



لتظلّ الشعلة وهّاجةً - 保持火焰永不熄灭

Entretenons la flamme - Keep the flame alive - Не дать огню погаснуть

Que no se apague la llama

6th plenary meeting, 16th of June 1993

World Conference on Human Rights

Vienna, 14-25 June 1993

6th plenary meeting, 16th of June 1993

[A/CONF.157/PV.6]

This document does not constitute an official record of the meeting proceedings.

It contains the text of speeches that were transcribed from the audio recordings of speeches delivered in English and of the English interpretation of speeches delivered in other languages. All care has been taken to present the most accurate version of the speeches as delivered during the Conference.

The translation into English of statements delivered in French, Russian and Spanish were edited according to the actual delivery. Editing of English translations of statements delivered in Spanish was done with the help of the UNOG Library.

Statements delivered in other languages were edited based on the English interpretation.

The term “indigenous peoples” is used throughout these records of the plenary meetings of Conference.

Automatically generated transcriptions were provided by UNOG's project FAST (Fully Automated Speech-to-Text), powered by WIPO AI.

Compiled and published by the OHCHR Library, Geneva, 2021.

The symbol A/CONF.157/PV.6 is not an official UN document symbol and was assigned by the OHCHR Library for library classification purposes.

Contents

OGATA, Sadako N. (UNHCR)..... 1
CHANTRE, Manuel (Cape Verde) 4
WONG, Kan Seng (Singapore) 8
SSEMOGERERE, Paul K. (Uganda)..... 13
MOCK, Alois (Austria) 16
BHUTTO, Begum Nusrat (Pakistan) 19
BHUTTO, Begum Nusrat (Pakistan) 21
SINGHVI, L.M. (India) 21
BHUTTO, Begum Nusrat (Pakistan) 22
SOONSIRI, Prasong (Thailand) 23
SHIPLEY, Jenny (New Zealand) 26
ROMULO, Roberto R. (Philippines) 29
COTTI, Flavio (Switzerland)..... 33
ARAFAT, Yasser (Palestine) 35

Agenda Item 9. General debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further the progress in this area and ways in which they can be overcome.

Agenda Item 10. Consideration of the relationship between development, democracy and the universal enjoyment of all human rights, keeping in view the interrelationship and indivisibility of economic, social, cultural, civil and political rights.

Agenda Item 11. Consideration of contemporary trends and new challenges to the full realization of all human rights of women and men, including those of persons belonging to vulnerable groups.

Agenda Item 12. Recommendations for:(a) Strengthening international cooperation in the field of human rights in conformity with the Charter of the United Nations and with international human rights instruments;(b) Ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues;(c) Enhancing the effectiveness of United Nations activities and mechanisms;(d) Securing the necessary financial and other resources for United Nations activities in the area of human rights.

BEN YAHIA, Habib (President), spoke in Arabic:

I call to order this sixth plenary meeting of the World Conference on Human Rights. I have the privilege of calling the first speaker, Madame Sadako Ogata, the UN High Commissioner for Refugees. You have the floor.

OGATA, Sadako N. (UNHCR):

Keywords: REFUGEES - ASYLUM - REPATRIATION - HUMAN RIGHTS MONITORING - INTERNALLY DISPLACED PERSONS

Mr. President, Excellencies, ladies and gentlemen,

I am very honored to have this opportunity to address the Conference. At a time when the refugee problem has taken on distressing proportions it is important to underline the close links between the promotion and defense of human rights and the mandate of my Office, which is to provide international protection to refugees and seek solutions to their problems.

Unbelievable as it may be, a few hundred kilometres from here, war is raging.

In what used to be Yugoslavia, bitter ethnic war, senseless killing, violence and ethnic expulsion have led almost four million people to become refugees, internally displaced or otherwise affected by conflict. Whether in the former Yugoslavia or Somalia, parts of Africa or Central Asia and the Caucasus, refugees are victims of the twin scourges of human rights abuses and war. It is clear that a just peace is indispensable for the full enjoyment of human rights. Peace, together with respect for human rights, is essential for the protection of refugees, for the solution of refugee problems and for the prevention of future refugee situations.

Mr. President,

The Office of the United Nations High Commissioner for Refugees was born out of concern for victims of human rights abuses. Human rights principles remain of vital importance to the work of my

Office on behalf of refugees. Respect for human rights is crucial for the admission and effective protection of refugees in countries of asylum; improvements in the human rights situation in countries of origin are essential for the solution of refugee problems through voluntary repatriation; and safeguarding human rights in home countries is the best way to prevent conditions that might otherwise force people to become refugees. Each of these aspects of the refugee problem may be seen from a different human rights perspective. I will discuss these aspects under the three themes of the right to seek and enjoy asylum, the right to return and the right to remain.

Securing asylum for people who are forced to flee violence and human rights abuses in their own countries is at the heart of my Office's function to provide international protection. The right to seek and to enjoy asylum is proclaimed in the Universal Declaration of Human Rights, Article 14. The corresponding principle of non-refoulement, or the non-return of refugees to danger, has been accepted as a binding obligation by the 120 States Parties to the 1951 United Nations Refugee Convention and its 1967 Protocol, by the parties to the OAU Refugee Convention and other regional instruments as well as by the international community generally.

But this human rights principle of admission to safety, without which there can be no protection for refugees, is under severe strain today. The sheer numbers of refugees are creating problems for many receiving countries. In several of the industrialized countries, where the numbers of asylum seekers are swollen by economic migrants, measures have been adopted to control illegal immigration, which sometimes also prevent refugees from reaching safety or even return them, directly or indirectly, to places where their lives or freedom are threatened. In too many cases, in too many countries, people who are fleeing violence and human rights abuses at home are confronted with danger, rejection at frontiers or legal obstacles in their search for asylum.

I am deeply disturbed by attacks on refugees and asylum seekers and incidents of xenophobia and racism, which appear to be increasing. If we do not show courage and political leadership in resisting these dangerous trends, the victims will not be just the refugees but also the very foundations of democratic societies.

As uprooted foreigners who do not enjoy the protection of their own government, often impoverished and without proper documentation, refugees and asylum seekers are in a particularly vulnerable situation even after they enter a country of refuge. Their personal security is frequently threatened. Refugee women and girls are often exposed to sexual violence.

The presence of UNHCR in the field and the acceptance by governments of our role in providing protection to refugees can help to mitigate violations of the human rights of refugees, but we cannot prevent them without the full cooperation of the governments concerned. In providing international protection my Office relies upon States to secure the rights and meet the basic needs of refugees. We cooperate with States, we help them to obtain international support and, if necessary, remind them of their responsibilities. UNHCR is, thus, very much an operational human rights organization for the protection of refugees.

How can the World Conference on Human Rights help to safeguard the international protection of refugees? I hope that the Conference will do so by reaffirming the right to seek and to enjoy asylum, the principle of non-refoulement and the continuing relevance of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

Mr. President,

The ultimate objective of international protection of refugees is not to institutionalize exile but to achieve solutions to refugee problems. Voluntary repatriation, whenever possible, is the ideal solution. This is why in the three-pronged strategy of prevention, preparedness and solutions, to which I have committed my Office, I have stressed the refugee's right to return home safely and in dignity.

In terms of human rights norms, the right to return to one's country is proclaimed in the Universal Declaration and codified in the Covenant on Civil and Political Rights. The responsibility lies with the countries of origin to do what is necessary to enable refugees to freely exercise this right. Implementing the human right to return, achieving the solution of voluntary repatriation for the world's refugees is one of the major challenges facing my Office and the international community as a whole. It is a political challenge, a humanitarian challenge, a development challenge. In many ways it is a human rights challenge.

Refugees have fled their homes and their homelands for compelling reasons that include violence and human rights abuses. For them to return home safely and voluntarily, there must be a significant change in the conditions that caused their flight. There should be both peace and respect for their human rights. Assuring these requires a comprehensive approach that addresses the political, security, human rights, humanitarian and development aspects of the problem.

Today many refugees are returning home to situations that are far from stable, peaceful or safe. I am thinking, in particular, of the over one million Afghans who have returned to Afghanistan. But I am also thinking, this time with a degree of optimism, of the 370,000 Cambodians whom my Office helped to return to Cambodia in time to take part in the recent elections.

For the sake of these returning refugees as well as the communities to which they return it is important to develop adequate and effective human rights monitoring systems, which can contribute to an environment of confidence and stability. There are lessons to be learnt from recent or current operational arrangements, for instance in El Salvador, Iraq and Cambodia. Based on these experiences, UNHCR would welcome the strengthening of the capacity of our counterparts in the human rights field, particularly the Centre for Human Rights, to participate in such operations.

In trying to respond to refugee problems, my Office is increasingly confronted with the problem of internally displaced persons, whether in the context of repatriation operations when displaced persons are intermingled with returning refugees, or in our efforts to prevent refugee flows by protecting and assisting people before they are forced to cross a border. How to secure the protection of the internally displaced and ensure their access to humanitarian assistance is one of the most important challenges facing the international community. Meeting this challenge will require the development of institutional and practical mechanisms. In this regard, I welcome the efforts of the Special Representative of the Secretary-General. My Office remains willing to extend its humanitarian expertise to internally displaced persons in appropriate cases at the request of the Secretary-General of the United Nations or the General Assembly, but I must emphasize that the magnitude of the problem far exceeds the capacity and resources of any single agency. It calls for a comprehensive and concerted effort of the United Nations and other humanitarian organizations.

Whether we speak of refugees or of internally displaced persons, it is clear that there will be no end to their plight until the international community has found ways to deal effectively with the root causes of forced displacement so as to prevent or alleviate conditions before people flee. This is why I have made the prevention of refugee flows a key component of UNHCR's strategy and have emphasized the need to defend the right of people to remain in peace in their own homes and their own countries.

When people have to leave their homes to escape persecution or armed conflict, a whole range of human rights are violated. Whether we look at the former Yugoslavia or at other more distant areas, there are far too many situations in which torture, rape, murder and indiscriminate attacks on civilians are being committed with the deliberate aim of forcing one group of people to leave territory shared with another. How to secure people's right to remain at home in the face of such onslaughts, how to be vigilant in our defense of tolerance and human rights for all those who live among us: these are urgent questions facing the international community, to which, I regret to say, we have yet to find an adequate response. It is on issues such as this that the success of this Conference will be judged. It is on issues such as this that the sincerity of international commitment to human rights will be tested.

Securing the right to remain at home in peace - and the right to return home in safety - requires ensuring respect for the human rights of everyone. UNHCR's objectives of preventing and solving refugee problems, thus, depends on the efforts of the international community as a whole to promote and protect human rights and on the cooperation of sovereign States in these endeavors.

Mr. President,

I hope that the international community will be able to work towards developing an effective system of human rights monitoring and factual reporting including, where appropriate, the use of international observers, regional arrangements and other elements of the United Nations system in an integrated approach to protecting human rights.

The deliberations and objectives of this Conference are of profound importance both for the refugees of today and for millions of people who may be forced to flee in the future. In concluding, therefore, I call upon this Conference to reaffirm the right of refugees to seek and to enjoy asylum, and to return home in safety and dignity. I call upon this Conference to reaffirm the right of all peoples to remain in peace and security in their own homes. Above all, I call upon the World Conference to forge a consensus on concrete, practical and action-oriented measures, which will make the ideals of human rights into everyday reality.

Thank you very much, Mr. President.

BEN YAHIA, Habib (President):

I thank Her Excellency for her very important statement. Now I would like to invite His Excellency Mr. Manuel Chantre, Minister of Foreign Affairs of Cape Verde, to address the assembly.

CHANTRE, Manuel (Cape Verde):

Keywords: CABO VERDE - NON-GOVERNMENTAL ORGANIZATIONS - MIGRANT WORKERS - HUMAN RIGHTS ADVANCEMENT - DEVELOPMENT - HUMAN RIGHTS MONITORING

Mr. President, Mr. Secretary-General of the Conference, distinguished delegates, ladies and gentlemen.

My delegation is very pleased to see you presiding over the deliberations of this important Conference. Your statesmanship and your wise stewardship assure us that our proceedings will be directed at a successful conclusion of this Conference. We are glad that this Conference is being held in Austria, a country that has been playing an important role in the promotion of human rights and with which my country, Cape Verde, entertains a very fruitful cooperation.

Mr. President,

As this century draws to an end, it is time for the world to assess the developments and progress in the field of human rights with a view to take stock of the accomplishments and setbacks so as to be in a position to prognosticate the future.

This Conference is taking place at a time that the human rights issue demands a close and detailed international scrutiny. The changes in the international scene, which we have been facing in the most recent times, have shown the importance of the human rights protection in the day-to-day life of all nations and have made that scrutiny all the more important and timely. Indeed, the plight for the respect and the promotion of human rights has gained global dimension, making of human rights issue one of the most visible items on the international agenda of global issues.

My country, Cape Verde, that has made of the protection and respect of the human rights a major element of its domestic and foreign policies and whose Constitution gives prominent treatment to fundamental human rights, is very pleased to see that the rights of the human being are, day-by-day, occupying the centre of the international preoccupations attesting to their universal character.

From the dark days of generalized repression, when the human being was little more than an object in the hands of governments, to the present times the international community has recorded great accomplishments in the field of the respect for and protection of human rights.

These accomplishments are today translated into various legal and political multilateral instruments regulating the relationship between the government and its citizens in almost every aspect of life. Although some of these instruments are still to be adhered to by many nations so as to confer to them the universality that they deserve, they have created a network of principles, values and a code of conduct that condition the behavior and permeate the actions of governments towards their citizens.

The progress made is, indeed, encouraging, for no government nor any responsible institution or entity can today brush aside human rights considerations when defining their policies or carrying out their activities.

My country itself is deeply committed to the cause of human rights and its policies and governmental conduct are guided by human rights considerations. We believe that the respect for and the promotion of human rights is a goal required not only by humanistic considerations, which we highly praise, but also is an important factor in the creation of national conditions leading to social, cultural and economic development as well as political stability.

The progress made has been the result of many positive social forces aimed at promoting the respect for the dignity and the human condition of the individual as well as the creation of an environment conducive to the realization of his economic and social aspirations.

Amongst those forces that persistently and with a great vision have made an enormous contribution to the cause of human rights advancement we are pleased to highlight the role played by the concerned non-governmental organizations. Through their well-oriented action in this field carried out painstakingly over the years amidst tremendous obstacles and political hurdles, they have played a pivotal role in the worldwide promotion of the human rights cause. Their commendable efforts and unwavering commitments, which are at the centre of the international social movement aimed at the promotion and protection of human rights, have with the passing of time changed positively governmental attitude towards human rights.

I myself feel particularly proud of having participated in a small group of Capeverdian citizens who twelve years ago founded the first Capeverdian league of human rights. All of them today hold prominent positions at the State level in my country.

We are, therefore, among those who share an optimistic view about the future of human rights.

The progress made seems to be substantial and encouraging. Nonetheless, the international community is still faced with enormous difficulties and setbacks in this field. In effect, in too many countries the minimum standard of human rights respect and protection has not been achieved yet, to our regret.

Political repression is still rampant in many areas of the globe, which continue to deny their citizens at large the enjoyment of the fundamental and legitimate right to participate in the free and fair political process of the governance of their countries. The price that has been paid, as a result, has been

translated into internal strife, destruction of infrastructures and property and the suffering inflicted upon the people.

On the other hand, torture and inhuman treatment are still taking place, notwithstanding the worldwide condemnation and the convention prohibiting such practices.

Although many national legislations and international conventions have been adopted to address the inequalities of women's treatment in the world society, women's equal rights are still to be fully implemented in almost every country.

In many countries, and especially in some developed countries, the human rights of the migrant workers are neglected or disregarded. As the economic situation worsens, one witnesses a very sad development that cripples the enjoyment of the fundamental human rights of the migrant workers. Racist practices and actions are on the increase against the migrant workers and their families. Unfair policies to expel them from the country in which they have been working and living for many years and for whose economy they have contributed much are being considered and implemented.

As a country, which has more than half of its population making a living abroad, we find these developments against migrant workers to be a very unfortunate setback in the process of the promotion of human rights. It is particularly sad to see that these negative developments are taking place in countries we are all got used to look at as a source of inspiration in the arduous struggle towards human dignity.

We hold it to be a fundamental human right that he who has through his honest work and professional commitment made a living abroad should be considered and treated for all purposes as a citizen and should not at all be expelled from the receiving country on account of or as a scapegoat for national economic difficulties nor should he be subjected to racist practices and actions.

Equally disturbing is the lack of commitment to the existing human rights legal instruments. In effect, many of these instruments, notwithstanding the beneficial role that they play in promoting the respect for and the promotion of human rights, still remain to be adhered to by many countries.

These are, to name only a few, some of the setbacks and shortcomings that have still to be faced.

Mr. President,

The assessment of the accomplishments in the field of human rights indicates that, although a substantial progress has been made much remains to be done. This Conference should, therefore, endeavor to focus its attention on policies and measures for the future directed at devising mechanisms and actions with a view to building on the results so far achieved.

In our view, an international human rights agenda for the future should contemplate and address, amongst others, the following measures and objectives:

- Better protection of human rights as they relate to the dignity and human condition of the individual in every country;
- Improvement of the institutional mechanisms at the national as well as at the international level established to secure the minorities' rights and strengthening of the legal instruments related to their protection;

- Better legal and institutional mechanisms for the protection of human rights of migrant workers and their families as the trans-border movement of workers become a global issue;

- Stronger focus on the relationship between human rights and development. Indeed, the human rights of an economic and social nature cannot be adequately protected if poverty prevails, if the national economy thrives continuously on the periphery of development and if the country concerned is subjected to a chronic underdevelopment situation. Underdevelopment, poverty and general and long-standing economic hardship are factors that condition and spawn a social and political environment conducive to persistent abuses of human rights. He, who has to undertake an enormous day-to-day struggle to barely ensure his most basic survival needs, is certainly not on solid grounds to focus his priorities on the protection of his human rights of a political nature.

- Likewise, we believe that the international institutional mechanisms should be strengthened and, in this regard, the establishment of a United Nations advisory body could be of immense value to recommend measures on the following:

- how to promote the adherence to the existing human rights legal instruments;
- setting up of new institutional mechanisms as their need arise or how to improve the existing ones;
- measures to improve the effectiveness of the UN bodies dealing with human rights issues;
- measures on ways and means including financial means with a view to strengthening the functioning of the various monitoring bodies related to the implementation of the human rights legal instruments;
- measures to assist and support, technically, developing countries to translate into their national legislation the various human rights instruments to which they are a party as well as to strengthen the follow-up capacity including the reporting procedure of their national mechanisms and institutions in charge of or related to the implementation at the national level of such human rights instruments.

Mr. President,

The gains that have been made in the field of human rights protection and promotion especially in the last decade give us much encouragement and assurances that the world is definitely bound to make of human rights a major pillar of national and international policies and action. These bodes well for the future of the dignity of the human being and the full realization of his potentials.

Indeed, ours is a time in which human rights seems to occupy the central stage of the universal concern. Thus, the human rights global issue is certainly bound to be a galvanizing item on the international agenda of the 21st century.

The respect for human rights at the universal level will be a major stride towards the creation of a more humane, free and just world community of citizens.

As a country, whose government has the respect for and the promotion of human rights at the top of its agenda, we are looking forward to the day when human rights will be a prevalent consideration in the minds of politicians, in the conduct of government and its policies and actions, in the goals of national institutions and in the daily interaction of individuals.

Although this Conference might not produce major agreed policy statements for the future, its holding is already a major event and signifies the increasing universal support for human rights.

Let us hope that the Conference is the beginning of a new and more positive chapter in the long process of human rights protection and that it will, hopefully, give us the direction and set the tone for dealing with the human rights issue in the next century.

I thank you, Sir.

BEN YAHIA, Habib (President):

I thank His Excellency for his statement and now I would like to give the floor to His Excellency Mr. Wong Kan Seng, Minister of Foreign Affairs of Singapore.

WONG, Kan Seng (Singapore):

Keywords: HUMAN RIGHTS - GOVERNEMENT POLICY – LAWS AND REGULATIONS - CULTURAL PLURALISM – DEVELOPMENT - SINGAPORE

Mr. President, Excellencies, ladies and gentlemen,

How a State treats its citizens is no longer a matter for its exclusive determination. Other countries claim a concern. No country has rejected the Universal Declaration of Human Rights. A body of international law on human rights is evolving. These developments will eventually make for a more civilized world. We should work towards it.

But the international consensus on human rights is still fragile. Although everyone professes support for the ideal of human rights, conflicts still abound. The preparatory process for the World Conference on Human Rights has been mired in fundamental disagreements. Even now we cannot assume that a consensus will be reached. This is not simply due to bad faith or hypocrisy.

Human rights do not exist in an abstract and morally pristine universe. The ideal of human rights is compelling because this is an imperfect world, and we must strive to make it better. There is no need for human rights in heaven. But precisely because this is an imperfect world making progress on human rights will be marked by ambiguity, compromise and contradictions.

Differences of opinion over human rights are inevitable in the real world of competing States and contending interests. The promotion of human rights by all countries has always been selective. Concern for human rights has always been balanced against other national interests. Those who deny this protest too much.

Universal recognition of the ideal of human rights can be harmful if universalism is used to deny or mask the reality of diversity. The gap between different points of view will not be bridged if this is ignored. We deceive ourselves only if we pretend this is not so.

Forty-five years after the Universal Declaration was adopted as a common standard of achievement, debates over the meaning of many of its thirty Articles continue. The debate is not just between the West and the Third World. Not every country in the West will agree on the specific meaning of every one of the Universal Declaration's thirty Articles. Not everyone in the West will even agree that all of them are really rights.

Let us take the example of the United States of America.

Not every State of the USA interprets such matters as, for example, capital punishment or the right to education in the same way. Despite USA Supreme Court rulings abortion is still a hotly contested issue. But this multiplicity of State and local laws is not decried as a retreat from universalism. On the contrary, the clash and clamor of contending interests is held up as a shining example of democratic freedom in the United States.

For that matter, the right to trial by jury so precious in Britain and the United States has never prevailed in France. Are we, therefore, to conclude that human rights are repressed by the French? This would be absurd. Sweden, to give another example, has more comprehensive and communal social arrangements than some other Western countries may find comfortable. Is Sweden, therefore, a tyranny? Naturally not. Order and justice are obtained in different ways in different countries at different times.

Therefore, are the common interests of humanity really advanced by seeking to impose an artificial and stifling unanimity? The extent and exercise of rights, in particular civil rights, varies greatly from one culture or political community to another. This is because they are the products of the historical experiences of particular peoples.

When the Universal Declaration was being formulated in 1947, no less an authority than the American Anthropological Association cautioned that "what is held to be a human right in one society may be regarded as anti-social by another people" and that "respect for differences between cultures is validated by the scientific fact that no technique of qualitatively evaluating cultures has been discovered."¹

Time has not refuted but unfortunately only dimmed the memory of this sensible advice. The point is now the subject to fierce debates or disputes with a pronounced theological flavor. Moralizing in the abstract is seldom productive. I believe that a more pragmatic approach is in order if we want to be effective rather than just to feel virtuous.

The momentum of international cooperation on human rights will not be sustained by mere zealotry. Only if we all recognize the rich diversity of the human community and accept the free interaction of all ideas can the international consensus be deepened and expanded. No one has a monopoly of truth. Claiming an unwarranted authenticity for any angle or any point of view may prove futile and unproductive. We must all humbly acknowledge this fact before we can help each other grope towards a practical application of the ideals we all share.

Of course, there is a risk that tolerance for diversity will be used as a shield for dictators. This is unacceptable. But pragmatism and realism do not mean abdication. We need not, indeed we must not, cease to speak against violations, wanton cruelty and injustice. We can strike a realistic balance between the ideal of universality and the reality of diversity if we adopt a clinical approach.

Our aim should be to promote humane standards of behavior without, at the same time, claiming special truths or seeking to impose any particular political pattern or societal arrangement.

Diversity cannot justify gross violations of human rights. Murder is murder whether it is in America, in Asia or in Africa. No one claims torture as part of their cultural heritage. Everyone has a right to be recognized as a person before the law; and society surely will not condone willful abuse of children because they are our collective future. There are other such rights that must be enjoyed by all human beings everywhere in a civilized world. All cultures aspire to promote human dignity in their own ways. But the hard core of human rights that are truly universal is perhaps smaller than we sometimes like to pretend.

Most rights are still essentially contested concepts. There may be a general consensus. But this is coupled with continuing and, at least for the present, no less important conflicts of interpretation. Singaporeans and people in many other parts of the world do not agree, for instance, that pornography is an acceptable manifestation of free expression or that homosexual relationships is just a matter of

¹ "Statement on Human Rights", *American Anthropologist* 49(1947): pp. 539-543.

lifestyle choice. Most of us will also maintain that the right to marry is confined only to those of the opposite sex.

Naturally, we do not expect everyone to agree with us. We should be surprised if everything were actually settled once and for all. This is impossible. The very idea of human rights is historically specific. We cannot ignore the differences in history, culture and backgrounds of different societies. They have developed separately for thousands of years, in different ways and with different experiences. Their ideals and norms differ. Even for the same society such norms and ideals also differ from time to time and over time. For example, how rights were defined in Europe or in America a hundred years ago is certainly not how they are defined today. And they will be defined differently a hundred years from now.

Take Britain as an illustration. Its Parliament was established in 1215 with the signing of the Magna Carta. But women only had the right to vote in 1928. Up to 1948 Oxbridge university graduates and businessmen had extra votes.

The United States of America gained independence in 1776. Only those who paid the poll taxes or property taxes had the right to vote from 1788. There were barriers of age, color, sex and income. In 1860, income and property qualifications were abolished but other barriers like literacy tests and poll tax still discriminated against African-American and other disadvantaged groups. Women only had the vote in 1920. It was not until 1965 that the African-Americans could vote freely after the Voting Rights Act suspended literacy tests and other voter qualification devices, which kept them out.

So full democracy was only established in Britain in 1948, 733 years after Magna Carta, and in the United States in 1965, 189 years after Independence. In France, *liberté, fraternité* and *égalité* in 1788 did not succeed as a democracy until this century.

The USA, Britain and France took 200 years or more to evolve into full democracies. Can we, therefore, expect the citizens of the many newly independent countries of this century to acquire the same rights as those enjoyed by the developed nations when they lack the economic, educational and social pre-conditions to exercise such rights fully? Say, if all the countries in the world today are merged into one and everyone has the same right, will this be acceptable to all?

We should, therefore, approach this Conference with humility. We are not the prophets of a secular god whose verities are valid for all time. We should act more pragmatically, and I hope modestly, as diplomats dealing with a difficult international issue. Our work, while important, will in due course be displaced by the shifting tides of history.

How, for example, we interpret and apply Article 14 of the Universal Declaration on the right to asylum today is different from when it was first drafted at the beginning of the cold war. With the dismantling of communist regimes and with modern communications, massive population shifts are now underway. Desperate peoples or just those newly free to travel are on the move searching for better security and for a better life. This has forced contiguous countries to adopt more restrictive standards of admission. We are seeing this happening right here in Europe today.

No country has been consistent in the application of the rights of refugees. The very manner in which we conceive of refugees has changed.

All international norms reflect a specific historical configuration of interests and power. History moves continually. Every international norm must, therefore, evolve. If this dynamic is not to be driven by the clash of steel and blood then it must entail a process of debate, of interpretation and re-interpretation, in which most agreements are contingent. This is how an international consensus is built and sustained.

A pragmatic approach to human rights is one that tries to consolidate what common ground we can agree on while agreeing to disagree if we must. More effort should be devoted to clinically identifying the specific rights that we can all agree on now and which others must await further discussion before we reach consensus. This, I believe, will be a more productive approach than one grounded in self-righteousness.

But identifying the core rights that are truly universal will not always be easy. Many will argue that the non-derogable rights in the International Covenant on Civil and Political Rights must be among them. I agree. But some fervent advocates of these civil and political liberties will dispute that development is also, as I and many others hold, an inalienable right. This has a direct impact on the important and contentious question of human rights conditionality for developmental assistance.

Clearly, the purpose of aid is to enable the peoples to which it is given to live in dignity. It should not be misused. No one has a right to squander aid. The question is how to ensure that aid will be used effectively. Here the human rights debate merges into broader questions of political theory and public administration. "Human rights", "democracy" and "good government" are sometimes used as if they were synonyms. There is certainly a degree of overlap. But they are not the same thing.

Repression is wrong. It is unhealthy, it will stifle development. Growth both promotes and is promoted by the ability of the individual to live with dignity.

But poverty makes a mockery of all civil liberties. Poverty is an obscene violation of the most basic of individual rights. Only those who have forgotten the pangs of hunger will think of consoling the hungry by telling them that they should be free before they can eat. Our experience is that economic growth is the necessary foundation of any system that claims to advance human dignity and that order and stability are essential for development.

Good government is necessary for the realization of all rights. No one can enjoy any rights in anarchy. And the first duty of all governments is to ensure that it has the power to govern effectively. And they must govern fairly.

If political institutions fail to deliver a better life to their peoples they will not endure over the long term. Human rights will not be accepted if they are perceived as an obstacle to progress. This is a fact that some zealots would do well to ponder. There is already evidence that at some stage an excessive emphasis on individual rights becomes counterproductive.

Life in any society necessarily entails constraints. The exercise of rights must be balanced with the shouldering of responsibility. To claim absolute freedom for the individual is to become just less a human being with rights than an animal subject only to the law of the jungle.

Development and good government require a balance between the rights of the individual and those of the community to which every individual must belong and through which individuals must realize their rights. Where this balance will be struck will vary for different countries at different points of their history. Every country must find its own way. Human rights questions do not lend themselves to neat formulas.

In the early phase of a country's development, too much stress on individual rights over the rights of the community will retard progress. But as it develops new interests emerge and a way to accommodate them must be found. The result may well be a looser, more complex and more differentiated political system. But the assumption that it will necessarily lead to a "democracy", as some define the term, is not warranted by the facts.

Singapore's political and social arrangements have irked some foreign critics because they are not in accordance with their theories of how societies should properly organize themselves. We have intervened to change individual social behavior in ways other countries consider intrusive. We

maintain and have developed or deployed laws that others may find harsh. For example, the police, narcotics or immigration officers are empowered by the Misuse of Drugs Act to test the urine for drugs of any person who behaves in a suspicious manner. If the result is positive, rehabilitation treatment is compulsory. Such a law will be considered unconstitutional in some countries, and such urine tests will lead to suits for damages, for battery and assault and an invasion of privacy. As a result, the community's interests are sacrificed because of the human rights of drug consumers and traffickers. So drug-related crimes flourish.

The Singapore government is accountable to its people through periodic open and free elections by the secret vote.

But we do not feel guilty because the opposition parties have consistently failed to win more than a handful of seats. We have made alternative arrangements to ensure a wide spectrum of views is represented in our Parliament through non-elected Members of Parliament and put in place other channels of good communication between the government and the people.

We make no apology for doing what we believe is correct rather than what our critics advise. Singaporeans are responsible for their future. We justify ourselves to our people not by abstract theories or the approbation of foreigners but by the more rigorous test of political success.

Our citizens live with freedom and with dignity in an environment that is safe, healthy, clean and incorrupt. We have easy access to cultural, social and recreational amenities, good standards of education for our children and prospects for a better life for future generations. I can say without false modesty that many of our well-meaning critics cannot claim as much. We do not think that our arrangements will suit everybody. But they suit ourselves. This is the ultimate test of any political system.

We need to remind ourselves that the purpose of this Conference is not to score debating points or just to produce a declaration. We ought to try and expand consensus on very difficult issues. Without a genuine political commitment any declaration is just another piece of paper. We can force States to pay lip service to a declaration. But we cannot force States to genuinely respect human rights. In the real world of sovereign States, respect and political commitment can only be forged through the accommodation of different interests.

Unless we remember this, I fear that we will only fracture the international consensus on human rights. If this happens, the responsibility must lie with those who are so blinded by their own arrogance and certainties as to lose the capacity for imagination and empathy. I venture to suggest that a more modest approach not only behooves our common humanity but is more likely to lead to a successful outcome for this Conference and there is too much at stake for us to fail.

Thank you.

BEN YAHIA, Habib (President):

I thank His Excellency for his statement. Now I would like to give the floor to His Excellency Mr. Paul Kawanga Ssemogerere, Second Deputy Prime Minister and the Minister of Foreign Affairs of Uganda. Excellency, you have the floor.

SSEMOGERERE, Paul K. (Uganda):

Keywords: INTERNATIONAL INSTRUMENTS - INTERNATIONAL OBLIGATIONS - DEVELOPMENT - DEMOCRACY - GOVERNMENT POLICY - UN High Commissioner for Human Rights - HUMAN RIGHTS MONITORING - UGANDA

Mr. President,

Allow me to congratulate you on behalf of the Uganda delegation on your election as President of this historic Conference. At the same time, I would also like to take this opportunity to extend our congratulations to other members of the Bureau. My delegation is convinced that under your leadership this Conference will set a landmark for humanity in the field of human rights. I pledge full support of my delegation for successful deliberations. In the same spirit, I express deep-felt appreciation and thanks to the government and the people of Austria for the kind hospitality extended to us and the excellent hosts they have proved to be for this Conference.

Mr. President,

I would like, at the outset, to associate my delegation with the very important statements, including your own, delivered so forthrightly during the opening session. We agree entirely with the UN Secretary-General on the three imperatives on human rights, namely, the universal character of these rights, the effective mechanisms including sanctions that are necessary to promote and guarantee human rights, and on democracy, first, as a practical political expression of human rights and, second, as the political system that best safeguards these rights.

Uganda is fully committed to the promotion and protection of human rights for all peoples of the world. We are very supportive of the UN activities in the field of human rights.

This Conference is the first high-level world meeting on human rights in twenty-five years. It is the view of my delegation that the Conference should not only reaffirm the standard setting universality of human rights but should also agree on a plan of action, which will enhance further humanity's full realization and enjoyment of human rights. In the developed world, the enjoyment of these rights is by and large taken for granted. The situation in much of the developing world, however, leaves much to be desired, and in some cases it is most pathetic. It cannot be denied that the denial and violation of fundamental human rights in much of the developing world is the most important single factor that accounts for the considerable number of our people who are forced into refugee camps and exile abroad. In other situations including my own country violation of human rights in the past have precipitated costly civil wars. For this wastage and forfeiture of otherwise valuable human resources and the attendant destruction and misallocation of scarce resources - all ultimately attributable to the denial and violation of human rights - it becomes, therefore, a matter of serious concern and duty for all of us to close our ranks and agree on a plan of action that will assist the people of the developing countries in particular to fully realize and enjoy their basic rights.

The adoption of the Universal Declaration of Human Rights in 1948 has given help, guidance and inspiration to humanity in the promotion of human rights and fundamental freedoms. Since that time, the United Nations has through the adoption of various international instruments made much progress in defining standards for the promotion, enjoyment and protection of these rights and freedoms.

The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Declaration on the Right to Development as well as other conventions, declarations, proclamations, decisions, principles and resolutions in the field of human rights adopted under the auspices of the United Nations have created new standards and obligations to which all countries should conform.

The adoption of various international human rights instruments especially the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights shows that civil, political, economic, social and cultural rights are, indeed, universal and interrelated. These rights must be protected, upheld and promoted by all regardless of the diverse historical, political, economic, social, religious and cultural systems prevailing in the world. To this end, all governments have a duty to ensure that the constitutional provisions and laws of their States that relate to human rights are in compliance with international human rights standards and are observed and respected. In this regard, my delegation commends the Slovak Republic which, as you have been told, has decided under their Constitution that the Bill of Rights supersedes all domestic laws.

The proceedings of the preparatory process clearly show that there was consensus in the Preparatory Committee meetings that, indeed, we cannot prioritize human rights. My delegation expects the outcome of this Conference to emphasize the indivisibility and interdependence of civil, political, economic, social and cultural rights and the desirability of giving equal emphasis to all of them.

The Universality of all categories of human rights should lead this Conference to recognize that human rights violations such as torture, detention without trial, racial discrimination, etc. are no longer issues of internal affairs. They have become a legitimate matter for international concern. In this respect, the Conference should emphasize the need to eliminate double standards and the desirability of objectivity, impartiality and non-selectivity when addressing human rights issues. Violations irrespective of where they occur should meet equal condemnation.

Commitment to universal human values is much more than a reaffirmation of international human rights norms and principles. governments must show that they accept international human rights obligations. In this respect, the outcome of this Conference should indicate that States have agreed to ratify or accede to all international human rights treaties by the year 1998, the 50th anniversary of the Universal Declaration of Human Rights. In this respect, my country has ratified or acceded to several of the human rights treaties. Legal procedures to accede to those that remain are either in advanced stages or being contemplated.

The right to development as articulated in the Declaration on the Right to Development is also an inalienable human right. This Conference should recognize the importance of economic and social development to the full enjoyment of human rights. The existence of widespread poverty in the developing countries is an important factor in the insufficient enjoyment of human rights by the majority of humanity. Therefore, all States should cooperate in eradicating poverty in order to promote the universal realization of human rights.

Democracy is another indispensable requirement for the full enjoyment of human rights. However, democracy and development are intrinsically linked and should not be considered in isolation from each other. Just as democracy promotes development so does development promote democracy. Democracy is not merely an abstract concept. It is realized in practice. It should be promoted and strengthened along with the process of social and economic development.

The outcome of this Conference should give special attention and priority to the promotion and protection of the rights of women, children, refugees, the disabled, the migrant workers and minorities.

The primary responsibility for implementing and giving effect to human rights is at the national level. This Conference should reaffirm the importance of the rule of law, the independence of the judiciary and the administration of justice and democracy in the development process.

Most governments in the developing countries are committed to the respect, realization, promotion and protection of human rights and the establishment of democracy, but there are severe constraints that impinge on this commitment.

State agencies involved in the administration of justice lack requisite training, equipment, facilities and incentives because of insufficient financial resources. Steps ought to be taken to invest more in promoting the rule of law and in the administration of justice. We welcome the UN initiative to give a helping hand to countries undertaking the democratization process. My country hopes to benefit from this facility. We have already embarked on a constitution-making process under which a constituent assembly is to be elected late this year to deliberate on a new constitution for the country.

It is a matter of concern, Mr. President, to note that while respect for human rights is one of the reasons why the UN was founded, nevertheless, the United Nations human rights programme accounts for less than one percent of the overall budget of the Organization. Despite the meagre funding there is no doubt that the UN human rights system has done a lot of commendable work in the promotion and protection of human rights. The UN Centre for Human Rights should, therefore, be strengthened. In this respect, we call upon this Conference to recommend that the budget for the UN Centre for Human Rights should be substantially increased so that it is able to continue its human rights programmes more effectively and efficiently into the 21st century. In addition, my delegation endorses the creation of the office of the UN High Commissioner for Human Rights with the proviso that funding for the office does not prejudice on-going vital programmes.

The UN Human Rights Plan of Action into the 21st century must recognize that human rights are indivisible and interdependent. None of these rights should be given precedence over the others. This Plan of Action should endeavor to promote all human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. To date, however, the United Nations human rights implementation mechanisms are well established in the field of civil and political rights. This is shown by the well-established treaty monitoring bodies and other human rights mechanisms and procedures on torture, on arbitrary arrests, on detention, on extrajudicial executions, on disappearances, etc. While there is need to keep and to strengthen these procedures the outcome of this Conference must not lose sight of the need for implementation mechanisms in respect of economic, social and cultural rights as well.

The UN system has in place country programmes that have made an appreciable impact on the lives of millions of the impoverished and miserable people living far deep in villages of the world's poorest countries. In Uganda, for instance, UNICEF Country Programme has certainly been a resounding success. UNICEF is a household name deep in the villages. Probably our people know more about UNICEF and its relevance to their lives than any other UN agency. UNICEF takes its services to the people. Although it has its country headquarters in Kampala, it has also established district offices that have in turn spread into the villages. My delegation suggests that instead of the UN human rights programme being only in Geneva, the outcome of this Conference should recommend the establishment of semi-autonomous country human rights programmes that will be charged with promoting, encouraging and monitoring respect for human rights not only at the national level, the capital, but also at the local levels.

The United Nations Human Rights Plan of Action into the 21st century should also consider strengthening and coordinating national institutions, whether official or otherwise responsible for the respect, promotion and protection of human rights. In this respect, my government in addition to having established national human rights institutions based in the capital, Kampala, has realized the need to sensitize the consumers of human rights in the upcountry villages by establishing human rights committees at each district level, which will be responsible not only for monitoring human rights observance but will also be compiling district human rights reports. The latter will eventually be used to compile and publish bi-annual national human rights reports. This is one practical demonstration of my country's commitment to the cause for respect, promotion and protection of human rights without distinction as to origin, ethnic or otherwise, sex, color, language or religion. Perhaps, it would be relevant to mention here that the success of this national human rights programme is being hampered by a lack of sufficient resources. In this regard, this Conference should address the issue of assisting national human rights institutions of this kind to help them execute human rights programmes.

In conclusion, Mr. President, the Uganda delegation hopes that this Conference will, like its two predecessors, be an historic one. While the 1948 Conference launched humanity's constitution on human rights, and the 1968 Conference affirmed this constitution and subsequent international human rights instruments, the 1993 World Conference should not only reaffirm the standard setting of the universality of human rights but should also approve a plan of action that will make possible the full realization of these rights.

The plan of action should focus, inter alia, on the provision of resources to human rights programmes, beamed to or in developing countries because that is where many of the problems of respect, promotion and protection of human rights lie.

The human rights agenda into the 21st century is not likely to benefit all humanity if substantial investments are not directed to policies of economic and social development as well as democracy and to programmes for the respect, promotion and protection of human rights of the majority of humanity who happen to live in the developing world.

Finally, Mr. President, allow me to take this opportunity to declare on behalf of my delegation Uganda's full support for the sentiments and demands made in respect to the grave situation in Bosnia and Herzegovina.

I thank you, Sir.

BEN YAHIA, Habib (President), spoke in French:

I thank His Excellence for his statement. I would like now give the floor to His Excellency Mr. Alois Mock, Federal Minister of Foreign Affairs of Austria, also our eminent President. Excellency, you have the floor.

MOCK, Alois (Austria):

Keywords: BOSNIA AND HERZEGOVINA - HUMAN RIGHTS ADVANCEMENT - TECHNICAL COOPERATION - HUMAN RIGHTS MONITORING - MINORITIES

Mr. President, Excellencies, ladies and gentlemen,

Austria has welcomed from the outset the proposal to convene at a high level a World Conference on Human Rights in 1993 for the purpose of dealing with the crucial questions facing the United Nations in connection with the promotion and protection of human rights because the realization of human rights, both in our own country and on a worldwide scale, is a cornerstone of the policy of the Austrian Federal government.

Efforts to guarantee the respect for and the observance of human rights and fundamental freedoms for all members of the human family have reached a critical juncture. Forty-five years after the adoption of the Universal Declaration of Human Rights, the progress achieved in setting universal human rights standards and in creating a variety of international implementation procedures contrasts with the fact that human rights are still violated systematically in all regions of the world.

Experience clearly shows that the safeguarding of human rights can only be achieved in a democratic society characterized by broad popular participation in the decision-making process, public accountability, an independent judiciary, protection of the individual against arbitrary action by the State as well as equal rights and equal opportunity for all ethnic and religious groups.

Mr. President,

Some three hundred miles from here, in Bosnia and Herzegovina, we have for many months been witnessing a cruel war that is accompanied by gross and massive violations of human rights. Due to this conflict, over two million people have been driven from their homes; more than 300,000 men and women have been killed. A brutal policy that bears the cynical name of ethnic cleansing continues unabatedly. Members of the legitimate - and democratically elected - government of Bosnia and Herzegovina risk their lives each time they try to leave their capital city.

Women are systematically raped; children are murdered on the playing grounds or on their way to school; hospitals are bombed; people of all age groups are assassinated while queuing for bread or standing in front of the fresh graves of their nearest and dearest.

All these horrors are continuing although fifty-one participating States of CSCE qualified the attack on the sovereign State of Bosnia and Herzegovina an aggression many months ago. Lack of effective international action is continuing to aggravate the conflict and is resulting in an overgrowing brutalization of the entire region.

We cannot deal with the issues of this Conference while ignoring what is happening at our doorsteps. The tragic events in the former Yugoslavia daily demonstrate the fragility of the United Nations system for the protection of humanity's most basic rights and its inadequacy to respond to blatant challenges.

Mr. President,

It must be the foremost purpose of this Conference to define ways and means to overcome existing obstacles to further progress and to assure the effective enjoyment of human rights by all men and women.

International human rights standards are established in stages: from the elaboration of common principles through the acceptance of such principles and the acceptance of related political commitments to observe the standards and, finally, the establishment of legally binding obligations to enforce them. What counts in the end, however, is the effective implementation of such standards in practice.

Mr. President,

All human rights derive from the dignity and worth inherent in the human person. Basic rights such as equality before the law, the right to personal freedom, to safeguards against arbitrary detention, to freedom of religion and of opinion, the rights to education, to work and to rest, to medical care, etc. should not be denied to anyone, no matter which country or which culture. Human rights are truly a common achievement of all mankind. They transcend races, cultures and religions, even political systems. This Conference bears witness to the fact that they correspond to the aspiration of people all over the world. The monitoring bodies established under different United Nations conventions have maintained a common interpretation of the international human rights standards with the participation of experts from all regions of the world.

However, as a basic guideline, it is essential for international standards to be shaped so as to be acceptable to a wide spectrum of cultures. They must be based on the concept of mankind as an indivisible and pluralist unity. This was spelled out already in the report of the Independent Commission on International Humanitarian Issues in 1987, which was endorsed by General Assembly resolution 42/120.

Mr. President,

Civil and political rights, on the one hand, and economic, social and cultural rights, on the other, have long been known to be indivisible and interrelated. In addition, the nexus between human rights and development is increasingly recognized now.

This issue has significance for the United Nations system as a whole. The programme of action to be adopted at this Conference should contribute to an integrated concept of the protection of human rights within the framework of the United Nations.

Just as the World Conference in Teheran in 1968 gave an impetus to proceed from mere promotion to increased protection of human rights through the establishment of monitoring mechanisms, this Conference should mark the beginning of an era of prevention of abuses by addressing the root causes for the denial of human rights.

Since underdevelopment clearly is a major obstacle to the effective enjoyment of human rights and fundamental freedoms, the Centre for Human Rights should be enabled to embark on large-scale technical assistance in the field of human rights in co-operation with the States concerned. Such advisory services in the form of training, information, education and counselling need to be designed to prevent human rights violations.

Mr. President,

Our agenda calls for recommendations for enhancing the effectiveness of United Nations activities and mechanisms. In Austria's view, in order to strengthen human rights protection through the United Nations the Commission on Human Rights should be strengthened and given primary responsibility for preventive, fact-finding and monitoring operations. The replacement of the two existing separate procedures for monitoring human rights violations, the confidential and the public one, by a joint and efficient system should be envisaged.

The Secretary-General of the United Nations, in his report *An Agenda for Peace* submitted to the 47th session of the General Assembly, stated with good reason that:

Democracy within nations requires respect for human rights and fundamental freedoms, as set forth in the Charter. It requires as well a deeper understanding and respect for the rights of minorities and respect for the needs of the more vulnerable groups of society. This is not only a political matter. The social stability needed for productive growth is nurtured by conditions in which people can readily express their will. For this, strong domestic institutions of participation are essential.

Recent experience in various other countries highlight the necessity of enabling minorities to participate effectively in the affairs of the country in which they live rather than marginalizing them or even denying their very existence. National unity and territorial integrity can be maintained in the long run only if and when all parts of the population feel at home in a State and cultural particularities of minorities are respected rather than suppressed.

The United Nations should embark in the near future on a codification of the rights of minorities with the participation of representatives of ethnic, linguistic and religious minorities. This could be done on the basis of the Declaration on the Rights of Persons belonging to Minorities that was unanimously adopted by the General Assembly at its last session. In addition, the operative activities of the United Nations in this field ought to be strengthened.

These are some of the great challenges in the field of human rights facing the United Nations at the end of the 20th century. The events of the last years must make us understand that we have no safeguard whatsoever against the return of the demons of history. It is simply not enough to say that the crimes of the past must never occur again.

They are already reoccurring. The magnitude of the problems we are facing requires a new departure. It is our firm hope that this Conference can live up to the great expectations placed in it by people all over the world and submit concrete proposals for solutions to the General Assembly.

Thank you very much, Mr. President.

BEN YAHIA, Habib (President), spoke in French:

I thank His Excellency for his important statement. I would like now to give the floor to Her Excellency Begum Nusrat Bhutto, Head of Delegation of Pakistan. Excellency, you have the floor.

BHUTTO, Begum Nusrat (Pakistan):

Keywords: HUMAN RIGHTS VIOLATIONS - BOSNIA AND HERZEGOVINA - PALESTINIANS
- JAMMU AND KASHMIR - INDIA - PAKISTAN - SELF-DETERMINATION

Mr. President,

I have great pleasure in extending our cordial felicitation to you, on behalf of the Pakistan delegation on your unanimous election as President of the historic Conference. We are confident that your vast diplomatic skills and experience will contribute enormously to the success of this Conference. I wish to express our appreciation to the government and people of Austria for the excellent arrangements they have made for this Conference and for the warm hospitality extended to the Pakistan delegation in this grand and beautiful city of Vienna.

Mr. President,

The World Conference on Human Rights is taking place in the twilight of the 20th century - a century that has witnessed a greater progress in science and technology than all of recorded history. Yet, this century has also seen greater destruction and more killing than all the wars of history put together. The 20th century will be remembered for the conquest of space and of the information revolution. It will also be remembered as a period when States officially sanctioned the deliberate slaughter of innocent men, women and children - in the gas chambers of Auschwitz, the gulags of Siberia, the carpet bombing of London, Berlin and Dresden and the atomic destruction of Hiroshima and Nagasaki.

It was in response to the massive human suffering caused by modern war and racist genocide, that the peoples of the world committed themselves in the UN Charter to uphold human rights as a central pillar of the international order. One of the most important contributions which the United Nations has made to the march of human civilization is the Declaration of Human Rights whose elaboration was followed by the formulation of the international covenants and several other human rights instruments. Today, States and societies have available a comprehensive and progressive body of human rights norms and standards to guide their conduct domestically and in their external relations.

Regrettably, during the past forty years, the high standards of human rights prescribed in these international instruments have mostly been observed in the breach. The world community was unable to relieve the suffering of those oppressed by totalitarian rule because the machinery of the United Nations was frozen by the cold war. Even the decolonization process and the struggles of peoples for self-determination were perverted and prolonged by the priorities of East-West power politics.

Mr. President,

The cold war ended with the triumph for the values of democracy and human rights. There was a general expectation that these values would now find universal reflection in the conduct of States. The hope was aroused that now governments would be guided by the dictates of justice and humanity.

Unfortunately, the events of the last three years have dampened this hope for a new and more humane era.

The UN has successfully accomplished the task of defining human rights in an authoritative form through a series of covenants, conventions and declarations. However, only the collective will of the world community can ensure the practical observance of these rights. We must, therefore, work together to abolish oppression and tyranny and the practices of torture, arbitrary arrests and summary executions, which are still prevalent in different parts of the world.

When justice is violated and when freedom is denied, then the potential for conflict and distrust grows between nations. My delegation is deeply concerned at the behavior of some States who are flagrantly abusing the respect for human rights and fundamental freedoms enshrined in the UN Charter and the UN Declaration of Human Rights. It is, indeed, tragic that in the closing years of this century that has witnessed unprecedented progress and advancement, gross and systematic violations of human rights continue to be perpetrated in Bosnia, Palestine and Kashmir.

Today the human rights of the Bosnian people are being violated with impunity. Over one hundred thousand Bosnians have been killed. Over thirty thousand Muslim women have been raped. As a part of a plan to undermine the sovereignty and territorial integrity of Bosnia, the odious and repulsive practice of ethnic cleansing, reminiscent of the Nazi era, has been once again resorted to by the Serbs. The international community must take resolute and urgent steps to address the terrible suffering and pain of the Bosnian people. The tragic and shameful carnage in Bosnia must end. I again repeat, the tragic and shameful carnage in Bosnia must end.

Mr. President,

The tragedy of the Palestinian people has yet to end. Without a homeland, the Palestinians have been compelled to choose between exile or a life under occupation. Repression in the occupied territories has continued unabated. The illegal deportation of 400 Palestinians has illustrated the harshness of this repression. The Security Council has expressed its concern at the grave and serious situation arising from the closing-off areas, the imposition of curfews and the consequent increase in the number of injuries and deaths that have occurred. The fundamental rights of the Palestinian people including their right to self-determination must be respected if peace and security are to prevail in the Middle East.

There is another instance where the right to self-determination of a people has been suppressed for over four decades - in Jammu and Kashmir. The Kashmiri people have risen to demand the exercise of this right as promised to them in the resolutions of the United Nations Security Council.

Since January 1990, India's brutal campaign of repression in Jammu and Kashmir has taken a heavy toll. Nearly thirty thousand Kashmiris have died - mostly young men and boys - arrested arbitrarily, tortured and then shot. Thousands languish in Indian prisons. Most of them are subjected to the vilest forms of torture imaginable. Hundreds of Kashmiri women have been raped, some gang raped, to humiliate the Kashmiris into submission. But the machinery of repression has failed to conquer the commitment of the Kashmiri people to liberate themselves from Indian occupation.

We have reasonable grounds to believe that India will further intensify its campaign of repression in Kashmir, perhaps immediately after this Conference. Two Indian army divisions have been recently inducted into the Kashmir Valley to supplement the four hundred thousand military and paramilitary troops already there. This has to be amended because we found out the correct number. Helicopter gunships and other machines of repression are likely to be used to achieve a "final solution" in Kashmir. But India must recognize that the Kashmiri struggle is a popular and entirely indigenous struggle. India will fail in breaking the spirit of the Kashmiri resistance. No people who are willing to die for freedom can be kept in bondage.

The massive violations of human rights taking place in Kashmir has encouraged India to persist in its brutal campaign of repression. At the same time, New Delhi has adamantly spurned the repeated efforts made by Pakistan to open a serious dialogue on the Jammu and Kashmir dispute.

The world community must call on India to halt its brutal campaign of repression...

[Change of president]

MOCK, Alois (President):

I am sorry there was a point of order according to the Rules of Procedure. I give the floor to the point of order, India.

BHUTTO, Begum Nusrat (Pakistan), continued:

The massive violations of human rights taking place in Kashmir has encouraged the India to persist...

MOCK, Alois (President):

Sorry, the floor is to the Indian representative. He called to my point of order. Will you take the floor, please? Please, I ask everybody to respect the Rules of Procedure, point of order.

SINGHVI, L.M. (India):

Keywords: HUMAN RIGHTS VIOLATIONS - JAMMU AND KASHMIR - INDIA - PAKISTAN

Mr. President,

It is most unfortunate and regrettable that the delegate of Pakistan should have taken this opportunity to breach the solidarity and respect of this Conference to make a wholly irrelevant, false, untenable, country specific reference. The Pakistan delegate has violated the rule of relevance, the rule of restraint and rule of Committee and the rule of thoughtfulness by raising issues, which are wholly uncalled for in the plenary Conference.

Mr. President,

This issue was discussed at great lengths in the conference of Non-Aligned Nations. This issue was discussed at lengths in other meetings of the platform and was decided that these specific references of a bilateral nature should not be raised.

Mr. President,

The matter is developed by a bilateral treaty called the Shimla Agreement. The Shimla Agreement was a legacy of the late Prime Minister of Pakistan, and it is unfortunate that that legacy is being dispoised and desegregated.

Thank you, Mr. President.

MOCK, Alois (President):

Thank you very much. The point of order was respected. I think it was accepted at very general terms every speaker can refer to the matter in question. I ask the speaker to continue.

BHUTTO, Begum Nusrat (Pakistan), continued:

The massive violations of human rights taking place in Kashmir has encouraged India to persist in its brutal campaign of repression. At the same time, New Delhi has adamantly spurned the repeated efforts made by Pakistan to open a serious dialogue on the Jammu and Kashmir dispute.

The world community must call on India to halt its brutal campaign of repression, torture, and killing in Kashmir. It must press India to enter into talks with Pakistan to resolve the Kashmir dispute in accordance with the UN Security Council resolutions and in the spirit of the Shimla Agreement.

This Conference must uphold the right of all peoples under colonial and alien domination to struggle for their right to self-determination. For the past four decades, the world community has focused on the formulation of legal norms and procedures for the protection and promotion of human rights. The Vienna Conference must move beyond this to build the means to effectively redress the most blatant violations of human rights and to create the political, economic and social conditions in which human rights can be best promoted and preserved.

Mr. President,

The Pakistan delegation believes that there are three challenges to the universal observance and promotion of human rights. These are:

First, the continued suppression of the right to self-determination;

Second the revival of ethnic and religious conflicts;

Third, the growing incidence of extreme poverty and deprivation, particularly among the developing countries.

The success of this historic Conference will largely depend on how successful we are in devising effective mechanisms to address these serious problems that impede the full realization of human rights across the globe.

Pakistan is a young State with an old and rich civilization. We are making Pakistan into vibrant democracy with freedom as the hallmark. We are trying to live up to the norms of human rights. We believe that it is through this democratic process and by rapid economic development that we shall build Pakistan into a technologically advanced, socially progressive and politically stable State.

I am happy to announce before this august forum the establishment in Pakistan of an autonomous National Commission on Human Rights which will be accountable to parliament. For some time now, the government of Pakistan had been considering moving legislation before parliament to set up this commission that has been assigned the crucial role of both monitoring and advising the government on instances of abuse of human rights in Pakistan, and to suggest remedial measures. The National Commission will be enabled to examine the legislative and administrative provisions in force in Pakistan, as well as legislative proposals and to make recommendations to ensure that these provisions conform to the fundamental principles of human rights. The Commission has also been empowered to recommend to the government the adoption of new legislation or the amendment of legislation in force as well as the adoption and amendment of administrative measures. We consider the establishment of the National Commission an important milestone in the government's objective of promoting and protecting the human rights of all Pakistani citizens without discrimination as to caste, creed or color in conformity with the principles enshrined in the Universal Declaration on Human Rights.

My delegation will participate actively and constructively in promoting the noble goals of this Conference. The international community is faced with grave dangers as well as exciting opportunities. We hope that this World Conference can chart a course for the universal observance of human rights and fundamental freedoms. Such a course is indispensable if the human race is to enter the 21st century with a new resolve to uphold the innate dignity and worth of the human being as envisaged in the Declaration of Human Rights.

I thank you.

MOCK, Alois (President):

Thank you very much. The representative of India has requested the floor to make a statement in exercise of the right of reply. May I remind delegations of the provisions of the Rule 24 of the Conference, which govern this matter. According to that Rule, the President shall accord the right of reply to a representative of any State participating in the Conference to request it. It is, furthermore, provided that statements made under this Rule should normally be made at the end of the last meeting of the day. That is how I will proceed. I now give the floor to His Excellency Mr. Prasong Soonsiri, Minister of Foreign Affairs of Thailand. Excellency, you have the floor.

SOONSIRI, Prasong (Thailand):

Keywords: HUMAN RIGHTS VIOLATIONS - DEMOCRACY - DEVELOPMENT - HUMAN RIGHTS MONITORING

Mr. President,

I wish to join the previous speakers in congratulating the distinguished Federal Minister for Foreign Affairs of the Republic of Austria on his election by acclamation President of the World Conference on Human Rights. I wish to assure you of the Thai delegation's full support and cooperation in all efforts to reach a successful conclusion of this historic Conference.

I wish also to congratulate the election of the other members of the General Committee. In thanking the Conference for electing Thailand to serve as one of the Vice Presidents, I wish to pledge that Thailand will faithfully serve the Conference to the best of our ability in whatever task is assigned to us in the interest of the body as a whole and especially of the developing countries of the world. At the outset, I wish to thank most wholeheartedly the government of the Republic of Austria for taking the brave and daring decision to host this meeting. The road to Vienna has been long and arduous to be greeted with the traditionally warm hospitality of the Austrian people and the excellent facilities extended by the host country to all delegations has made the hardship of the arrival worthwhile. I hope that the rich historic and cultural setting of Vienna will inspire all of us to represent all of mankind with responsibility during our participation at this Conference.

Mr. President,

The statements delivered by their Excellencies, the President, the Federal Chancellor and the Federal Minister of Foreign Affairs of the Republic of Austria at the opening session of the Conference has strongly underlined the importance of this Conference in setting the course of the promotion of human rights back on the track that was envisaged by the United Nations Charter and the Universal Declaration of Human Rights. The brilliant statement to the opening session of the Conference of the Secretary-General of the United Nations brought clear and balanced messages that should provoke all participants to creative thoughts and reactions capable of inspiring this Conference and the international community to strive for joint and separate actions to promote human rights on the basis of the highest common factors achievable by the international community through a process of consensus-making at this Conference where, as the Secretary-General of the Conference has said, the principle of the equality of nations is real.

Mr. President,

Two months ago, Thailand had the privilege to serve as the venue of the regional meeting for Asia, which was the first of its kind in bringing together States from the Asian region to discuss human rights issues of concern to the regions in preparation for this Conference. Thanks to the spirit of compromise and mutual respect that prevailed during the meeting Asian States were able to adopt the

Bangkok Declaration containing the aspirations and commitments of States in the Asian region to human rights, as Asia's contribution to the World Conference. If its discourse on human rights is to be genuinely international with a view to making human rights truly universal, the Bangkok Declaration and the final outcome of the other regional meetings, which taken together represent the views of two-thirds of the world's population, should be made the determinant and integral part of the final outcome of this Conference.

The discussions that have taken place within the context of preparations for the World Conference on Human Rights have shown that there is world-wide interest in the promotion of human rights. This is, indeed, a healthy development towards strengthening the universality of human rights.

Universalization of human rights must start from the premise that the Universal Declaration of Human Rights embodies the basic rights and fundamental freedoms that are universally recognized and should, therefore, be kept at the forefront of international efforts to achieve a common standard of human rights. At the same time, it is recognized that the United Nations has made great strides in codifying standards for promoting the respect for and observance of human rights. The progressive accession to international human rights instruments and the implementation of human rights by individual States at suitable and manageable pace taking into account local conditions should be encouraged.

As States have the primary responsibility to promote the respect for and observance of human rights, efforts to achieve the full realization of human rights must begin at home. In this connection, every individual and organ of society including national institutions, the media and non-governmental organizations have major roles to play in promoting public awareness and appreciation of human rights and should be encouraged to do so. This, however, does not mean that the international community has no role to play in such efforts since the United Nations Charter has placed universal observance and promotion of human rights and fundamental freedoms within the context of international cooperation. In encouraging the observance and promotion of human rights, international assistance should be made readily available to States at their request.

Today, no society can ignore the atrocities committed against fellow human beings arising from intolerance, racial discrimination, xenophobia and sexual violation, harassment and exploitation especially when the victims are women, children and vulnerable groups. Nor can we refrain from sharing the suffering of peoples caused by hunger, extreme poverty and economic hardship or the absence of the rule of law. More often than not these obstacles to and violation of human rights lead to or threaten to lead to displacement of populations across borders, which become burdensome to countries of first refuge, receiving third countries and the international community as a whole.

Violations of and obstacles to the realization of human rights and fundamental freedoms are, therefore, matters of concern to the international community as a whole. It must be made clear from the very beginning, however, that this concern should in no way be translated into interference in domestic affairs or serve as a pretext for encroachment on the national sovereignty of the State. In addressing such situations, the international community must work on the basis of cooperation, not confrontation, in order to ensure that the letter and spirit enshrined in the United Nations Charter are not compromised. A balanced and non-selective and objective approach should become the basis for international efforts to address human rights so that human rights do not become instruments of political and/or economic pressure.

Mr. President,

The Thai delegation is convinced that the promotion of human rights at the international level cannot be achieved in isolation from other equally important considerations. Recognitions of the inherent relationship between development, democracy and human rights is a step in the right direction. They should be understood to be complementary and mutually reinforcing. The pursuit of these crucial

concepts has as its common objective the overall development of society whereby the inherent dignity and worth of human person can be fully enhanced.

The pillars of the relationship between democracy, development and human rights are mutually supportive as a result of the interdependence and indivisibility of civil and political rights and economic, social and cultural rights. Thailand believes that both sets of rights have to be achieved progressively in a balanced and simultaneous manner in order for democracy, development and the full realization of human rights to be sustainable. It should also be recognized that just as development should not be used to justify violation of human rights or the suppression of democracy neither should development assistance be subject to conditionality on the grounds of the rate of progress in the other two areas.

Over the years, improvements in the promotion of human rights have been achieved at the international level thanks partly to the United Nations human rights institution, machineries and procedures. While this is welcome there is a clear need to rationalize them in order to ensure their effectiveness and efficiency to avoid duplication of work. The Centre for Human Rights as the focal point for United Nations human rights activities should be given the necessary resources to carry out its work effectively in particular that of relating to the provision of advisory services and technical assistance to the States in the Asian region.

I would like to take this opportunity to inform this august meeting of some significant measures Thailand is carrying out to further promote human rights a national level. At the moment, the Thai government is undertaking the necessary steps for Thailand to accede to the International Covenant on Civil and Political Rights.

The Parliamentary Committee on Justice and Human Rights and the Sub-Committee on Human Rights, which have been established recently, would afford elected representatives the opportunity to consult actively with governmental agencies on human rights issues. The distinguished Chairman of the Sub-Committee on Human Rights is also participating at this Conference as a member of the Thai delegation. In accordance with the decision of the government, the Thai authorities concerned are closely and actively examining the possibility of establishing a national institution to promote the respect for and observance of human rights in Thailand. These and other steps that are being taken by the Thai government are part and parcel of its overall development strategy to advance further democracy, economic development and social justice in Thailand.

In closing, the Thai delegation believes that this Conference is capable of great achievement if all participants present in Vienna appreciate the diversity of the human family and with an open-mind approach the human rights from the basis of mutual respect and understanding, for only then will human rights become truly universal.

Thank you, Mr. President.

MOCK, Alois (President):

Thank you very much for your statement. I now give the floor to Her Excellency Honorable Jenny Shipley, Minister of Social Welfare and Women's Affairs of New Zealand. Excellency, you have the floor.

SHIPLEY, Jenny (New Zealand):

Keywords: NEW ZEALAND - INDIGENOUS PEOPLES - DEVELOPMENT - INTERNATIONAL TRADE - WOMEN - RAPE - HUMAN RIGHTS MONITORING - HUMAN RIGHTS INSTITUTIONS

Mr. President, Excellencies, delegates, and representatives of national institutions and non-governmental organizations.

It is a special honor for me to be participating in this World Conference on Human Rights.

Mr. President,

Can I thank you and the people of Austria for your warm welcome to this beautiful country?

Each of us here has a responsibility to ensure that the larger freedom that inspired the founders of the United Nations in the post-World War II period is carried forward into the 1990s. Democracy, development and human rights must be our imperatives. Within today's environment we must advance the work of those who drafted the Universal Declaration and the international covenants and stand with those who have fought to defend human rights often at great personal risk.

I am here to representing a country, New Zealand, which feels strongly about freedom and justice and bears a proud history in the area of human rights. This year is of particular cause for celebration of our political rights as we celebrate 100 years of women's suffrage. New Zealand was the first self-governing country in the world where all women were given the right to vote on an equal basis.

1993 is also the International Year for the World's Indigenous Peoples with its theme of a new partnership. There are more than 300 million indigenous peoples in over seventy countries in the world. It is time the full spectrum of the human rights of these diverse peoples was accorded greater attention. This must happen at the national and the international level.

Over more than one hundred-and-fifty years ago in New Zealand a treaty was signed between the Crown and the indigenous Maori tribes of New Zealand. The rights and concerns of Maori command a special priority in my country. There have been injustices in the past, which our government is committed to putting right. This has not always been easy or a speedy process. However, progress is being made.

It has been a three-pronged approach. Firstly, there have been some far-reaching decisions in terms of land and fishery claims under the Treaty of Waitangi and a significant number of important settlements have been made.

Secondly, the process of incorporating the principles of the Treaty of Waitangi into New Zealand's legal system have been an important recent development. A growing number of statutes require the Crown to have regard to the principles of the Treaty, to Maori interests and to a Maori perspective.

Thirdly, over the last decade New Zealand government have sought to redress current inequities for Maori in a number of innovative ways. After almost losing our indigenous language, a programme that provides a total immersion in Maori language for Maori preschoolers was introduced.

This programme is now available nationwide and the principle is being slowly extended into the primary and secondary school systems. It has made an enormous difference and has the overwhelming commitment of Maori people.

On the three levels, of grievance, status of Maori and seeking to right inequities, New Zealand is striving to recognize that these are not just matters of justice but important investments in our country's social, cultural and economic future.

In this context, New Zealand recognizes the importance of putting all human rights on an equal footing. Those in developing countries who struggle against extreme poverty, illiteracy, malnutrition, inadequate health care and lack of even the most basic shelter must be listened to. As we gather to reaffirm our commitment to human rights, we cannot turn a blind eye to the millions of people throughout the world who endure conditions of squalor and misery.

Freedom from fear and want is part of the quest for freedom and justice.

In this, the right to development is a key issue. There are some hard facts to be faced up to. New Zealand holds the view that one of the most important ways in which to give effect to the advancement of the economic right to development will be secured by the freeing up of the world trade system. One of the greatest barriers to development is the opportunity, denied to many, to trade on an equal basis. A successful conclusion to the GATT negotiations will assist many countries like my own, but it may well, Mr. President, have the single greatest effect on emerging nations' opportunity to advance. All nations involved have an obligation to do what they can to see this matter brought to a conclusion.

Mr. President,

Women constitute just over fifty percent of the world's population, yet, they are often marginalized in a number of ways. The position of women in society must be addressed with greater energy. New Zealand welcomes the initial moves to centralize women's issues into the mainstream of United Nations activity, but there is still much to be done. All issues are women's issues. The UN must seek to match the rhetoric with action by appointing more women at senior levels of the UN System. Similarly, we look forward to the appointment of women as human rights special rapporteurs.

In each country, women have their own priorities and sadly all face discrimination in one form or another. It is, therefore, encouraging that a clear consensus is already emerging at this Conference that continuing discrimination against women is a violation of basic human rights and must be tackled as such.

Like many countries, Mr. President, New Zealand women are deeply concerned about violence in all its forms, whether within families, communities or portrayed by the media. In response to this concern, our government is currently legislating to classify all publications, films and videos in such a way as to acknowledge that extreme violence and sexual violence cause harm and demean society, in general, and women and children, in particular. All forms of violence against women and children must be dragged out from behind the curtain of institutions that have concealed and condoned it as acceptable behavior. The "home" and "traditional practices" must not be exempt from attention, for sadly a large amount of abuse occurs in these areas.

Of great concern to New Zealand at present is the use of violence against women as a tool of war. This is not new. However, we must do everything that can be done to see that it stops. We welcome the fact that the tribunal is set up to prosecute war crimes in the former Yugoslavia will be considering rape as a crime against humanity.

Rape is one of the most extreme forms of personal violation and can never be justified. However, it is one of many abuses being endured by women in war zones.

Equally traumatic is the dispossession from one's home or land or the witnessing of family members being murdered. As a woman minister, I appeal to the world media to exercise good judgement and responsibility in reporting on all these matters. In particular, I ask that rape - neither be trivialized nor

sensationalized for in discussing rape as a tool of war we must be careful that we do not reinforce its effectiveness as a weapon of terror that can be used against women.

Mr. President,

The United Nations is going to effectively tackle the complex human rights problems in our contemporary world, and if it is to do so we must take certain steps.

The human rights treaties are a solid basis for our international human rights effort and must remain so. The system, however, has grown in a haphazard way and now requires reshaping and strengthening. Issues relating to the operation of the treaty bodies must be a priority for this Conference and in the coming years.

These treaties set out in detail our shared desire to live in freedom and dignity. A pledge from this Conference to the universal ratification of the two human rights Covenants would be a powerful reaffirmation of our commitment to the universal human rights standards.

As the Secretary-General has remarked, the sources of conflict and war are pervasive and deep. An integrated vision of our collective security requires an integrated operational structure. Human rights considerations are relevant to our work in the area of peacekeeping, refugee protection, conflict resolution and prevention to name but a few. We must equip the United Nations with the necessary tools to meet our expectations for an effective and consistent response to all of these situations. Greater coordination at all operational levels is now required. An appropriate structure must be put in place.

The Secretary-General has also told us, in the clearest terms, that the Centre for Human Rights cannot meet our current demands with its present resource base. How can we then expect it to respond to the new challenges we ask of it? To carry out its existing functions and to take on new responsibilities the Centre will need to be allocated a greater proportion of the UN's resources.

As we give our attention here in Vienna to improving the UN's mechanisms, we must never lose sight of the fact that States have the primary responsibility to promote and protect human rights. New Zealand already has an independent human rights commissioner and we are pleased to see that other countries are also taking this step including some countries from own region. It is also encouraging that national institutions from around the world are forming a strong international network. Their role should be given the strongest endorsement.

Mr. President,

The world is watching this Conference. We must not disappoint them. With commitment, tolerance and understanding all countries can build on the inspired leadership of those who drafted the Charter and the Universal Declaration. We must all give the cause of human rights the greatest priority in our personal, our national and international lives. With personal commitment, a collective commitment of political will and an uncompromising attitude toward the status, the respect and the resources we accord human rights, this World Conference can give power and courage to those people around the world who will continue to champion this issue beyond this meeting and into the next century.

Thank you.

MOCK, Alois (President):

Thank you very much for your statement. Now I give the floor to His Excellency Mr. Roberto Romulo, Secretary of Foreign Affairs of the Philippines. Excellency, you have the floor.

ROMULO, Roberto R. (Philippines):

Keywords: HUMAN RIGHTS ADVANCEMENT - PHILIPPINES - DEMOCRACY - DEVELOPMENT - INTERNATIONAL OBLIGATIONS – NON-GOVERNMENTAL ORGANIZATIONS

Mr. President,

My delegation and I join all of those who have already spoken at this podium and the others who will follow me here in extending to you warm felicitations on your assumption of the presidency of the World Conference on Human Rights.

Our Conference in this magnificent city recalls for us another international gathering more than one and three-quarter centuries ago - the Congress of Vienna of 1815. We are confident, Mr. President, that with your experience and skill you will guide our deliberations to a successful conclusion, much as Prince Metternich was a moving force in that other congress of Vienna.

There is, however, a fundamental difference between that gathering and this. The Congress of Vienna of 1815 sought to guide the behavior of the States in their relations with one another. The subject of this Conference is no less than the very nature of human beings and of the communities that they compose and the rights and freedoms inherent in their nature.

We are gathered here to renew the commitment of our governments and peoples and that of the international community to the protection and promotion of human rights and freedoms of all persons who inhabit our planet.

This is not the first time that the international community specifically addresses the question of the rights of man. The founding fathers of the United Nations, including my late father, declared at the very beginning of the Charter of the United Nations the determination of the world's peoples "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small," and at the same time "to promote social progress and better standards of life in larger freedom."

Three years later that same international community through the United Nations General Assembly reaffirmed its commitment to those fundamental human rights in even more specific and explicit terms. In the ringing eloquence of the Universal Declaration of Human Rights, the world's peoples proclaimed: "all human beings are born free and equal in dignity and rights ... Everybody, everyone has the right to life, liberty and security of person." in a later Article the Universal Declaration affirms: "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family."

We are gathered amid the splendor of this city, Mr. President, to give to the words of the Charter and of the Declaration further meaning and substance for the peoples of the world. No task could be nobler.

If it is possible for us to hold this Conference, Mr. President, it is because there is some common ground on which we can all agree with respect to certain concepts of the rights of human beings and of peoples. To deny the existence of that common ground is to deny the value of this Conference. It is to deny the fundamental validity of the Charter of the United Nations and of the Universal Declaration of Human Rights. Indeed, it is to deny our common humanity.

Surely, we can all agree on the existence of certain individual rights. We can all agree that all of us and our other fellow human beings have "the right to life, liberty and security of person" as the Universal Declaration proclaims. We all have the right not to be tortured, the right not to be discriminated against on the basis of race, sex, religion, language or culture. We can all agree that all

women have the right to their dignity and to the integrity of their womanhood. We can all agree that the world's children have the right to be sheltered from abuse. We can all agree that the very poor and other vulnerable groups including migrant workers, the disabled, and indigenous peoples, have the right to be protected from any exploitation of their weakness.

Surely, we can all agree on the inherent nature of these rights regardless of our differences in history, tradition, culture and empirical circumstances.

Certainly, we in the Philippines believe in it, indeed, insist on it. The Constitution of the Philippines declares: "the State values the dignity of every human person and guarantees full respect for human rights."

The Bill of Rights in that same Constitution begins: "no person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." it goes on to promulgate provisions that give flesh to this undertaking.

Our Constitution establishes an independent Commission on Human Rights, which is functioning fully today with broad powers to ensure the observance and protection of the rights of all persons in the Philippines.

Because we believe that not only Filipinos but all human beings possess fundamental human rights by virtue of their being human, we reserve the right, and respect the right of others, to express concern about particularly flagrant violations of human rights wherever they may occur.

In the political realm, we believe, and again insist, that the leadership of the State must have the mandate of the people, that the government must govern with the consent of the governed, and that the people must have a voice in the formulation and implementation of public policy. This to us is the substance of democracy.

Countries may differ and do differ in how the mandate is given, the consent is expressed and the participation is carried out. Here States have no right to impose their system on others. What democracy demands, in our view, is that the mandate be legitimate, the consent genuine and the participation effective. At the same time, as the Secretary-General stressed in *An Agenda for Peace*, "Democracy within nations requires respect for human rights and fundamental freedoms as set forth in the Charter."

We believe, of course, that our system of democracy is best for our people with its checks and balances, its pluralism, its openness, its atmosphere of freedom. It is a functioning democracy. If that imperfect system of government has its weaknesses, it has also its strengths and the guarantee of individual rights is one of them.

Essential no less to the dignity of the human person is the right to development, for an integral part of human dignity is a person's ability to raise himself and his family to a level of living fit for a human being. Only with development can the right of human beings to food, clothing, shelter, medical care, employment and education be adequately fulfilled.

There is a broader dimension to the right to development. There cannot be peace without development. There cannot be development without peace. And there cannot be universal enjoyment of human rights if there is no peace and no development.

It was in this light that the General Assembly adopted in December of 1986 the Declaration on the Right to Development which proclaims: "the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized."

Some of those who deny the existence of this right seem to have so easily forgotten that they themselves, at an earlier stage in their history, placed such a high value on their right to development that in the pursuit of that right they saw nothing deplorable in setting aside the human rights of their workers including child laborers, those of persons of a different race or those of peoples of different climes.

The truth is that individual rights, democracy and the right to development are indivisible and interdependent. All of them together make up the sum and substance of the rights of each one of us as human beings. They, together, are an inseparable part of our nature. They, together, are an inalienable portion of our selves.

The Philippine experience has shown that there is in reality no lasting and real bargain between the rights of man and progress, between democracy and dictatorship, between bread and freedom.

It is, thus, a tragedy for human rights that upon the end of the Second World War for their own political and strategic purposes governments selectively used human rights as ideological weapons or as justification for state policy rather than for the sake of the human persons and peoples who possessed them. They treated human rights in their distinct and discrete components instead of the integrated whole that they are and must be - and as they are enshrined in the Universal Declaration of Human Rights.

The West laid almost exclusive emphasis on the rights of the individual and on civil and political rights as an affront to its totalitarian adversaries while ignoring violations of those rights in States that were politically aligned with it. Others championed economic, social and cultural rights either as a defensive measure or as their justification for their repression of individual and political rights even as many of them failed to ensure for their own peoples those same social and cultural rights that they so fervently espoused.

A consequent part of this tragedy is that the international community was compelled to conclude in December of 1966 two separate Covenants - one on civil and political rights and another on economic, social and cultural rights - when all these rights belonging as they do to the same human person should be treated as an integrated whole.

It is time at this Conference to begin to regard these two Covenants together with the Universal Declaration of Human Rights as one inseparable set of rights. The ideological divide between East and West is no more. The march of democracy around the world is far advanced. The dissension between North and South is emerging from its confrontational stage. There should no longer be any excuse even if there were one before for the separate advocacy of the various sets of human rights.

In any case, we, in the Philippines, strongly hold that because these rights are indivisible and interrelated they should be promoted simultaneously and not sequentially. We cannot give the nonfulfillment of one set of rights as an excuse for our failure to protect another.

This, I submit, Mr. President, is a measure of our commitment to human rights in their totality.

We have come to Vienna to renew that commitment and to reaffirm at this particular stage in our history our abiding faith in human rights.

Many will be tempted to call that faith misplaced. They will point to the massive violations of human rights in Bosnia and Herzegovina; to societies where the weight of tradition continues to crush the right of women to equality and dignity; to countries that exploit and abuse their children; to places where peoples have their cultures and very existence threatened with extinction; to States that use torture as a matter of policy and incarcerate without trial or charges persons who disagree with them; to areas where grinding poverty so demeans people that human rights have lost all meaning for them.

But it is precisely in the midst of such violations that we must keep alive our faith in human rights and strengthen our determination to advance and protect them. Indeed, to a significant extent the recent developments have confirmed us in our faith and encouraged us in our resolve.

The codification of the International Bill of Human Rights, its translation into national legislation, and the establishment of national and international institutions to monitor compliance are landmark achievements that have defined and fixed forever the international community's recognition of the transcendental nature of human rights.

The radical political changes that the world has undergone in recent years now provide new opportunities and wider scope for international cooperation in the promotion and protection of human rights.

Above all, there has been a rapid awakening among the world's peoples to the fact that human rights violations are neither a necessary nor an inevitable evil. This awakening has taken many shapes and forms, the resurgence of popular aspirations for economic growth, social justice, democracy and fundamental freedoms being only one but certainly the most compelling of its manifestations.

Certainly, the holding of this Conference is another of those manifestations. But it is more than an expression of our faith in human rights and of our commitment to them, important as that is.

This Conference is also an occasion for us as nations and as an international community to call for and agree upon measures to strengthen our collective and individual ability to protect and promote human rights throughout the world.

We might begin by calling upon the States to accede to and ratify the international human rights conventions. For our part, the Philippines has so far signed and ratified nineteen of those conventions. We might, in this regard, also call upon governments to refrain from making reservations that vitiate the spirit and purposes of those conventions.

Let us establish national institutions for the promotion and protection of human rights. We, in the Philippines, are ready to offer to others the experience and expertise of our Commission on Human Rights.

We support the proposal to institute in Asia regional arrangements for human rights, provided such arrangements genuinely promote human rights and not mask their violation or neglect.

As an international community we need to intensify international cooperation on human rights and to strengthen the institutional mechanisms especially those in the United Nations through which to carry out such cooperation. One way of strengthening those mechanisms would be to reduce if not eliminate the many duplications in their functions. Another would be to provide them with adequate financing particularly for technical and advisory services.

Not least, we need to enlist in our cause the profound wisdom and tremendous energy of the non-governmental organizations that have, on their own, made that cause their mission and their crusade. We, in the Philippine government, regard them as partners sharing the same cause and carrying out the same mission. We welcome their participation in this Conference.

As the world enters the new era of international relations and international cooperation the promotion and protection of human rights presents mankind with the greatest and most rewarding challenge of our times.

In meeting here in Vienna, we take up that challenge convinced of the rightness of our task.

We have come to Vienna in search of a better future for mankind. We know that the road to peace and security, prosperity and justice is often littered with the mangled bodies and broken spirits of those whose rights we have trampled upon.

That awful truth must now give us the courage and the wisdom to try and make sure that it never happens again.

Thank you, Mr. President.

MOCK, Alois (President):

Thank you very much for your statement. It is a pleasure for me to give now the floor to His Excellency, Mr. Flavio Cotti, Chief of the Federal Department for the Foreign Affairs of Switzerland. Excellency, you have the floor.

COTTI, Flavio (Switzerland), spoke in French:

Keywords: HUMAN RIGHTS ADVANCEMENT - DEMOCRACY - DEVELOPMENT - GOVERNMENT POLICY - HUMAN RIGHTS MONITORING - UN High Commissioner for Human Rights - WOMEN

Mr. President, ladies and gentlemen Heads of Delegation, ladies and gentlemen,

In the space of one year the international community as a whole has met on two occasions in June 1992 for the Rio Summit on the Environment and Development and one year later here, in Vienna, on the occasion of the second World Human Rights Conference.

Environment, development and human rights, these are three truly fundamental topics. For environmental hazards and underdevelopment as well as violation of the rights of the person know no frontiers and threaten the international peace.

Forty-five years after the adoption of the Universal Declaration on Human Rights, unfortunately here we must note with every sincerity that in spite of considerable progress from the point of view of the adoption of standards internationally, the universal implementation of these rights is far from having been achieved. It is sufficient, for example, to turn out eyes to Bosnia and Herzegovina, which is very close, to note there the appalling violations. The recall, ladies and gentlemen, the recall of an era that we believed had passed for good. The resurgence of nationalism on the contrary, the disquieting rise of xenophobia, racism, anti-Semitism, the violence committed against asylum seekers in several European countries – acts that have not spared Switzerland. All these manifestations of intolerance clearly show the vulnerability of any society whatever it may be and the necessity to mobilize the governments and citizens in order to deal with them.

In every State, whether from the South or from the North, the East or the West independently of its political, economic and social system, the human dignity is inviolable from the point of view of the most fundamental rights of the person, both as an individual and as a member of the collective. This is particularly the case of the right for a decent material existence and the right to express peacefully political or other opinions without being subject to arbitrary imprisonment, without summary execution and without being tortured.

To our view, national and regional specificities - cultural and religious - far from making relative the notion of human rights should help to promote the strengthening of their universality, their indivisibility and their interdependence, for example, in the framework of regional human rights protection organizations, which would contribute to the security of the region concerned and, thus, to peace in the world.

Ladies and gentlemen,

If every State according to international law is first and foremost responsible for the respect of fundamental rights with respect to each person under its jurisdiction and with respect to other States, the industrialized countries, and I now come to them, have an ethical duty of solidarity in development. They must cooperate to help realization of economic, social and cultural rights as well as civil and political rights for the populations of the poorest countries. The realization of all of these rights, to which Switzerland attaches equal importance, must necessarily go through a process of democratization favorable to the sustainable development of the country, it is being understood that, on the other hand, development plays a central role in the realization of human rights and democracy.

We are, thus, convinced that the country cannot attain political stability and economic development without certain conditions - I quote them: the respect of principles governing a state of law, the responsibility of the government in the face of a freely-elected parliament, the integration of the army and the forces of order into civil society, the protection of the most fundamental rights of the person without any discrimination and guaranteed by an independent system of justice, an open society that recognizes the diversity of opinions, beliefs and cultures and tolerates private initiative and decentralized structures, social justice and, finally, a competent administration that functions without corruption.

Thus, as it is only logical that development assistance also should be oriented more and more towards these principles relating to the good management of public affairs as I have just mentioned, Switzerland will continue to work in this direction in its relations with countries of the South by means of political dialogue and consultation. However, Switzerland would never accept that the state of poverty should be invoked in order to justify violations against the most fundamental political and civil rights.

Ladies and gentlemen,

Switzerland strongly wishes that the World Conference would be in a position to develop a global United Nations programme of action in the field of human rights that would constitute the central part of the final document. This plan ought to recommend concrete measures making it possible to rapidly respond to the challenges in the field of human rights posed by the current situation in the world. I would like to refer to eight points that seem to us to be of priority in this context.

The first point is the prevention of human rights violations. If human rights are often insufficiently respected it is mainly because, as we all know, the current mechanisms, which are in principle reactive and repressive, are too weak. It is now, of course, the question of strengthening these mechanisms but also of adopting the instruments intended to anticipate human rights violations and this would, in fact, contribute to implementation of these rights before the potential violations and not just after. A good example of the prevention instrument is given by the draft optional protocol to the Convention against Torture. This is a draft of Swiss origin, which is being studied by the Human Rights Commission since last year and which, we hope, will be adopted as rapidly as possible.

The second point is the establishment, and this is fundamental, of an emergency procedure. We strongly wish, in particular, like many others before me have said from this tribune especially Mr. Christopher, the Secretary of State of the United States of America, that through the institution of the special High Commissioner a system of rapid warning is established allowing to react urgently to gross and repeated human rights violations that cannot tolerate delays or postponement of intervention.

The third point is a more effective realization of international humanitarian law. Human rights and international humanitarian law, as you know ladies and gentlemen, are complimentary. Thus, violations of the former and of the latter call for an appropriate response from the whole international community. This is why Switzerland will convene in Geneva, probably at the end of the month of August this year, an international conference for the protection of victims of war with the aim of the

conference to highly and strongly reaffirm the obligations of States in the sphere of international humanitarian law.

The fourth point, improvement of the conditions and fundamental rights of women, in particular, working on eliminating all forms of violence against women by the means of designating, if possible a woman, as special rapporteur for the Human Rights Commission on this issue.

The fifth point, continuation of work on behalf of the most vulnerable groups amongst whom I would note children, minorities, indigenous populations.

The sixth point, adoption of the necessary measures for the safeguard and strengthening of the decisive role played by NGOs in the defense and protection of human rights.

The seventh point, adoption of concrete measures strengthening the consultative services and technical assistance services to ensure the promotion of all human rights as an integral part of democracy and sustainable economic development. In this respect, Switzerland is ready, in the framework of its cooperation for development, to give even greater importance to the dimension of human rights including in the form of direct contributions.

The eighth point, a substantial increase of the financial resources dedicated for human rights in the framework of the regular budget of the UN and a strengthening of course of the Human Rights Centre.

Ladies and gentlemen,

Allow me to conclude with a word of thanks to our Austrian hosts and, in particular, Mr. Alois Mock, Minister of Foreign Affairs of Austria, who presides with such dignity this Conference. I should also like to thank the Secretary-General of the Conference Mr. Ibrahima Fall and the Secretary for their great commitment.

We sincerely hope that the spirit of consensus will prevail and will make it possible between now and 25 June for us to adopt a Vienna declaration that will be of a truly substantive nature in which the international community will provide a united and positive image of its commitment to the respect and protection of human rights on the eve of the third millennium.

I thank you, ladies and gentlemen.

MOCK, Alois (President):

I thank His Excellency, the chief of the Federal Department of Foreign Affairs of Switzerland, Mr. Flavio Cotti for his statement. Ladies and gentlemen, I now give the floor to His Excellency Mr. Yasser Arafat, Head of Delegation of Palestine to the World Conference on Human Rights. Excellency, you have the floor.

ARAFAT, Yasser (Palestine), spoke in Arabic:

Keywords: DEVELOPMENT - UN High Commissioner for Human Rights - PALESTINIANS - SELF-DETERMINATION - ISRAEL - HUMAN RIGHTS IN ARMED CONFLICTS - CIVILIAN PERSONS - SETTLEMENT POLICY - UNITED STATES OF AMERICA - PEACE

Mr. President, Your Excellencies, ladies and gentlemen,

Allow me at the outset, Mr. President, to express to you my heartfelt congratulations on your election to preside over the works of this very important Conference at a time when the question of human rights assumes its rightful place and becomes a central issue attracting a worldwide attention. I would also like to convey to you, Mr. President, the importance given by the Palestinian people to the works

and results of your Conference, since both closely linked to our aspirations, to our concerns and to our sufferings as well as to the human rights, which have been enshrined in the heavenly religions and subsequently in international instruments and covenants. Human rights that should apply to all mankind on the basis of uniform criteria and on the basis of the same mechanisms at all times and all places regardless of color, race or creed. To you, therefore, Mr. President, and to all the elected members of your Committee I would like to reiterate my congratulations and best wishes for success.

Mr. President,

I am here to salute your Conference, a Conference that unanimously resolved yesterday on the necessity to act immediately within the Security Council to adopt all necessary measures to put a stop to the violations, extermination and genocide taking place in Bosnia and Herzegovina.

Mr. President,

The World Conference on Human Rights derives its importance from many factors: the factor of time and the future of mankind, which make it incumbent upon us to find a thorough and radical solution to the situation of human rights in the world. The factor of time, Mr. President, is decisive because the world today is witnessing a qualitative turning point in international relations, it is witnessing far-reaching changes in the balance of forces.

There is also continuous attempts to crystallize the bases and principles for the establishment of a new international order. This new order is slowly being conditioned by a rivalry, on the one hand, the super powers and, on the other, a vast world that encompasses the majority of inhabitants and the wealth of the world. The two sides are divided by factors of power, capacity and hegemony, I repeat, hegemony serving the interests of the super economic powers. This vast world, the world of humanity everywhere, is trying to uphold the principles, the values and criteria of human rights aspiring to attain them and to bolster them in the interest of the issues of freedom, of progress, of democracy in the international community. There is an attempt to shed the light on the obstacles that have in the past precluded the achievement of progress in this direction. All this makes it necessary for us to set up the necessary mechanisms in the light of such noble principles and criteria, mechanisms that the States have to be committed to respect fully.

Mr. President,

Undoubtedly, the United Nations has made great progress in the field of human rights ever since the adoption of the Universal Declaration on Human Rights. There are also efforts made to ensure the ratification of International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights as well as the Declaration on the Granting of Independence – yes, independence - to Colonial Countries and Peoples, the International Convention on the Elimination of all Forms of Racial Discrimination, the Declaration on the Right to Development as well as other conventions and declarations. All of them collectively have come to constitute the International Bill of Human Rights. Nevertheless, Mr. President, unfortunately, the tragedies resulting from the continued denial and violation of human rights in various parts of the world remain one of the sad features and reasons for concern in this era even after the establishment of the United Nations. Today, it would seem as if the principles and criteria related to human rights, enshrined in the international covenants and instruments, had not been drawn up to be binding and to be implemented by all States but rather to be used when necessary in order to serve the interests that have nothing to do with safeguarding human kinds of promoting them. Interests that belong more within the framework of political stratagems at the expense of the universality of progress, the universality of development and the universality of civilizations.

It is our view, Mr. President, that this denial of human rights by some States, and some of which have not to this day ratified the two International Covenants, that such practices, Mr. President, seem very clear when we see the criteria of human rights misused and abused to impose political schemes at the

expense of the peoples. Today, the result is that we have double standards. Man himself becomes victim of such double standards used by the political forces in order to impose their will and to tighten their control regardless of the fate of the victims, of the human victims. This reflects the dangers that threaten the universality of human rights, abort their effectiveness and make them devoid of content.

At the time when the principles of human rights acquire their essential qualities and universal importance, attempts are being made to limit them and to confine them by the powers that we have mentioned to use them to perpetuate certain political situations and to liquidate other political regimes in keeping with methods and a logic that can only make the rich even richer and can only make the poor poorer. That is how we can come to understand the opposition of such forces to the principle of the right to development, their antagonism to the efforts of the majority of the peoples of the world particularly by the peoples of the Third World, the peoples living in Asia, Africa and Latin America. This becomes clear in the attempts to impose mechanisms enabling those forces under the pretext of the defense of human rights to achieve their objectives through direct intervention, thus, threatening the freedom, independence, sovereignty of those States, not to mention the grave violations of human rights that go hand in hand with such interventions.

That is why we would like to associate ourselves with those who have called for the establishment of a well-defined mechanism governed by one standard, one unique standard, not a mechanism that would guarantee respect for human rights as prescribed in international instruments and under the supervision of the United Nations and its organs. This definitely requires from the UN that it should hasten to establish a High Commissioner or a body to supervise that.

Within this context, Mr. President, we cannot but note the deterioration of the situation of human rights in the world because of the difference in the criteria applied when dealing with human rights, because of use of double standards, because of the selectivity and experimentation as a means to make all the criteria devoid of content by the introduction of new rules that are not the object of international consensus, by putting obstacles in the face of the implementation of the right to development and the right to self-determination as a right for all peoples of the world. Mechanisms are being elaborated that threaten the independence and sovereignty of States. That is why we can clearly see that aggression in the form of foreign occupation constitutes and continues to remain as such the basic obstacle to the enjoyment of human rights and the right to self-determination. This is a phenomenon that the world continues to witness, and I believe that our own region is a clear example. Such acts are being committed at the expense of our Palestinian people. Our Palestinian people deprived of the right to self-determination, deprived of their individual and collective human rights. Exactly similar to what is taking place with the brotherly people of South Africa. Our Palestinian people are deprived of rights that are the right of all peoples. Despite the fact that the Fourth Geneva Convention provides for respect for human rights including the Palestinian people, all peoples suffering like our own people under the yoke of foreign occupation.

Mr. President,

The first World Conference on Human Rights held in Teheran in 1968 did express concern at the flagrant and grave violations of human rights when it adopted a resolution on the deterioration of the situation of human rights in Palestine and in the other occupied territories. In so doing the Conference was devoting a particular attention to this situation by calling upon the UN General Assembly to set up a committee to investigate the Israeli practices violating human rights in the Arab territories that have come under the Israeli military occupation. The Conference in Teheran did not stop at that particular issue, nor devote that much attention to it except because it transcended local and regional dimensions. The deterioration of the situation of Palestinian and Arab human rights in these territories was in the first place the result of a foreign aggression in the form of the Israeli occupation of these territories. That is why the issue ceased to be a local or regional issue and became linked to the violations of the principles of international law, humanitarian law, the provisions of the Charter as well becoming a threat to international peace and security. The events that have taken place and continue to take place

in the occupied Palestinian territories, the sealing off of territories including Al-Quds Al-Sharif are a testimony to what is taking place.

Cold-blooded killing is legitimized in our territories, the killing of children is being escalated, our women suffer from forced miscarriages, all internationally prohibited measures are being used such as the laying siege to the homes of people, starving them, demolishing their houses, practicing collective punishment and mass detention, expulsion, deportations and transfer of a whole people. This is being perpetrated by the Israeli occupation authorities against our children, against our women, against our masses, against our Islamic and Christian holy sites in addition to carrying out mass deportations - all of which form a flagrant violation of human rights including the right of our people to return to their homeland in accordance with the Universal Declaration of Human Rights and the two international Covenants. The UN Security Council has banned deportation under the Fourth Geneva Convention. That same Security Council has adopted a series of resolutions, the latest being resolution 799. Yet, all of the resolutions are awaiting implementation.

You will note, Mr. President, that Israeli occupation authorities are perpetrating war crimes, yes, war crimes, Mr. President, against unarmed civilians day and night. This was affirmed by Mr. Cornelio Sommaruga, President of the International Red Cross, for he personally witnessed those acts within the refugee camps, within the sealed off towns and villages in the occupied land of Palestine. He witnessed the horrible violations of human rights of the Palestinians, he witnessed the daily crimes committed, in particular, against children languishing under the imposed collective siege. Mr. Sommaruga described these acts as acts of collective punishment in violation of the principles of the Fourth Geneva Convention. In a recent report the Israeli human rights organization, and I repeat, Israeli human rights organization, B'Tselem declared that Palestinian children killed over the past five months represent twenty-nine percent of the overall victims brought about by Israelis in the Occupied Territories. Twenty-nine percent, Mr. President, and only in the past five months. Again, according to the reports of the same Israeli organization, three hundred twenty-two Palestinian children have been killed by the Israeli occupation forces since the beginning of our people's glorious Intifada six years ago in our occupied territories against the Israeli occupation. This in addition to more than 1,500 martyrs who were killed during the same period. During that very same period more than 122,000 people were injured. Yes, Mr. President, 122,000 people were injured, 7,000 of whom have become permanently disabled and more 8,000 cases of forced miscarriage suffered by our women have been noted, 140,000 people have been arrested, Mr. President, 40 thousand of them are still suffering in Israeli prisons including in the mass concentration camps. These are the daily live reports in addition to the daily reports from the field, from UNRWA and the international human rights bodies. They are all unanimous in condemning the repression and terrorism practiced by the occupying power in an official and organized manner, systematic policy of occupation. Furthermore, the report of the International Labour Organization has made it clear that the continued occupation makes it impossible to enjoy the freedom of exercise of human rights in accordance with the criteria related to civil and political freedoms defined by the UN. The sealing off of the parts of the occupied territories has exposed their inhabitants to economic disasters, especially the famine in the Gaza Strip. That famine in the Gaza Strip has lead the Economic European Committee only last week to take an initiative to contact the Israeli Ministry of Foreign Affairs calling upon them to reduce the measures undertaken since 29 March 1993 and to stop sealing off the occupied territories, not to adopt collective oppressive measures and to release all prisoners thus improving the living conditions in the occupied territories.

Last but not least comes the report of the Secretary-General of the UN, Mr. Boutros Boutros-Ghali, reaffirming the grave situation under which our people are living under the Israeli occupation and that despite large-scale international condemnations and deploring of the escalating crimes by the Israeli occupation, yet, the Israeli occupation authorities continue to flout the provisions of international covenants and treaties mainly of the Fourth Geneva Convention, which affirm the need to provide for international protection for peoples under occupation. At the same time, Mr. President, we note with regret that the international community refrains from adopting effective measures to put a stop to the violations committed by the Israeli occupation, violations, which are tantamount to the crime of genocide. We do not hesitate in saying it loud and clear – they are tantamount to the crime of

genocide. This necessitates the adoption of a resolute stand, it necessitates firm measures to put an end to such terrorist acts and to deter the perpetrators not only by mere words that deplore and condemn, for such crimes, as you all know, are in violation of the principles of the UN Charter, the Universal Declaration of Human Rights and both Covenants.

Here, Mr. President, I would like to appeal to your Conference to devote due attention to the Palestinian women and the Palestinian children in the Occupied Territories for they are the ones who are suffering more than others from the brutal practices of the Israeli occupation. They are suffering at all levels: human, social and economic. The increasing number of casualties among women and children, the increasing number of women detainees, the cases of forced miscarriage among our women are the result of the escalation of the Israeli official terrorism and iron-fist policies, and it is a proof of the violation by Israel of all international values, laws and statutes, rules and covenants.

Mr. President,

If the situation of human rights has been over the past twenty-five years so grave in our Palestinian territories, if they have been a threat to our Islamic and Christian holy sites especially in holy Jerusalem, Al-Ouds Al-Sharif, I am sure you will be able to imagine how much more serious it has become today as a result of the continuous Israeli occupation, of the continuous escalation of organized official terrorism and violence in these territories, territories, Mr. President, which are exposed to changes that affect not only the land itself, not only the soil but the subsoil. We refer, in particular, to the increasing establishment of settlements, the confiscation of land, the establishment on this land of colonies and settlements, roads and military installations to impose a policy of *fait accompli* in order to cause demographic changes by the new immigrants and that despite the fact that the Security Council has established a Special Committee for that purpose and has adopted resolution 465 calling for the cessation of settlements. Yet, Israel persists in rejecting and challenging the will of the international community. It persists in rejecting the successive resolutions of the UN Security Council, the General Assembly and the Commission on Human Rights.

This denial, this rejection of the international community is a clear disdain of international legality, and the rejection of resolutions constitute a threat to international peace and security.

The issue of Palestine, Mr. President, with its two components, namely, the continued Israeli occupation of the land of Palestine and the denial of the Palestinian people's right to self-determination along with grave violations of Palestinian human rights over many decades provides us with the most striking examples of double standards in the implementation of human rights. It is there that we see the support accorded to Israel by the United States of America and other States, support that cannot but encourage Israel to persist in its policies based on aggression, occupation, expansion and violation of human rights and the principles of international law and international legitimacy. It is as if international legitimacy and human rights were subject to the will and the concepts of such international powers, which practice through their supremacy, hegemony over the world and control over the institutions of international legitimacy in the UN and elsewhere.

Mr. President,

If peace and security are considered by some as a condition *sine qua non* for the foundations of human rights then effective enjoyment of human rights by individuals and peoples must also be a basic condition for the maintenance of international peace and security because such rights are closely linked to the conditions of justice, stability and democracy. When human rights are violated and peoples' basic rights are denied, especially the right to self-determination, the conditions of security and stability cannot but vanish. This cannot but lead to bloodshed and conflicts and cannot but encourage policies of persisting in violating human rights and the proliferation of such policies. Situation develops from one of local wars to one of large-scale conflicts whose extent and consequences could not be easily determined. I am prompted, Mr. President, to remind you that

foreign occupation imposes both on the land and the people under occupation the plans and projects that serve the interests of the occupying forces and that are in conflict with the interests of the people under occupation. Occupation *per se* is a violation of human rights, fundamental freedoms and social and economic development. This is, yet, another aspect of the trials and tribulations of our Palestinian people who are denied, as a people and as a society, their right to establish their own infrastructure, their basic human and national rights, I would even say, their right to live free on their free land like other peoples of the world.

Yes, Mr. President, I do believe that we are entitled to the right of living like the other peoples of the world. Our Palestinian people who are within their very soul the repositories of the values of civilizations and divine religions, who identify themselves with such values aspire for freedom, justice and peace just like all the other peoples of the world. In 1988, our Palestine National Council affirmed our adherence and commitment to these values and principals, it declared the establishment of our Palestinian State and at the same time launched our peace initiative. More than once we have reiterated our commitment to the principles of the UN Charter and resolutions including the resolutions related to our own people and it's just cause, the Universal Declaration of Human Rights and all the international instruments guaranteeing the individual and collective human rights of which our people has so long been deprived. Hence, the Declaration of Independence of the State of Palestine asserts the following principles:

The State of Palestine is the State of Palestinians wherever they may be. The State is for them to enjoy in it their collective, national and cultural identity, theirs to pursue in it a complete equality of rights. In it will be safeguarded their political and religious convictions and their human dignity by means of a parliamentary democratic system of governance, itself based on freedom of expression and the freedom to form parties. The rights of minorities will duly be respected by the majority, as minorities must abide by decisions of the majority. Governance will be based on principles of social justice, equality and non-discrimination in public rights, on grounds of race, religion or color or sex. All that under the aegis of the constitution which ensures the rule of law and an independent judiciary; and also based on full respect for Palestine's age-old spiritual and civilizational heritage of tolerance and religious coexistence.

The Declaration of Independence underlines, as well, the role of the Palestinian women for they are the guardians of our existence, of our culture and the keepers of our sacred flame.

These are the basic principles of a people carrying the cross of their sufferings through the years on the road to Calvary, yes, on the road to own Calvary, to establish and consecrate these values, to guarantee justice, brotherhood and equality. We tell you now that the Palestinian people under the leadership of the PLO will remain faithful to its sacred heritage until our flag is raised over the city-walls of Jerusalem, its minarets and churches and until the long-promised peace returns to the Land of Peace, Palestine.

Mr. President,

That was a summary of some of the concerns of our people and of our region where peace is closely connected to human rights and to the national rights of our people, peace based on justice. That is why we have always been and still are the vital and active partner in the peace negotiations. We have given those negotiations every opportunity for progress whereas Israel continues to place obstacles in the path of peace to divert its substance and to reject compliance with the rules enshrined in Security Council resolutions 242 and 338 the principle of land for peace, guaranteeing the legitimate political rights of the Palestinian people and security for all the region. These principles form the terms of reference and the goals of the negotiations in accordance with the two letters of invitation and guarantees made by the two cosponsors of the peace conference, the USA and Russia. What is currently happening is that Israel is striving to convert these peace negotiations into a means of

procrastination and wasting the time. The aim is to consecrate aggression, occupation, imposing a *fait accompli* and perpetuate at the expense of the principle of the resolution of disputes by peaceful means instead of resorting to the principles of law and justice on the basis of international legality. Such laws do not allow an aggressor the acquisition of rights and territories of others by force.

Hence, the immediate and extraordinary responsibility lies on the shoulders of the international community and the two cosponsors of the peace negotiations, particularly the USA, for they consider themselves an active partner, and, thus, all of them are called upon to comply with its commitments - the entire international community in Europe, Australia and Asia and North Americans and South America. The responsibility is theirs. The USA, as I said, considers itself an active partner and, thus, it too is called upon to respect its commitments and guarantees given to the leadership of the Palestinian people with a view to realize its national rights by putting an end to the occupation and the establishment of a comprehensive and lasting peace based on right, justice and equality. We do hope that the United States of America will remember that we are also a full partner in these negotiations, in this peace process. They must also remember that the goals of this process cannot be achieved without taking into consideration in a balanced way the interests of all parties. We also hope that Israel and the government of Israel remember this fact. I would like to say, Mr. President, to all of you, brothers and sisters, that we extend our hand to the government of Israel to make the peace of the braves, the just and comprehensive peace, one that would guarantee security for all.

We, Mr. President, along with our brotherly Arab States, Syria, Jordan, Lebanon and Egypt, are keen on reaching a comprehensive solution on all fronts as decided in Damascus and Beirut, in Egypt and Oman, not partial solutions, for a comprehensive solution is the only guarantee of a real stability and real and lasting peace.

Mr. President,

Your Conference is convened on the eve of the 21st century. Some might believe that this World Conference will confine itself to discussion of issues, resolutions and much drafting. But over the last twenty-five years many developments have taken place, many measures have been adopted, all of which make it incumbent upon us all to implement the principles of the Universal Declaration of Human Rights and all other relevant instruments. Our World Conference here is called upon to adopt clear and practical positions in the face of all that would prejudice the rights of peoples or ignore the criteria for the protection of these rights. It is called upon to act in order to eliminate the obstacles that preclude the enjoyment by peoples of their basic human rights and fundamental freedoms, the rights of human beings at the level of individual, the rights of peoples to independence at the national level, the dignity and sovereignty for States, development, prosperity, progress and stability for humanity as a whole.

I would like to extend to you all my personal thanks and the thanks of our people struggling for freedom, struggling for their right to live a free and dignified life, their right to a just and comprehensive peace for all, for the sake of all our peoples, for the future of our region in the Middle East and for the future of our children and the children of our children so that together they can live under the aegis of this just and comprehensive peace.

Thank you.

MOCK, Alois (President):

Excellency, thank you very much for your statement.

Ladies and gentlemen, I had an intention to accord the right of reply demanded by the Indian representative at the end of the meeting. Since I was told that the interpreters might leave for the lunch break their cabin, I would propose that this right to reply is used at the beginning of next meeting at 3.15. The meeting is adjourned.