in the letter it was to address to the Lebanese Government, should indicate that it was fully aware of the delicate situation and of the efforts being made to improve it.

9. Mr. VIDAS said he endorsed the recommendation made by Mr. Wolfrum at the end of his statement and proposed that the Committee should support it.

10. Mr. BANTON endorsed the comments made by the previous speakers. He also wanted the summary record to show that, in military cemeteries in Lebanon, the tombs of persons belonging to different religious and ethnic communities had been profaned.

11. Mr. de GOUTTES said that he agreed with Mr. Wolfrum's conclusions. It was important for the Committee to stress the tragic aspect of a ravaged country where everything would have to be rebuilt. However, the Committee ought to insist on obtaining information, especially with regard to three categories of community which had suffered particularly flagrant violations of human rights, namely, the Christian population - military as well as civilian - which had supported General Aoun, the Shiite population, which had been subjected to many arrests by the Army of South Lebanon inside Israel's security zone, and the apparently large numbers of persons arrested by the Amal movement.

12. Mr. ABOUL-NASR said he deplored the fact that the Permanent Mission of Lebanon had not seen fit to be represented before the Committee during the consideration of the Lebanese report.

13. With regard to the suggestion made by Mr. de Gouttes, he did not think that the Committee ought to make a distinction between the various groups which were suffering from the anarchy currently prevailing in Lebanon. No one was innocent, including General Aoun, who had taken refuge in the French Embassy in Beirut in order to escape the proceedings instituted by the Lebanese Government.

14. The events gave the Committee an opportunity to consider the system of population quotas and division practised in some countries. Many States were now disintegrating because their constituent population groups were different from one another. In that connection, it might well be asked why countries which, only a few years previously, had known no confrontation between religious or racial groups were currently in a situation which required the Committee's attention. It was to be hoped that, once the Lebanese Government was in a position to exercise its authority over the territory as a whole - Israel, as was known, still occupied the south - it could send the Committee a report and resume the dialogue with it.

15. He also endorsed Mr. Wolfrum's recommendation and proposed that the Committee should adopt his conclusions.

16. Mr. YUTZIS said that he fully shared the views of Mr. Aboul-Nasr; for a long time, Lebanon had been regarded in Latin America as the "Switzerland of

the Middle East", but, tragically, that country was now the very epitome of the phenomenon of "Lebanization" - the dissolution of the historical identity of a people, a nation and a society.

17. Although the Lebanese Government did have its share of responsibility for the situation, it was up to the Committee to appeal to the international community, which was no stranger to the events, to continue the effort to create conditions favourable to the restoration of national unity in Lebanon. In that connection, he hoped that Lebanon could take part, as soon as possible, in the Committee's discussions through a representative.

18. He also endorsed Mr. Wolfrum's recommendation and proposed that his conclusions should be supplemented by the comments of other members of the Committee.

19. Mr. GARVALOV, making a general comment prompted by the situation in Lebanon, said it was up to each State party to combat racial discrimination in the way that was best suited to its particular circumstances. States which had adopted a model that had subsequently turned out to be unsuitable should have the courage to change it.

20. Mr. SHERIFIS said that his country took the situation in Lebanon particularly to heart because the two countries were close to each other. He nevertheless agreed with Mr. Aboul-Nasr that the Lebanese Government should have been represented before the Committee. With regard to a further point raised by Mr. Aboul-Nasr, he thought it would be useful to have an in-depth study of a phenomenon to be seen in many countries, East and West, in Europe and elsewhere. The Committee might discuss it in plenary session or appoint a working group or special rapporteur to prepare a study on it.

21. The CHAIRMAN said it seemed from the discussion that the country rapporteur's conclusions were endorsed by all the members of the Committee who had spoken.

22. Mr. Aboul-Nasr had expressed concern, shared by other members of the Committee, that no Lebanese Government representative was present and, supported by Mr. Sherifis, had recommended that the Committee should look into the problems which gave rise to situations such as that in Lebanon. Mr. Yutzishad also proposed that the Committee should appeal to the international community to go on trying to create conditions to promote the restoration of national unity in Lebanon.

23. Mr. SONG Shuhua said he shared the concern expressed by the members of the Committee about the seriousness of the situation in Lebanon, which had not submitted a report to the Committee since 1981. That matter should be stressed in the Committee's report to the General Assembly. He supported Mr. Aboul-Nasr's proposal for a study of current ethnic conflicts.

24. Mr. YUTZIS said that he too supported the proposal made by Mr. Aboul-Nasr and seconded by Mr. Sherifis. As much time as necessary should be taken for a thorough analysis, in which he was ready to collaborate. A document on the problems of minorities in modern States could perhaps be presented to the Committee at its next session.

25. Mr. ABOUL-NASR said that many of the same problems arose in various parts of the world; in Africa, for example, mention might be made of Somalia, Ethiopia and other countries. It should be noted that such problems were recent; 15 or 20 years previously there had been no difficulties of that kind. A document such as the one proposed by Mr. Yutzis would therefore be very useful. Although the Committee did have to focus on the decades to combat racial discrimination and on the related programmes, it should also make room for such an analysis of ethnic conflicts, which ought to be fairly broad in

scope, involve several persons and be financed out of programme budgets.

26. Mr. RESHETOV said he recognized the value of understanding what had taken place in Lebanon, a country which had, for a long time, been a model of unity and democracy prior to finding itself on the brink of catastrophe. He noted that some ethnic groups in Lebanon had millions of members in other countries - for example, Armenians in the Union of Soviet Socialist Republics. The critical situation in Lebanon did not justify the failure to have a representative attend the meetings of the Committee in order to examine the situation in that country. Referring to the study proposed by Mr. Aboul-Nasr and Mr. Sherifis, he thought that the scope should be clearly defined before the Committee went ahead. In many countries, there were indeed disturbances which arose from ethnic problems varying in age and depth and were of concern to the Committee; the latter, however, should avoid involvement in political situations, whether in Lebanon or elsewhere. The complexity of the situation in Lebanon was well known; it was related to the Middle East problem in general. In such a context, it would be a mistake to entrust a rapporteur with a study which could have a political dimension.

27. Mr. BANTON said that he shared the concern just expressed by Mr. Reshetov. He also pointed out that a number of important studies on Lebanon already existed. For the moment, it would be better for the Committee to confine itself to studying Lebanon's report.

28. Mrs. SADIQ ALI said that, while she understood the reservations expressed by Mr. Reshetov and Mr. Banton, she thought that it was necessary to see whether approaches other than the integration of ethnic groups could work, as well as how cultural and linguistic diversity could contribute to national unity. Such aspects did indeed relate to the Committee's work. Moreover, she had no knowledge of the earlier studies mentioned by Mr. Banton.

29. Mr. VIDAS said that, in his view, it would be interesting to consider how Governments which applied policies and measures contrary to the principles of the Convention came to create chaotic situations such as that in Lebanon. The Committee should therefore focus on the origins and root causes of ethnic conflicts. To begin with, it might take up that question as from Friday, 16 August, in the context of considering its cooperation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which was also dealing with the problem.

30. Mr. YUTZIS recalled that, pursuant to article 9, paragraph 2, of the Convention, the Committee's mandate was to make "general recommendations based on the examination of the reports and information received from the States Parties". With regard to Lebanon, the Committee could therefore adopt the conclusions drafted by Mr. Wolfrum and then discuss the general problems arising from situations similar to that in Lebanon. During the discussion, consideration might be given to the possibility of entrusting a study to a rapporteur of an ad hoc group. The Bureau of the Committee might appoint two or three members to form a small working group to submit proposals to the Committee in that regard. If previous studies existed, as Mr. Banton had pointed out, they could be used.

31. The CHAIRMAN invited the Committee to decide on Mr. Wolfrum's conclusions before taking up the matter of the study proposed by Mr. Aboul-Nasr, supported by Mr. Sherifis and other members of the Committee.

32. Mr. WOLFRUM said that he proposed the following conclusions:

"The Committee notes with regret that the Government of Lebanon was not able to send a representative to the meeting of the Committee, although Lebanon has a Permanent Mission in Geneva. It strongly encourages the Government to resume the dialogue with the Committee and

to report in accordance with article 9 of the Convention. In making that request, the Committee takes full note of the complicated political situation Lebanon is facing at present. The Committee calls upon the General Assembly to undertake all efforts to assist Lebanon to overcome the problems it is facing at present."

33. Mr. ABOUL-NASR said that, in his view, the appeal to the General Assembly in the last sentence of the proposed conclusions was not the best solution; such an appeal might be made to the international community.

34. Mr. GARVALOV said he thought that the wording should be: "to the United Nations and the international community".

35. Mr. VIDAS said that the Committee should be more specific and stay within the scope of the Convention.

36. Mr. GARVALOV said that, while he understood Mr. Vidas' objection, he thought that wording was needed to reflect the fact that the situation in Lebanon involved not only internal factors, but also external ones.

37. Mr. LAMPTEY said that, as he saw it, it was not up to the Committee to call upon the General Assembly or the international community to intervene. Its task was solely to determine whether Lebanon was in a position to submit a report and send a representative.

38. The CHAIRMAN said that only the last part of the text proposed by Mr. Wolfrum gave rise to differences of opinion. He therefore suggested that the Committee should adopt the first three sentences of the conclusion and appoint a working group, composed of Mr. Wolfrum, Mr. Vidas, Mr. Lamptey and Mr. Garvalov, to propose wording for the last sentence on which the Committee could generally agree.

39. Mr. de GOUTTES said that he supported the Chairman's suggestion. He nevertheless thought that the Committee should indicate, in its conclusions, that Lebanon had not respected the provisions of the Convention. He therefore proposed that the words "Mindful of the violations of the Convention which had thus occurred" should be added before the words "It strongly encourages the Government to resume the dialogue". He stressed that there was in no case any question of saying who was responsible.

40. Mr. RESHETOV said that, in his view, the Committee was wasting time; it should state outright, in its conclusions, that the current situation in Lebanon no longer justified the absence of representatives from the Committee.

41. With regard to the last sentence of the text read out by Mr. Wolfrum, he fully agreed with Mr. Lamptey. He did wonder whether the Committee was competent to call on the United Nations and the international community; even if it were, he doubted whether that would change things in any way. What really mattered was the implementation of the provisions of the Convention, the submission of reports and the presence of representatives when the reports were considered.

42. The CHAIRMAN proposed that the Committee should set up an informal open-ended working group chaired by Mr. Wolfrum, composed of Mr. Reshetov, Mr. Lamptey, Mr. de Gouttes and Mr. Garvalov and entrusted with the task of drafting a consensus text and submitting it to the Committee.

43. With regard to the suggestion made by Mr. Aboul-Nasr and expanded on by Mr. Sherifis, he proposed the establishment of a working group composed of Mr. Aboul-Nasr, Mr. Sherifis, Mr. Yutzis and Mr. Vidas and entrusted with the task of preparing a document on the question and submitting it to the Committee at the current session.

44. If he heard no objection, he would take it that the two proposals were adopted and that consideration of the report by Lebanon was suspended until the Committee had before it the final text of the relevant conclusions.

It was so decided.

Initial report of Gabon (CERD/C/71/Add.1)

45. The CHAIRMAN said that Gabon had a Permanent Mission in Geneva.

46. Mr. YUTZIS, Country Rapporteur, said that he regretted the absence of a Gabonese delegation. He also noted that Gabon had not submitted any report since its initial one, which had been considered on 2 March 1982. At that time, the Committee had been disturbed by the succinctness of the initial report, which had consisted of only five lines. In that report, moreover, the Gabonese Government had indicated that it had not considered it necessary to envisage any legislative, judicial, administrative or other measures in connection with racial discrimination. The Committee was thus dealing with a State party which, in signing the Convention, had undertaken to respect its provisions, but, in fact, apparently did not deem it necessary to fulfil its obligations; such a situation was unacceptable.

47. According to the available information, it seemed that Gabon had adopted a new Constitution and was making progress towards democracy by authorizing a multi-party system. It had reportedly also recently adopted a charter of freedoms compatible with the Universal Declaration of Human Rights. Its most serious problems were apparently the result of political conflicts which created tension within the country.

48. In view of the situation, the Committee could only regret not having received further reports since the initial report and deplore the fact that Gabon had failed to be represented or to respect any of its obligations under the Convention. He recommended that the Gabonese Government should be urged to send as detailed a report as possible on racial discrimination in Gabon. The Committee should also propose to Gabon, if necessary, that it should avail itself of the technical assistance provided by the United Nations advisory services in preparing its reports.

49. Mr. GARVALOV said he could not accept the Gabonese Government's contention that it did not need to envisage any measures whatsoever of a legislative, judicial, administrative or other nature with regard to racial discrimination, on the pretext that no such discrimination existed among the components of the Gabonese nation.

50. Mr. ABOUL-NASR said that no member of the Committee could accept the attitude of the Gabonese Government. He supported Mr. Yutzis' conclusions and thought that the first thing to do was to determine whether Gabon was having difficulty in preparing its reports and, if so, to offer it assistance.

51. Mr. SHERIFIS said that he would like to know whether the secretariat had been in contact with the Permanent Mission of Gabon and what reasons had been adduced for its failure to send a representative. He noted that Gabon had ratified about a dozen treaties and wondered what such ratification signified for the Gabonese Government. He also wondered whether Gabon had paid its contributions.

52. He therefore approved Mr. Yutzis' conclusions and agreed with Mr. Garvalov and Mr. Aboul-Nasr that the contents of the initial report were unacceptable.

53. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) said that the secretariat had addressed a letter from the Chairman of the Committee to the Permanent Mission of Gabon. With regard to payable contributions, Gabon had had arrears of US\$ 1,064 in September 1990.

54. Mr. YUTZIS reiterated that the Committee should deplore the absence of a representative and the fact that it had before it only one report, whose contents were unacceptable. However, in view of the problems that Gabon might be encountering in preparing its reports, a special recommendation should be adopted to the effect that the United Nations advisory services should inform Gabon about the technical assistance of which it could avail itself in that regard.

55. He assumed that the Chairman and the Secretary of the Committee would inquire into the reasons why Gabon had not submitted a report and would continue to urge it to fulfil its obligations.

56. As to arrears of contributions, he thought that the situation in Gabon was not too serious by comparison with that of other countries.

57. Mr. de GOUTTES said that he supported the proposal made by Mr. Yutzis and Mr. Aboul-Nasr with regard to assistance for Gabon in preparing its reports. When contacts were established with the Mission of Gabon, he would like to have details about the implementation of the charter of freedoms, which was broadly based on the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights, as well as information on the implementation of the new Constitution.

58. The CHAIRMAN said that Mr. de Gouttes' questions would be reflected in the summary record of the discussions on the reconsideration of the reports by Gabon, which would be attached to the letter addressed by the Chairman of the Committee to the Gabonese Government.

59. Mr. YUTZIS said that, in conclusion, it was regrettable that the Committee had before it only an initial report, that the Gabonese Government had sent no representative to engage in dialogue with the experts and that the tenor of the initial report, to the effect that there was no need to implement the provisions of the Convention in Gabon, was unacceptable. Perhaps it should be stressed, however, that Gabon, despite the difficult political problems it had experienced, had adopted a new Constitution, had paved the way for a multi-party system and had adopted a charter of freedoms in conformity with the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights. It would be interesting, in that regard, to know what effect those two new instruments and the new political situation had had on the implementation of the Convention. The Gabonese Government should be requested to submit, at the next session, the overdue reports on the implementation of the Convention and be invited to avail itself, if it so wished, of technical assistance in preparing its reports.

60. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee adopted Mr. Yutzis' conclusions and recommendations.

It was so decided.

Second to fifth periodic reports of Lebanon (CERD/C/65/Add.4)
(concluded)

61. The CHAIRMAN invited Mr. Wolfrum to introduce his final conclusions on

the report by Lebanon.

62. Mr. WOLFRUM said that his final conclusions on the report by Lebanon read:

"The Committee notes with regret that the Government of Lebanon was not able to send a representative to the meeting of the Committee, although Lebanon has a Permanent Mission in Geneva. It strongly encourages the Government to resume the dialogue with the Committee and to report in accordance with article 9 of the Convention. In making that request, the Committee takes full note of the complicated political situation Lebanon is facing at present."

63. The CHAIRMAN invited the members of the Committee to state their views on the draft final conclusions.

64. Mr. GARVALOV said that, if the Committee criticized the Lebanese Government for not having fully implemented the Convention, it should say why. In his view, Lebanon currently found itself in a peculiar situation, which was probably faced by no other country and in which external factors had compounded the internal problems. The political reality in Lebanon had to be recognized for what it was - namely, that there was a political problem which prevented the Lebanese Government from applying the provisions of the Convention in full, and that 15 years previously the country had been in an entirely different situation.

65. Mr. de GOUTTES said he regretted that no mention was made in the final conclusions read out by Mr. Wolfrum of the violations of the Convention which had occurred in the past. He was nevertheless prepared to endorse the proposed text if it was generally accepted, since it did stress that Lebanon currently faced a particularly difficult situation.

66. Mr. YUTZIS said he wholeheartedly supported Mr. Garvalov's approach and considered that the Committee could not claim that a problem could be solved by ignoring it. That was not the first time in history that those responsible for guiding a State faced difficulty in controlling the domestic situation.

67. On reflection, he agreed with Mr. de Gouttes that the Committee should deplore the fact that human rights violations had occurred in Lebanon. He also thought that the international community should be reminded of its responsibility with regard to the solution to Lebanon's problems. Moreover, nothing in article 2 (a) of the Convention. prevented the Committee from drawing the attention of the United Nations, and consequently the international community, to those problems.

68. The CHAIRMAN asked whether the Committee could reach agreement if the last sentence of the final conclusions proposed by Mr. Wolfrum read: "In making that request, the Committee deplored the violations of human rights, particularly of those set forth in the Convention, which are taking place in that country, while taking full note of the complicated political situation Lebanon is facing at present".

69. Mr. ABOUL-NASR said that he could not support such an amendment. He failed to see, moreover, on what grounds the Committee could make an appeal to the international community in the case of Lebanon, since it had taken no such step on other occasions.

70. The CHAIRMAN proposed that the meeting should be suspended so that the members of the Committee could hold consultations.

The meeting was suspended at 12.20 p.m. and resumed at 12.40 p.m.

71. The CHAIRMAN announced that the members of the Committee had failed to reach agreement on the question of human rights violations and an appeal to the international community and had decided, as a result, to retain the original text which had been proposed by Mr. Wolfrum and which read:

"The Committee notes with regret that the Government of Lebanon was not able to send a representative to the meeting of the Committee, although Lebanon has a Permanent Mission in Geneva. It strongly encourages the Government to resume the dialogue with the Committee and to report in accordance with article 9 of the Convention. In making that request, the Committee takes full note of the complicated political situation Lebanon is facing at present."

72. The CHAIRMAN invited the members of the Committee who had not already done so to comment on any parts of the text with which they were not fully satisfied.

73. Mr. de GOUTTES said he would have preferred the last sentence of the Committee's final comments to read: "The Committee, while deploring the violations of human rights in that country, takes full note of the extremely difficult situation it is facing".

74. Mr. ABOUL-NASR said he would willingly have supported the proposal made by Mr. de Gouttes if he had added that the human rights violations were occurring because the Lebanese Government was not in a position to exercise its authority in full throughout the national territory.

75. Mr. LAMPTEY said he felt strongly that it was not for the Committee to judge the way in which a State exercised its sovereignty, including the drawing up of an agreement with another State.

76. Mr. YUTZIS said that the facts had to be faced and that it must be recognized that the international community had an important role to play in settling Lebanon's problems.

77. The CHAIRMAN said that, if he heard no objection, he would take it that the draft final conclusions read out following the resumption of the meeting were adopted and that the consideration of the report by Lebanon was concluded.

It was so decided.

The meeting rose at 12.55 p.m.