



لتظلّ الشعلة وهاجّة - 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

3rd plenary meeting, 14th of June 1993

World Conference on Human Rights

Vienna, 14-25 June 1993

3rd plenary meeting, 14 June 1993

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

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Contents

UGGLAS, Margaretha af (Sweden, on behalf of the Conference on Security and Cooperation in Europe)	1
VEGA SANTA GADEA, Fernando (Peru)	4
MUSYOKA, Stephen Kalonzo (Kenya)	9
MBU, Matthew Tawo (Nigeria):	13
GAYAMA, Pascal (Organization of African Unity)	16
EL-SHEIKH, Ibrahim Ali Badawi (African Commission on Human and People's Rights)	19
NOWAK, Manfred (Forum of Non-Governmental Organizations)	22

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.

NIASSE, Mustapha (President), spoke in French:

I declare open the third plenary meeting of the World Conference on Human Rights. I now give the floor to her Excellency Mrs. Margaretha af Ugglas, Minister for Foreign Affairs of Sweden, speaking on behalf of the Conference on Security and Cooperation in Europe. Excellency, you have the floor.

UGGLAS, Margaretha af (Sweden, on behalf of the Conference on Security and Cooperation in Europe):

Keywords: EUROPE - Conference on Security and Co-operation in Europe - REGIONAL COOPERATION - WAR PREVENTION - MINORITIES - DIPLOMACY

Mr. President, Excellencies, distinguished delegates, ladies and gentlemen,

Let us start this nocturnal session by expressing my gratitude to the Secretary-General of the Conference Mr. Fall for extending an invitation to the Conference on Security and Cooperation in Europe, thus allowing me to share with you some of the human rights concerns of the CSCE community.

Mr. President,

Where there is no vision, the people perish. The Conference on Security and Cooperation in Europe was born as the result of a vision, the vision of a Europe whole and free. In the hands of the citizens of Central and Eastern Europe, this vision became a powerful weapon that transformed their countries.

The arms in their war of liberation were not the rifles and tanks produced in their weapon factories but the documents their governments had endorsed and the commitments that their rulers had made in Helsinki in 1975. The signers of Charter 77 reminded their countrymen of the significance of the Helsinki Final Act and their governments of the review of implementation that the Conference on Security and Cooperation in Europe would carry out.

As the leaders of the struggle against oppression and conformity became the elected leaders of their countries after the fall of communism, prospects appeared bright. Inspired by the Charter of the United Nations and the International Bill of Rights, participating states made important progress in strengthening the commitment of the CSCE community to democracy, the rule of law and human

rights, in Copenhagen in 1990 and in Paris later the same year. In the words of the Charter of Paris, "a new era of democracy, peace and unity in Europe" had opened up.

Now we know that the transition to this new era will be vastly more complicated and dangerous than we had envisaged or imagined. The values that the CSCE committed itself to in Paris seem to be under siege. For the first time in decades, the CSCE region is ravaged by warfare. In its wake have followed acts of great brutality committed against innocent civilians in a senseless but painfully systematic pattern.

The values of the Charter of Paris are under challenge not only in those parts of the CSCE community where the structures of democracy have not yet been firmly established. Even in the countries of Western Europe with their long traditions of respect for democracy and human rights, voices of hatred and intolerance are making themselves heard.

What should be the response of the Conference on Security and Cooperation to this challenge to its human dimension? First, we must reaffirm our commitment to the beliefs we proclaimed and the standards we laid down in Copenhagen and Paris.

They go far beyond the simple truth that protection and promotion of human rights are the first responsibility of government and that democracy is the only reliable safeguard of human rights. Underlying these tenets is the firm conviction that it is an illusion to believe that security can be achieved at the expense of democracy, the rule of law and human rights. There is no more obvious lesson to be drawn from the upheavals of 1989 than this: stability will last only if democracy is practiced, the rule of law upheld and human rights respected.

The participating states of the Conference on Security and Cooperation in Europe recognize their accountability to each other for compliance with the commitments they have made and the right of their citizens to demand respect for the values and standards to which their governments have pledged themselves. They reject the notion that their community is divisible. An important conclusion follows: commitments undertaken in the field of the human dimension of the CSCE can never remain internal affairs. In the words of the Helsinki Summit Declaration of 1992, they are "matters of direct and legitimate concern to all participating states."

The CSCE has done a good job in setting standards and discussing concepts. Now there is an urgent need to step up practical action on several fronts.

- The establishment and diffusion of facts is the first step in combating violations of human rights. We must shed public light on crimes that are committed. The CSCE has investigated attacks on unarmed civilians and inspected places of detention in the former Yugoslavia and this work continues.
- Those responsible for crimes of war must be brought to justice. The CSCE has made an important contribution to preparations for the United Nations Security Council decision to establish an international war crimes tribunal.
- We should take seriously the human rights aspects of conflict prevention and crisis management. By establishing a local presence in areas of conflict, the CSCE has managed to assist in resolving some human rights problems.
- Once we get beyond the stage of crisis management, the international community must be prepared to make use of the experience it has gained in preventing conflict and addressing human rights problems in local communities. We need to marshal our resources not only in a diplomacy of conflict prevention but also in a diplomacy of rehabilitation that will heal wounds and build confidence in local communities. The CSCE must be prepared to shoulder its responsibility. Non-governmental organizations and CSCE parliaments could also make important contributions to such endeavors.

I referred to the imperative of practical action. This need is particularly apparent on national minority issues. In the recent past, we have seen populists playing the ethnic card. The flames they have ignited may engulf whole regions.

The Conference on Security and Cooperation has taken the lead in combating this threat to the peaceful transition from an old to a new Europe. The Council of the CSCE appointed a High Commissioner on National Minorities at its meeting in Stockholm last December. His task is to take action to defuse tension and prevent minority problems from becoming a threat to peace, stability or relations between participating states.

Although the High Commissioner has completed only a fraction of his term, I would venture a few preliminary remarks on his activities. His approach has been non-coercive, exploratory and low key and, precisely for that reason, successful. In close cooperation with the Chairman-in-Office and through interplay with national and international mechanisms, the High Commissioner has succeeded in defusing tension, opening up channels of communication and provoking dialogue.

The results of the efforts of the High Commissioner is a good example of preventive diplomacy. As Chairman-in-Office, I have seen it as a special responsibility to promote the role of the CSCE in this area where it has demonstrated its potential and displayed imagination.

Sometimes I have heard questions about the costs of preventive diplomacy and the uselessness of efforts undertaken where no conflicts yet exist. To those who advance these arguments, I would respond: the costs of preventive diplomacy pale in comparison with the costs of handling a full-scale conflict.

The CSCE must pay increased attention to reviewing the willingness and capability of participating states to respect the human dimension commitments they made.

This will be the subject of a special CSCE meeting in the autumn of this year. This meeting should lead to the establishment of a mechanism for the review of compliance with human dimension commitments.

The Conference on Security and Cooperation has devoted much attention to its cooperation with other international organizations involved in protecting and promoting human rights. More needs to be done. I intend to raise this problem with representatives of both the United Nations and the Council of Europe. We should pay particular attention to joint support of preventive diplomacy and to cooperation in the review of human rights commitments.

In the last few years, a number of states have been admitted to the Conference on Security and Cooperation in Europe as new participants. I visited the new participating states in Central Asia in April. We had an open dialogue about all aspects of the work of the CSCE including its human dimension. While the CSCE community acknowledges the extremely complicated process of political and economic transition that many CSCE states face, it will not hesitate to make it clear that human dimension standards and commitments apply in equal measure to all participating states.

The dialogue on this issue in the CSCE community will continue. So will the visits of the Chairman-in-Office to the newly admitted participating states. A programme of action to explain the various aspects of the CSCE and to involve the new participants in Central Asia in its work is under consideration.

Mr. President,

I have shared with you the human rights concerns of the CSCE community. The focus is on practical action to promote human rights, on preventive diplomacy, on review of the implementation of human dimension commitments and on an open dialogue with the new participating states of the CSCE.

The human dimension work of the Conference on Security and Cooperation in Europe goes on. The cause the proponents of the human dimension of the CSCE raised, endures. The vision they proclaimed, the vision of a Europe whole and free, still lives.

Thank you, Mr. President.

NIASSE, Mustapha (President), spoke in French:

I thank Her Excellency for her statement and I give the floor to the Secretariat for announcement.

WCHR. Secretariat:

Thank you Mr. Chairman.

Mr. Chairman, this is to announce that the plenary meeting of the non-governmental organizations, which was scheduled to take place tomorrow morning from 8 am to 9 am, has been rescheduled to take place in Room K not in Room D where it was originally fixed.

Thank you, Sir.

NIASSE, Mustapha (President), spoke in French:

I thank the Secretariat for that announcement and now I give the floor to His Excellency Mr. Óscar de la Puente Raygada, President of the Council of Ministers and Foreign Minister of Peru. Excellency you have the floor.

VEGA SANTA GADEA, Fernando (Peru), spoke in Spanish:

Keywords: VIOLENCE - PEACE - PERU - TERRORISM - PRISON ADMINISTRATION

Mr. President,

As Minister for Justice in my country, replacing Mr. Oscar de la Puente who for work reasons could not come here, it is an honor for me to address this group bringing the greetings of the government and people of Peru to Austria, host country showing traditional hospitality and kindness and to all these states attending this Conference convened under the auspices of the United Nations. Participation in this work with the lustrous participants is a reflection of the value the world attaches to seeking peace, justice, development and the respect of human dignity.

The first World Conference on Human Rights held in 1968 for the 20th anniversary of the Universal Declaration of Human Rights analyzed the progress achieved until then. On this occasion, numerous groups of new states joined the free nations of the world. Enormous cultural wealth brought a more complete content to the international human conscience.

Twenty-five years after the Teheran Declaration, there has been tremendous dynamics in the universal history and this calls for a new assessment so that together those peace-loving peoples can undertake actions to guarantee the preservation of humanity struggling to eradicate violence and poverty.

We have met on this occasion to evaluate what has been done specifically to this date to overcome those barriers that are in the way of the full enjoyment of human rights and to give new impulse to international cooperation to strengthen the undeniable bond between human rights and development.

Only have of the world's nations signed and ratified the two Covenants generating responsibility for the principle under the Universal Declaration; and the urgent need for universality of the control of the system through the United Nations is still not finished.

It is necessary to have serious reflection on the growing need to seek solutions to the violence of armed conflicts, terrorism, drug trafficking, racial intolerance, neo-Nazi tendencies and xenophobic movements that are seen as global characteristics of the new world order.

In this context, Peru reaffirms the best starting would be a careful examination of the outcome of the regional meetings as priority work documents.

For that, the government of Peru, through the President of the Republic and in various international fora, through our Chancellor, has clearly expressed that the priority of our government is pacification in the country with absolute respect of human rights and fundamental freedoms.

This national policy is in total accordance with the provisions of the political Constitution of Peru and the commitments undertaken by the state through subscription and ratification of the most important instruments for defense and promotion of human rights.

The Peruvian delegation would like to stress that de-politicization of the topic will preserve an increased international capacity of persuasion for cooperation in a dialogue to protect human rights. The strict observance of the control and sanction procedure is the best guarantee for the legitimacy of our endeavors.

Within these processes, objectivity, seriousness in identification of denunciations and clearance of cases already resolved through previous administration in our point of view constitute minimum impartiality and not a harsh position. Diagnostic errors made by lab technicians type approach that is totally removed from a disturbing reality is one of the causes that generates observations and warning including condemnation of our governments. We accept criticism and we are able to remedy a situation provided that it be shown to us that there are grounds for violation of human rights or that our anti-terrorist process is not working correctly.

Integral concept of human rights with universality is in an advanced process of consolidation. Indivisibility of civil and political rights and economic, social and cultural rights depends directly on the avoidance of priority attached to one category to the detriment of another. Experiments of the governments and endeavors for enjoyment of these rights depends on the capacity of development of the country and on the will of the government to show the dignity and human condition are its ultimate aim for protection.

Development of human conscience still has a path to cover. There is a universal acceptance of the right to development, however, we have to find the necessary implements for the application of this.

Mr. President,

Peru feels that it is essential in this assembly to consider that the existing doctrine on human rights in the United Nations should be adapted to reflect the changes over the last twenty-five years. International treatment of human rights should include a new chapter, contemplating violence of terrorism and drug trafficking in the correct dimension as well as adoption of measures international condemnation to eradicate and sanction.

Although for the adoption of the chapter on this the United Nations Commission on Human Rights has been a pioneer and the initiative of Peru was approved without vote in Geneva in 1992 during the February session of this year, we insist that the United Nations Organization should undertake immediate action that can be effective only if it is preventive and should not be limited to a mere verification of national tragedies caused by terrorism.

The world press has been showing the dangerous growth of the number of states that face the assault of the synergic violence of terror and drug trafficking and how these countries implement with dissimilar results a strategy to combat these situations in their own country contexts for the survival of their states and protection of innocent victims.

Peru is struggling against terrorism and its natural ally drug trafficking. The loss of 25,000 lives has hit Peru. That is why we condemn terrorism and we feel solidarity in the pain of those touched by

explosive attacks of Buenos Aires synagogue, World Trade Centre in New York, the financial centre in London, as well as recent attack in Florence, with death, desolation and destruction of a cultural patrimony. Peru has suffered on its own the ferocity of such attacks with car bombs, tens of deaths and loss of material property. Our solidarity is based on common pain and thorough knowledge of what terrorism means as it has been killing in my country for more than a decade.

The forty-fifth anniversary of the Universal Declaration of Human Rights this year being celebrated coincides with the first product of the fundamental project in the Peruvian government to eradicate terrorism and to bring peace to the country for the new generations.

Until the 5th of April 1992, the world did not clearly understand what kind of danger there was for the Peruvian people and the spiral of terrorism and corruption that had mortally mined the country.

The explosive destruction of commercial centres, multifamily housing, car bombs, the loss of life of innocent children used as bomb carriers were covering all national newspapers. The scenes similar or superior in horror to that recent suffering in Florence were a daily occurrence in Peru. The country has been injured to death, and there was lack of hope for survival and solution in the past under the previous government.

The government of President Fujumori was faced with an obligation to ensure the viability of the state or nothing would have prevented the genocide and Polpotian terrorist movement to achieve its objective of eliminating millions of Peruvians, as had been announced publicly including in articles in the most prestigious journals of this continent.

Having waited a few days to adopt a historic decision to take the initiative in the fight for the country, leaving behind the obsolete mechanism that today recognizes its own inoperability, Peru would be a state that is anti-historic, totalitarian, communist and genocidal and that would irradiate its pathological violence throughout Latin America.

The supposed ethical and moral principles of the terrorist leaders were published and widely disseminated throughout Europe under libertarian theories, the world saw the apocalypse of terrorism. This was seen through the activity also in the Commission on Human Rights in the United Nations.

The international doctrine sees a legitimate right of the state to seek its survival and the instruments providing fundamental human rights accepting the adoption of exceptional measures being the possibility for these extreme cases.

Unfortunately, Peru like other democratic countries in the world was also suffering through corruption within its own state structure. In that context, the government reformed the judicial system radically with the aim of finishing off with corruption and that paralysis whereby hundreds of terrorist criminals, which were in jail between 1990 and 1991, could actually be freed to continue with their criminal career in assassination. There were only about ten cases that were prosecuted with another hundred that were awaiting trial or even freedom that was offered through lack of evidence.

Mr. President,

There were new types of crimes and terrorism that were not contemplated in the past. This has been rectified and included in our anti-terrorism legislation, adapted to the emergency situation that we live in and which has allowed effective coordination of action in police and military protection. Now you can see the clear result in our political system. With the action that has been seen throughout the world, the head of the Sendero Luminoso and the main senior members had been kept.

Abimael Guzmán, the terrorist who openly despises the value of life and the dignity of human condition is responsible for the loss of life of more than 25,000 people and 22 million dollars in material losses, equivalent to the total of our external debt, now is in a maximum-security prison where he is receiving humane treatment as was confirmed recently by officials from the Committee of the Red Cross, although he will never be freed again for having received a life sentence.

Since the 5th of April 1992, more than two-thousand-four-hundred terrorist criminals have been caught from the *Sendero Luminoso* group and *Túpac Amaru* revolutionary movement. Ninety percent of the leaders of these two groups are now in jail and 110 of them have been condemned with life sentences because of the seriousness of the crimes they committed.

The apparent rigidity of the anti-terrorist law that was adopted has strict correspondence to the emergency situation that the country was in with those terrorist movements in action. The results can be seen in contrast with what was done by previous governments. Peace is coming to our country and the hardness of the law will change with the eradication of this situation. The law on repentance is an example of how we approached the terrorist phenomenon with reintegration in society. The conditions of our new or remodeled penal establishments show the respect of human rights of terrorists who are held in jail.

Mr. President,

The President of Peru said that he will eradicate terrorism in our country by 1995. That message of hope that was never offered to the Peruvian people in the past is an objective of our government and its accomplishment will coincide with the 50th anniversary of the United Nations, which is a demonstration of efforts for peace.

Elections for the constituent democratic Council with the presence of observers from the Organization of American States and other international organizations have brought to the country a balance of powers and the political Constitution. The Parliament not only legislates but it also prosecutes as you can see through the case of students from the University of La Cantuta.

The Permanent Council of the Organization of American States condemned terrorist violence in Peru and qualified as genocide the selective assassination that were committed in our country. This condemnation by a competent regional body should activate support within the United Nations system in the context of the international Convention Prevention and Punishment of the Crime of Genocide of 1948.

Many Peruvians living in the Andes have stayed in their villages courageously in spite of the terror and got organized in groups of peasants for their own protection. However, another 600,000 Peruvians fled their homes and are displaced by the terrorist violence and live in the situation of extreme poverty in the outskirts of Lima. They do have a wish to return to their abandoned land, but this does call for economic efforts. The program has already been set up by our government.

Humanitarian assistance to the dispossessed is something that must come immediately. Peru called upon the Secretary-General of the United Nations and the High Commissioner for Refugees stressing that, while there are endeavors seeking political and legal criteria for treatment of the national dispossessed, measures have to be taken with cooperation to give support to our national efforts.

I would like to express recognition of our government for the immediate response that was seen with interagency cooperation for a diagnosis of the problem to be confirmed and for humanitarian assistance to take place.

Other important gestures of solidarity should be noted. The governments of the most significant countries have said that they will more carefully examine the granting of asylum to terrorists with a view to preventing their territories from turning into free territory for assassins or there should not be right for asylum or public collection to finance their actions.

I would also like to briefly point to the main efforts undertaken by the government for protection of or promotion of human rights.

First of all, in our cooperation policy with international bodies of control, the government of Peru extends through me an invitation for a visit to our country so that you can directly observe

- the fundamental responsibility of terrorism and generation of violence and violation of human rights in Peru and

- the actions of the government for respect of human rights.

In this context a special commission of the Inter-American Commission on Human Rights was invited for a visit to our country and directly examine the situation with human rights on the 17th-21st of May this year. Its press-release, which is a preliminary draft of the report, was distributed to members of this Conference for an objective analysis, an independent analysis of the situation in my country since the adoption of the new government policy. There you can see the significant progress made in penitentiary policy and recommendations are put forth with a view to the necessary correctional measures to be applied.

Similarly, the Rapporteur of the Commission on Human Rights of the United Nations visited Peru from the 24th of May to the 3rd of June.

Second, the national register of prisoners that is financed by AID and ILANUD is helping the rule of law to be achieved during this phase and it is in its first stage. The Minister of the Interior would like to see monitoring from NGOs in the forthcoming month of July.

Third, the government of Peru has an agreement, a procedural agreement with the international Committee of the Red Cross and this was possible because we have an exclusive commitment with humanitarian activity of this Committee, which is being developed with full satisfaction. The International Committee of the Red Cross visits all the detention centers and prisons in the country with full freedom. Anybody or person interested may have free access to reports on any specific case.

Fourth, a new penitentiary policy with radical changes of 30 years since abandonment of its physical infrastructure has obliged the administration to provide better conditions in prisons and to provide the fundamental rights. This was confirmed by the Inter-American Commission on Human Rights and this has the aim of replacing 108 penitentiary institutions with 50 modern prisons and that for 1995. There has also been the inauguration of a new penal center, two of these are under construction and eight are being rebuilt.

Fifth, the initiative that I have led personally with a view to setting up an ongoing dialogue with the coordination, the national coordinator for Human Rights, NGO, is a tangible example of democratic openness and will help find mechanisms in procedure for a joint action for observance of human rights.

Six, the creation of an educational program on human rights is part of an important prevention action was set up as obligatory courses in the school education system in all academic institutions of the armed forces and police schools at national level.

Seventh, the concern of the government to ensure minimum living standards, basic medical care, education, and conditions for employment.

Eighth, as a global result, overall result for these endeavors, the statistics for denunciations in this last year have shown a trend which has shown a reduction, which shows what the effects of the efforts undertaken by the government.

Mr. President,

The goodwill of a country is shown not through declarations for commitments but rather through specific actions and that is why I would like to invite the monitoring bodies of the United Nations to visit our country and see on the spot how the human rights respected.

The Peruvian government accepts the recommendations, suggestions and constructive criticism and is willing and ready to correct anything that in our exceptional situation may be a topic of dialogue and cooperation with the United Nations within the context of the competence of the monitoring bodies. However, we are not willing to see this topic distorted through tendentious information with ill intention or with, behind it, drug trafficking or other non-governmental organizations, through propaganda. We are open to the committees and commissions of the United Nations that wish to visit and deal with this subject.

To conclude, I would like to thank the Centre for Human Rights for its support and for its organization of this event and I would like to express special recognition to the efforts of the Commission for Human Rights and its bodies, through the endeavors of the former Secretary-General, Mr. Perez de Cuellar and of Mr. Boutros Boutros-Ghali for the success of this Summit meeting and for the commitment for defense and protection of Human Rights and eradication of poverty.

Thank you.

NIASSE, Mustapha (President), spoke in French:

I thank His Excellency Mr. Fernando Vega Santa Gadea, Minister of justice and Head of the Delegation of Peru for his statement. I now give the floor to His Excellency Mr. Stephen Kalonzo Musyoka, Minister for Foreign Affairs of Kenya. Your Excellency, you have the floor.

MUSYOKA, Stephen Kalonzo (Kenya):

Keywords: KENYA - REFUGEES - EXTERNAL DEBT - STRUCTURAL ADJUSTMENT - DEVELOPMENT - HUMAN RIGHTS MONITORING - UN. Centre for Human Rights- ADMINISTRATION OF JUSTICE - UN High Commissioner for Human Rights

Mr. President, Excellencies, ladies and gentlemen,

It gives me great pleasure to address this august assembly today on behalf of the government and the people of the Republic of Kenya. First of all, permit me to add my congratulations to those of other delegations on your well-deserved election as President of this important World Conference on Human Rights. I should like to extend the same message of congratulations to the other members of the Bureau. I am confident that under your able and distinguished leadership our Conference will be both fruitful and successful.

Mr. President,

Twenty-five years ago, when the community of nations met in Teheran for the first global discussion on human rights many of the African countries represented at this Conference were just emerging from one of the worst violations of human rights - colonialism. We have all travelled a long way since then with considerable success.

We are gathered in this beautiful and hospitable city of Vienna to assess the progress we have made so far in the field of human rights and make recommendations on how best to proceed from here in order to overcome the obstacles that have become apparent and have impeded the full realization and enforcement of all human rights and fundamental freedoms.

Mr. President,

Since Teheran, dramatic and far-reaching changes have occurred around the world. The positive aspects of which, inter alia, include the demise of the cold war and its attendant ideological divisions, the rise of democracy, and a decolonization process that is hopefully coming to an end. This has led to the widely held view that the peace dividend would now be realized.

Unfortunately, in many regions the disappearance of ideological divisions and rigidities have been replaced by new, complex and potentially dangerous uncertainties.

The resurgence of ethnic, religious and racial loyalties do not only threaten the cohesion and very existence of established nation-states but are also stoking the flames of a new generation of conflicts leading to the massive displacement of populations that find themselves fleeing their homes in search of refuge from civil strife.

Currently, Kenya is a host to over half a million refugees from neighboring countries. In this connection, I would like to pay tribute to the Office of the United Nations High Commissioner for

Refugees and other donors for the assistance they continue to render to refugees in Kenya. However, the presence of such a large number of refugees has placed a considerable strain on the country's meagre resources and infrastructure.

Services like health and education that residents of the border areas have over the years taken for granted are now stretched to the limit, in some cases breeding hostility against the refugees themselves.

It is, therefore, necessary that the international assistance for refugees include also assistance to local communities that host refugees and, indeed, provide the first ever assistance to such refugees.

Mr. President,

On the economic and social front Africa is faced with a major challenge. The challenge which daily demeans our dignity and our integrity as nations - the challenge, Mr. President, of poverty. In the 1970's we borrowed heavily to sustain imports and investment. This, of course, gave rise to an impossible debt burden.

Between 1980 and 1992, sub-Saharan Africa's debt more than tripled to 180 billion US dollars. During this period, our debt increased from 28 percent of gross national product to 109 percent. In short, we owe more than we earn.

With our debt-service payments now running at over 10 billion dollars a year, the resources we desperately need to mobilize the battle against poverty are dangerously depleted.

Institutions like the International Monetary Fund and World Bank declare that sustainable poverty reduction is their fundamental objective. Yet in 1991, debt-service payments to these institutions accounted for nearly 36 percent of the total. By 1990, repayments to the IMF had overtaken new loans from the same institution.

It is not only the debt burden that stands in the way of sustainable development in Africa and neither has Africa lacked the determination to change the international order of things. Indeed, most of our countries have not lacked the will to enforce structural adjustment programmes as advised by the international funding agencies. But these measures have by and large not assisted the ordinary people of our communities. These so-called marginal groups of people just happen to be the majority and most vulnerable groups. They include women, children and disabled people. We have noticed that hard won gains in the standard of living and especially in health and education in the 1970s for these groups in particular is now on reverse.

According to the United Nations Development Programme, UDNP, sub-Saharan Africa accounts for 32 percent of the world's poorest 47 countries. We are told that on current trends more than nine million people a year will fall below the poverty line before the end of this century. This makes Africa the only developing region in which the proportion of the population in poverty is actually rising. This is the backdrop against which this world Conference is being held and which we must bear in mind.

Mr. President,

As we are all aware, the road to Vienna has been a long and sometimes bumpy one, not least because of the enormity of the task we have been charged with but also as a result of the different contexts within which we perceive the issues before us. The results of the three regional meetings held at Tunis, San José and Bangkok to a certain extent reflect these different perceptions. However, the similarities outweigh these differences giving up hope and confidence that our task here in Vienna can be successfully accomplished.

Mr. President,

General Assembly resolution 45/155 clearly sets out the objectives for this Conference. Our goals are clear. We must, therefore, make progress in three key areas:

First, in the review and assessment of progress and setbacks in human rights since the adoption of the Universal Declaration of 1948.

Second, in the examination of the relationship between development, democracy and human rights, and

Third, Mr. President, the evaluation of the implementation of existing human rights standards, methods and mechanisms.

These are challenging goals. It would be unwise for anyone to suppose that reaching agreement among so many nations, each with immediately pressing concerns of its own, will be easy. However much we accomplish at this Conference, some will say we have not gone far enough, and others will argue that we have gone too far to be realistic.

I would like to concentrate my remaining remarks on a few key areas where a general consensus must surely emerge.

What we are all agreed upon is the increased importance and priority attached to the promotion and protection of human rights in international relations. The universality of human rights is unquestionable; their protection is the duty of all states regardless of their political, economic or cultural ideology.

All human rights are indivisible, interdependent and interrelated be they political, civil, economic, social or cultural. The system of contrasting hierarchies of different categories of human rights is no longer acceptable. Hence, none of these rights takes precedence over the others or can be fully achieved in an environment that is devoid of development and prosperity.

It is, therefore, necessary to enhance international cooperation and assistance aimed at promoting growth and development on one hand at one level, and strengthening national institutions involved in the promotion and protection of human rights on the other.

Mr. President,

There is an acknowledged linkage between democracy, development and human rights, which encompasses economic, social and cultural rights. It is now an acknowledged fact that without development there can be no sustainable democracy.

Conversely, without democracy there can be no peace and enabling environment for development. In this regard, it would be appropriate for the international community to put in place legal procedures for the protection of economic, social and cultural rights and prevent their violation.

Mr. President,

It is universally accepted that human rights are value neutral; for the enjoyment and preservation of these rights to be realized, certain conditions have to exist, forming its unchanging bedrock and foundation. Paramount among these is the provision of economic and basic social needs of all human beings. To trumpet rights such as free press and free speech to a humanity that is deprived of food, education and basic social needs is, to our mind, to diffuse the focus of what should concern all of us.

There is an inescapable nexus between the economic and social wellbeing of society and their ability to enjoy its inalienable human rights. In the past twenty-five years, the reality has emerged that it is necessary to reexamine and reassess the parameters and criteria upon which the true enjoyment of human rights is determined. Indeed, it is noteworthy that the United Nations has developed the concept of human development index that recognizes the fact that development cannot merely be measured in terms of gross national product and per capita incomes but also as an aggregate of economic and social conditions.

In recent times, a number of non-governmental organizations have contributed positively to this emerging debate. Oxfam, for example, in their report on world debt identified the deleterious effects of

negative resource flows on the development of a conducive atmosphere in which civil and political rights can be nurtured and preserved. The issues raised in the report deserve serious consideration.

Lest we appear to be striking a rather negative note, my delegation wishes to underscore the indisputable fact that great and important progress has been made in the preservation of human rights across ideological, cultural, national and social divides. Our collective commitment to the fostering of human rights is unequivocal. To this end, we believe that the legal regime already in place and the institutions in existence should be strengthened on both the international, regional and national levels.

At the international level, the United Nations Centre for Human Rights, the Human Rights Commission, the Human Rights Committee and the special thematic and country-specific rapporteurs are the mechanisms already in place, which need strengthening. In this regard, my delegation calls for a substantial increase in the resources of the Centre for Human Rights, through allocation of additional resources from the regular budget of the United Nations and also from voluntary contributions to the various funds established under the Centre, in particular the advisory services and technical assistance components, which have played a pivotal role in the promotion of respect for human rights.

At the regional level, bodies such as the African Commission on Human and People's Rights should be supported to make them more responsive to the needs of their membership. At the national level, the responsibility for the promotion and implementation of human rights devolves primarily on governments. Indeed, human rights violations are dealt with in specific jurisdictions where the national remedies exist with respect to such violations.

One of the areas which touches upon the fundamental rights and freedoms on a day-to-day basis is in the area of administration of justice. This is an area to which the Kenyan government attaches great importance. We have, on different occasions and at different for a, drawn attention to the need to strengthen the administration of justice.

The government of Kenya sponsored a resolution on administration of justice and human rights that was unanimously adopted at the 49th session of the United Nations Commission on Human Rights.

It is our desire that that resolution is reflected in the final outcome of this Conference. It is also vital that institutions that are responsible for administration of justice be funded. Likewise, other national components involved in the promotion, safeguarding and dissemination of information on human rights should be supported and encouraged.

Concurrently, Mr. President, there is need to rationalize and streamline monitoring and implementation mechanisms and where necessary to revise them. For instance, it is important to ensure that the reporting obligations imposed on states are not unnecessarily onerous. At present, many states including my own are in default of their reporting obligations largely by reason of scarcity of resources with the result that the reporting mechanism is not as effective as is intended.

Mr. President,

Some specific proposals have been tabled before this Conference. I have in mind the proposals to establish an office of the special commissioner for human rights and an international human rights court.

With regard to the creation of an office for special commissioner for human rights, it is my delegation's considered view that we must not create a proliferation of mechanisms. This is a proposal, Mr. President, that requires careful study and scrutiny. It is my delegation's conviction that the priority, at this point in time, is to strengthen existing mechanisms and structures that are already in place within the United Nations system.

The rights of women, children, indigenous peoples and other disadvantaged, marginalized and underprivileged sections of society deserve urgent attention. While my delegation hopes to specifically address itself to these issues including the humanitarian situation in Africa as they come up in the course of the Conference, may I draw the attention of the Conference to the fact that the categories I

have mentioned are those that do not normally receive much attention from donor countries and institutions in cases where a given developing country negotiates for assistance.

It is, indeed, correct to observe that structural adjustment programmes do not favor them. As a result, access to health care as a basic human right is denied them. Food as a basic human right is unavailable and hunger is common place. Education as a basic human right continues to elude them. Peace and security as a basic human right is not yet in sight for many of this marginalized group.

Finally, in conclusion, Mr. President, my delegation believes that it is only through collaboration, consultation and continuing dialogue in a transparent, respectful and honest manner that we can find lasting solutions. It is imperative that there should be objectivity, understanding and fairness in our approach to the issues before us. Let us derive strength and unity from our diverse cultural and social values.

Let me assure you, Mr. President, that my delegation will spare no effort to ensure the success of this very important and historic Conference. We owe it to our peoples and the future generations to come.

Thank you.

NIASSE, Mustapha (President), spoke in French:

I thank His Excellency for his statement. I now give the floor to His Excellency, Chief Mbu, Secretary for Foreign Affairs of Nigeria. You have the floor, Your Excellency.

MBU, Matthew Tawo (Nigeria):

Keywords: SOVEREIGNTY - DEMOCRACY - HUMAN RIGHTS MONITORING - UN High Commissioner for Human Rights

Mr. President, Your Excellencies, distinguished delegates,

On behalf of our delegation, I wish to convey our very warm congratulations on your election as the President of this important Conference. Your personal qualities as an astute and skillful politician and a dedicated humanist will, no doubt, be brought to bear on the deliberations of the Conference. This historic city of Vienna has for centuries provided a very conducive atmosphere for great concerts, for composers like the Strauss brothers, the famous Vienna Symphony Orchestra. It, thus, similarly played a crucial role in issues of international peace and security and contributed significantly to the international understanding. It is, therefore, not surprising that it has once again provided magnificent setting for this very important Conference. I am sure, Mr. President, that the perfect harmony, which has always characterized the Vienna Symphony Orchestra, will certainly inspire this Conference to reach momentous decisions.

To the distinguished Secretary-General of the World Conference on Human Rights, Dr. Ibrahima Fall, I say well done. His role in the preparatory process and our meeting here has been both, outstanding and noble. His resourcefulness and discipline of mind in these very delicate negotiations have won him the respect of all participants in this very challenging and important endeavor. He has done us proud as a distinguished son of Africa.

Mr. President,

This Conference is not a tribunal. It should not be constituted into one, for were this forum to be used to pass judgement on states and governments, we certainly would all be guilty as human rights is one of the areas of human activity, which all states and governments have frequently and freely assaulted, whether in terms of the rights of indigenous peoples, women and children or in terms of discrimination, intolerance, torture, etc. We must jointly and severally accept responsibility for the errors of the past and resolve in the course of this Conference that never again shall humanity return to the era of unbridled violation of human rights. That, in my view, Mr. President, is the purpose of this Conference.

We have come a long way since the Teheran Conference of 1968. The world has witnessed momentous changes in the intervening twenty-five years. Perhaps, the most fundamental of these changes in the field of human rights is in the sudden resurgence of openness in all parts of the world. Put differently, a resurgence of freedom, particularly, freedom of choice. Freedom in all aspects is fundamental and central to our deliberations at this Conference.

Mr. President,

Every nation, community and individual subscribes to the important principles of human rights embedded in the United Nations Charter and the Universal Declaration of Human Rights:

- We all subscribe to the universality, indivisibility and interdependence of all aspects of human rights.
- We all subscribe to the fact that the central object and main beneficiary of human rights is the individual, and
- We all subscribe to the fact that the human race belongs to one family.

Is it not, therefore, the cardinal responsibility of all governments and of all states, large or small, and irrespective of their level of development or political systems to promote and enhance the full employment of human rights? This is among the issues, which delegates will need to address seriously in the course of this Conference.

Another area that needs our close examination, is the question of human rights and state sovereignty. Here we ought to reflect over certain crucial issues:

- Is it right for nations, governments and individuals to remain silent in the face of massive violation of human rights such as genocide, mass killings, starvation as a legitimate weapon of war and forced and involuntary disappearances, among others?
- Is it not an affront to humanity for governments to plead the doctrine of state sovereignty and, therefore, non-interference in their internal affairs when there is evidence of human rights violation?

Since we accept the universality of human rights application and that the human race belongs to one family, I submit most humbly, Mr. Chairman, in the words of the celebrated poet, playwright and Nobel Laureate. I refer to Nigerian Professor Wole Soyinka. It was he who said, "the man dies who keeps silent in the face of tyranny." The international community has a singular responsibility, therefore, to ensure that the man does not die by challenging human rights violations in any part of the world.

Mr. Chairman,

I have answered these questions in the affirmative not because there are, may be, no violations or evidence of violations of human rights in our region of the world. I have done so in my fervent belief that this Conference should serve as a transition from the incidence of human rights violations, which I have earlier alluded to as being prevalent in all societies and in strict observance of and respect for human rights.

Mr. President,

Nigeria subscribes to the principle that democracy and human rights have an organic link. This cannot be otherwise as man, the critical factor in development, gives his best only in an atmosphere free of coercion, suppression and persecution. He is able to release the vital developmental forces in him under the atmosphere that promotes and protects his enjoyment of basic human rights. No wonder, the right of choice is so fundamental to any human society that once it is stultified, development is stultified.

We, in Nigeria, firmly believe that democracy provides the best environment for the full enjoyment of economic, cultural and political rights.

In spite of Nigeria's political vicissitudes resulting from the challenges to democratic government, all Nigerians acknowledge the fact that democratic system of governance guarantees the full enjoyment of all human rights. Happily, in about two months from now, a Nigerian President democratically elected only two days ago will be inaugurated.

Democratic changes are similarly taking place in other parts of the world - in Latin America, Eastern Europe, Asia and Africa. The emplacement of democratic institutions in these countries must be solidly supported by the international community. It must be nurtured and allowed to blossom.

As we approach the 21st century, we must give serious thought to the modalities for ensuring the full implementation of human rights standards. A machinery for monitoring and implementation of human rights instruments, therefore, deserves a very careful consideration. This is particularly necessary now that the massive violation of human rights in some parts of the world threaten international peace and security. Until now, we have appeared helpless in the face of human rights violations. One of the reasons for this inertia of the international community is the absence of a machinery for the enforcement and implementation of human rights. There is, therefore, a need for the emplacement of a machinery with the capacity and capability to bring such human rights violations to the attention of the international community and take appropriate measures to ensure that such violations do not reoccur. In this connection, my delegation fully supports the proposal to establish the post of High Commissioner for Human Rights, whose responsibility will be to assist in ending all cases of human rights violations.

Our mission at this Conference and all the efforts invested in preparatory process would come to naught if the decisions arrived at here and human rights programmes, projects and activities cannot be implemented due to an ineffective funding mechanism. There is, therefore, need to establish effective and comprehensive funding for the implementation of these decisions and programmes. In this connection, my delegation would like to see the allocation for human rights activities from the United Nations regular budget substantially increased. Besides, we need to increase resources allocated to human rights projects and programmes from the existing Official Development Assistance. The promotion and protection of human rights are so important that we should make the necessary sacrifices to ensure their successful implementation.

Finally, Mr. President, our mission in this Conference and all the efforts invested in its preparatory process would be justly rewarded only:

- If we accept to resolve the dilemma and conflict between human rights and state sovereignty,
- If we accept that the violation of the human rights of an individual is the violation of the rights of all of us;
- If we accept that human rights cannot be confined to national borders and that, like the environment, human rights have no frontiers and, therefore, transcend all frontiers.
- If we accept all these, then this Conference would have made a singular contribution to human civilization. For the sake of posterity, we should not depart from this Conference and this beautiful city without bequeathing this important legacy to mankind.
- The world expects this of all of us,
- Our children expect this of us,
- The millions of souls who have departed to the world beyond as a result of human rights violations expect this of us,
- Indeed, we expect this of ourselves.

Thank you.

NIASSE, Mustapha (President), spoke in French:

I would like to thank His Excellency for his statement. I now give the floor to His Excellency Mr. Pascal Gayama, Assistant Secretary-General of the Organization of African Unity. Excellency, you have the floor.

GAYAMA, Pascal (Organization of African Unity), spoke in French:

Keywords: OAU - AFRICA - HUMAN RIGHTS VIOLATIONS - HUMAN RIGHTS
ADVANCEMENT

Mr. President, Mr. Secretary-General, Excellencies, ladies and gentlemen,

In the panoply of acts, which mark the advance of humanity towards progress and liberty and which attest both, to the greatness and weakness of men, pride of places is taken by the Universal Declaration of Human Rights of 1948, of which the present World Conference marks the forty-fifth anniversary.

Look at the record, the colonial system was at that time at the apogee of its power and atrocious wars were waged notably in Africa and in Asia, some of which had even persistent beyond the adoption of the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples.

That was the period when an opaque veil of apartheid was cast over South Africa and when the iron curtain had been shut on Eastern Europe.

The greatness of man who knows so well how to expostulate on generous principles; which is the profound weakness of man as well, whose history is shed with the blood of those who from the dawn of all time had sacrificed their lives on the altar of ambition, cowardice and cruelty.

In the continuous quest for our most inalienable rights and in the face of a state of these rights, which is rather undermined today in most regions of the world, we have come together here in Vienna in an effort to try to find collectively the proper ways and means to deal with a subject that is also collective *par excellence*.

The Organization for African Unity, which this year commemorates its 30th anniversary, is happy to participate in this exercise. To this Organization its founding fathers have attributed a triple mission: to free Africa from colonial domination, to promote its economic and social development and to promote its unity in peace and security.

An arduous task, if ever there was one, which Africa has partially fulfilled and which it is tirelessly completing under conditions all the more heroic since the continent has over the ages been marked by what is best and by what is worst.

Cradle of mankind, it has, according to the Bible itself, sheltered the first potentates of the earth, those who besides constructed the first civilizations of Kush, Nubia and Egypt. But Africa in the aftermath was injured by the slave trade, colonialism and maneuvers of the cold war.

The toll is heavy, and the heritage is difficult to manage, which today has taken the form of harsh political tensions in many states causing the record flows of refugees and displaced persons, worsening of social unrest and deterioration of the economic fabric.

To prevent and contain this situation, Africa was not equipped accordingly neither politically nor legally.

The current democratization process makes it possible for the continent to progressively equip itself with instruments guaranteeing veritable popular participation in the choice of political and social systems, in the choice of leaders, in the elaboration of laws and above all in the free expression of ideas and opinions and the free enterprise of activities in a political, economic and social order.

Indeed, three years ago, the 26th session of the Conference of Heads of States and Governments of the OAU had adopted in Addis Ababa the Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World to support the process of democratization thus initiated.

Moreover, the OAU since 1981 has endowed itself with an African Charter on Human and People's Rights and in 1986, it endowed itself with an eleven-member Commission based in Banjul, Gambia, entrusted with regular examination of the status of fundamental freedoms in African countries. To this

regional initiative has been added another at the national level initiative whereby the national human rights commissions have been entrusted with overseeing the respect for democratic rules that must govern the lives of the citizens and the conduct of public affairs.

Recently, during the 28th summit Conference of the OAU in Dakar, Senegal, in 1992 the Heads of State and Government came out in favor of strengthening of the African Commission for Human Rights and People's Rights, politically and materially, to make it possible for it to play a more active role in the field with which it deals.

The situation is such, in fact, that it requires an increased role of regional institutions such as the OAU, of which the Secretary-General of the United Nations, Mr. Boutros Boutros-Ghali, has recommended a greater involvement in the implementation of his *Agenda for Peace*.

The tragedies that peoples in Africa are living through, have at any rate compelled the OAU to consider setting up a mechanism for the prevention, management and resolution of conflicts, which will make it possible for us to support the efforts of our Member States in resolving problems of peace and security, which represent an essential prerequisite for any progress and sustainable development. This turns out to be a positive step forward that will complement the observation of elections, mediation and interposition actions, which the OAU is currently deploying to promote harmonious evolution of the situation throughout the African continent including South Africa. In so doing, we have laid a foundation for an effective enjoyment of civil and political rights as well as economic, social and cultural rights enshrined in the 1966 International Covenants.

It should be noted, finally, that African States, bilaterally and multilaterally, through their sub-regional institutions spare no efforts to become involved in the search of the most appropriate solutions to situations involving human rights and the democratic development. This is true of Nigeria, with the crisis in the southern Sudan, the community of West African States in Liberia; the OAU recently in Eritrea as well as Rwanda, Mozambique, South Africa and Liberia, where it has either observation missions or personal representatives of its Secretary-General; and lastly in Somalia, where pursuing to an agreement of cooperation between the United Nations and the OAU, our Secretariat and our Member States are involved in diplomatic or military efforts undertaken in this country.

Mr. President,

The situation thus described, which is far from being exhaustive, demonstrates firstly that Africa is in the midst of a transition and that it, therefore, attaches a particular importance to this Conference, as attested by the resolution and declaration adopted by the preparatory regional meeting, the first of its kind, organized in Tunis last November.

In this declaration, Africa has reaffirmed its attachment to human rights, its adherence to universality and interdependence among the human rights, development and international peace and also highlighted that "Lasting progress towards the implementation of human rights implies, at the national level, effective development policies and, at the international level, more equitable economic relations, as well as a favorable economic environment."

Because, as recalled by His Excellency Mr. Salim Ahmed Salim, Secretary-General of the OAU, at this meeting in Tunis, it is surely not possible to advance the cause of democracy and human rights without development as it is certain that illiteracy, ignorance and poverty are in themselves the handicaps to the enjoyment of inalienable human rights.

It is, therefore, clear for Africa that the concept of human rights is not abstract: it is meaningful only if it integrates the access of human beings to the most elementary human rights such as the right to drinking water, education, housing, healthcare, nutrition. Such a postulate, if commonly accepted, would allow the world to take a qualitative step that meets the expectations and aspirations of the peoples of the universe.

Let us beware, Mr. President, of having a simplistic view of things that could lead one to believe that after the fall of the Berlin Wall, the Good has definitively triumphed over the Evil; and the image of

the best of all possible worlds is reflected, henceforth, in the vision that we made of it today of the most well-off.

The reality is more nuanced, and the winds of justice continue to blow on all sides. That is why it is proving even more urgent than ever before to promote democracy in the system of international relations to better ensure the universality of the principles that have enabled us to meet here.

In this quest for law and justice, we must involve women whose contribution can be decisive in the expression of this human solidarity, the principle of which should inspire more than it has done hitherto the approach we have to questions of universal interest. In this connection, a logical link must be established between the present meeting and the forthcoming Beijing Conference scheduled for 1995 on the International Decade of Women.

The solidarity also means a willingness of each not to think of themselves as the centre of the world since human rights and fundamental freedoms, however fundamental they are, can only be justified by the rights of others and the common destiny that we all share, above all with our children who, according to the beautiful expression used by the International Conference on Assistance to Children in Africa held in Dakar, Senegal, in November 1992, are the future of the world, the posterity.

This is how the concept of rights and duties on which the concept of responsibility is based are also arranged. The responsibility towards oneself, certainly, but also towards society and towards the nature. So many tasks are incumbent upon us today to fight the scourges of disease, poverty and for the preservation of our environment, which we owe it to ourselves, at the end of this Conference, to provide a proof of our will to promote, in all its aspects, the achievement of the objectives implied by the advent of genuine human rights.

Already back in 1968, some twenty-five years ago, when the first International Conference on Human Rights was held in Teheran the world was seething in all quarters. Almost everywhere, the young people were calling for the end of a certain established order; they demanded the end of wars in Asia, Africa, Latin America and greater solidarity with the developing countries going so far as even claimed the socialism with a human face.

The similarity of the situation with the picture that prevails today is striking and that no longer spares any continent. Even if the wind of democracy rose with the end of the cold war, and the freedom began to spring from the ballot boxes, a fear of uncertainty has replaced the balance of terror, awakening in many places fundamentalism, xenophobia and egotism. All of humanity is in transition, and it is the very stake of this Conference.

Mr. President,

Before concluding, I should like, on behalf of the delegation of the OAU, to express our sincere congratulations to the people and government of Austria for the excellent organization of the Conference and the very warm hospitality, which we have felt since we have arrived in Austria for this Conference.

Allow me also to convey to you, on behalf of the Secretary-General of the OAU Mr. Salim Ahmed Salim, our sincere congratulations on your election to the strategic post of the present Conference, which corresponds perfectly to your political and moral qualities.

In any case, I hope that with the assistance of the other eminent members of the Bureau, the Conference may achieve a successful conclusion worthy of the expectations of the peoples of the world.

Finally, we would like to pay tribute to the Secretary-General of the Conference, our brother Ibrahima Fall, who has devoted all his experience and know-how into play for the good preparation of this meeting.

I thank you for your attention.

NIASSE, Mustapha (President), spoke in French:

I thank His Excellency for his statement. I now give the floor to Mr. Ibrahim Badawi El-Sheikh, Chairman of the African Commission on Human and People's Rights. Excellency you have the floor.

EL-SHEIKH, Ibrahim Ali Badawi (African Commission on Human and People's Rights), spoke in Arabic:

Keywords: AFRICA - HUMAN RIGHTS ADVANCEMENT - NON-GOVERNMENTAL ORGANIZATIONS - GOVERNMENT POLICY - INTERNATIONAL COOPERATION

In the name of God, most Gracious, Most Merciful.

Mr. President, Excellencies, Heads of delegations, Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations, the Secretary-General of the Conference, ladies and gentlemen,

The convening of the World Conference on Human Rights is a historic challenge for the nations, big and small, to reaffirm their commitments to establish a world based on respect for basic human rights, the dignity of the human individual and the equal rights of men and women as well as nations big and small. A world that believes in respect for human rights and peoples. I said, a challenge, Mr. President, because the substitute for this world is chaos, continued internal and external conflicts and the absence of established peace, security and development.

Indeed, Mr. President, we have gone a long way in entrenching the instruments of human rights and establishment of mechanisms to monitor the implementation of human rights. A number of non-governmental organizations concerned with human rights have increased.

Human rights issues have gone a long way and have been accorded unprecedented priority in our international community. This priority should go beyond words or political declarations to actions and effective international cooperation, which is based on the unity of men and human fate. It is not enough to talk about the global nature of human rights without taking measures to secure basic infrastructure and the creation of an enabling environment that would make those human rights applied worldwide. It is not enough to talk about a world based on interdependence at a time when we can see that there is division and divergence between the rich and the poor, the strong and weak. It is not enough to talk about the Charter of the United Nations and the Declaration of Human Rights until and unless we work on the basis of common perception and on the basis of fairness, equality and the rule of law in order to establish the world where people enjoy the rights.

We should create a world where people are secure about their tomorrow. A world that should be based on the rule of law and interdependence. A world that should be characterized with peace and security. A world where man can create and use his abilities for good. Not a world where there are conflict, injustice and concern.

Mr. President, Excellencies, ladies and gentlemen,

Hence, I would like to share with you some of my thoughts in my capacity as Chairman of African Commission on Human and Peoples Rights that is the monitoring mechanism for the African Charter for Human and Peoples' Rights, which came into force in October 1986.

Mr. President,

The endorsement of the African Charter has been an expression of a political will that believes that the hopes of the African peoples cannot be realized except in societies characterized by democracy, respect for human rights, peoples and the rule law. In this vein, the African Charter stressed the global and integrated concept of the rights of peoples in the area of civil and political, economic, social and cultural rights. It is also stressed the legal rights, the importance of education and institutions in order to promote respect for human rights.

We are proud, Mr. President, that the human and cultural face of Africa is reflected in that Charter very clearly. On the one hand, the Charter refers to the fact that when we speak about human rights of peoples and human rights, we take into consideration our values, virtues, and cultural values in Africa. The Charter, on the other hand, stresses that implementation should be based on the international law and human rights instruments as well as African instruments in the field of human rights.

The African Commission on Human and Peoples Rights in comparison with the European Commission or the Inter-American Commission is still a nascent organization. However, like the other children of Africa this Commission is keen to shoulder its responsibility and to fight for its existence for the future of Africa and humanity at large. This Conference may find in the relationship between this Commission and the non-governmental organizations an example of the importance of popular participation in order to enhance efforts to improve the situation of human rights. This Commission, being an expert Commission, has allowed non-governmental organizations to attain observer status and to table issues relating to the preservation and respect for human rights. We are confident that these organizations and cooperation with them will serve the common objectives of the mankind and the wellbeing of our peoples.

Our Conference may find an example to be studied in the actions taken by the African Commission concerning the complaints with regard to human rights. The Commission has written to the concerned governments asking for information on these complaints with regard to violation of human rights. Following the African tradition of a dialogue, the Commission went beyond mere writing and contacted directly the governments concerned having discussions with them with regard to the content of these complaints.

Our Conference may stress the importance of reports and the reporting system as an indication of national efforts to preserve human rights, to ease the difficulties in that field and to monitor the advances in the field of human rights that have been done by the African Commission despite the fact that we have very limited experience in this regard.

Mr. President, ladies and gentlemen,

The establishment of a society where human rights are respected requires an infrastructure in the social, economic, political and cultural fields. This infrastructure has both political and economic dimensions. Suppression is usually associated with societies of backwardness and poverty. People whose basic needs for food, health, shelter are suppressed, those people cannot stand against that kind of suppression. Peoples, who are besieged as a result of being deprived of the right to self-determination, as it is the case with the Palestinian people, or the peoples who go through a transition stage from a racist society to a democratic society, as is the case in South Africa, all those societies, which suffer from ethnic cleansing, as it is the case in Bosnia and Herzegovina, and those peoples who suffer from civil wars, cannot devote their efforts to establishing a society based on democracy and human rights. Their struggle for democracy and a better life could serve as fuel for the flame of democracy and human rights.

Mr. President,

I would like to affirm the importance of measures on the national level. The political will should be there. National measures should be taken in order to promote human rights. But I repeat, but, can the international society disregard its responsibility in that respect? This is a responsibility that is determined not only by facts and realities in that society but also by some historical backgrounds that have undoubtedly hindered the African States. Despite the political will of Africa and its efforts, Africa has been suffering from underdevelopment, on the one hand, and the unfair economic relations on the international level, on the other. Here the international community's responsibility vis-a-vis Africa becomes all the more important in order to enhance efforts to promote human rights and democracy.

Mr. President,

The African Commission has been keen to participate in preparations for this Conference. It has sought to participate through the documents we have given and those that were distributed to you. We have done so because we believe in the importance of issues that should be discussed here.

On that basis, the Commission has also been keen to participate in the UNESCO Conference that endorsed the education plan for democracy and human rights.

On that basis, I call on this Conference to reaffirm the need to:

1. Seek a consensus and not diversions. We should do that in the belief of a common destiny that should go beyond the political interests with a view of protecting human rights and the interests of people.
2. To support the United Nations being the conscience of the world. The UN should take measures on the basis of its objectives that call for a just peace and comprehensive development and respect for human rights.
3. To support the regional commissions working in the field of human rights, among which is the African Commission on Human and Peoples Rights. I would like to pay tribute to the support given to our Commission, especially by the Human Rights Centre of the United Nations and the governments of Sweden, Denmark, Austria, the European Community and the international Committee for the Red Cross, the non-governmental organizations and the ACCT.
4. To encourage the international community to support Africa in choosing human rights and democracy. We know all that programmes of economic reform are being carried out in very difficult circumstances in many of the African States. This has negative implications for democracy and human rights.
5. To support the national institutions and non-governmental organizations, human rights activists because those are the source of support for international, regional and national efforts to preserve human rights.
6. To implement the right to development as a human right and as a basis for popular participation in comprehensive development efforts.

Mr. President, ladies and gentlemen,

The issue of human rights is a common issue, it is the common destiny of the humanity at large. It is an issue that is all embracing. It includes disarmament, environment, democracy, freedom of the press and freedom from needs. It is the issue of life itself, life that secures the dignity of men and secure and established life for peoples.

I trust, Mr. President, that this Conference will be a landmark in our common efforts for a better tomorrow for men and humanity at large.

Thank you, Sir.

NIASSE, Mustapha (President), spoke in French:

I thank Mr. Badawi for his statement. The last speaker on this afternoon's list is Mr. Manfred Nowak, General Rapporteur of the Forum of Non-Governmental Organizations. Speaking on behalf of the NGOs, Mr. Nowak will speak from his seat addressing this Conference. Mr. Nowak, you have the floor.

NOWAK, Manfred (Forum of Non-Governmental Organizations):

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - UN High Commissioner for Human Rights - INTERNATIONAL COURTS AND TRIBUNALS - INDIGENOUS PEOPLES - WOMEN - DEVELOPMENT - DISCRIMINATION - CHILDREN - ADEQUATE HOUSING - CASTE - PERSONS WITH DISABILITIES

Mr. President, Excellencies, distinguished representatives of governments, of non-governmental organizations and indigenous peoples who still remain in this hall at this late hour,

On the occasion of the United Nations World Conference on Human Rights, an NGO-Forum on "All Human Rights for All" was held in Vienna from 10 to 12 June 1993. This NGO-Forum was attended by over 2,000 participants representing a total of more than 1,000 non-governmental organizations active in the field of human rights, development as well as indigenous peoples. This NGO-Forum was prepared by a Joint NGO Planning Committee that consists of representatives of the Conference, of non-governmental organizations with consultative status with the Economic and Social Council Planning Committee in Geneva and New York, and the Ludwig Boltzmann Institute of Human Rights in Vienna. During the plenary session, which was chaired by Madame Albertina Sisulu from South Africa, keynote speeches were delivered by Mr. Ibrahama Fall, Secretary-General of the World Conference on Human Rights, by Madame Vera Chirwa from Malawi, Madame Sheikh Hasina from Bangladesh, Madame Issam Abdel-Hadi from Palestine, Mr. Jonathan Mann from the United States, Mr. Jimmy Carter from the United States and Mr. Adolfo Pérez Esquivel from Argentina. I was elected General Rapporteur by Plenary of the NGO-Forum.

The aim of the NGO-Forum was to give international, regional and local human rights organizations as well as indigenous peoples from all regions of the world an opportunity to evaluate the achievements of the United Nations in promoting and protecting human rights and to formulate common recommendations on how to improve and restructure the human rights programme in order to meet the new challenges in a period of global political change and to ensure improved access of NGOs and indigenous peoples to the mechanisms in the field of human rights.

The work of the NGO-Forum was carried out in five major working groups and another six working groups that were established spontaneously on the first day of the Forum. All the recommendations of these working groups were adopted by the plenary session and are summarized as follows. The full text of all these recommendations will be available as official Conference documents only tomorrow. Now I will review the summary reports of the different working groups.

The First Working Group dealt with a general evaluation of progress made in the field of human rights and of the overall effectiveness of United Nations standards and mechanisms and further recommendation for their improvement and greater involvement of non-governmental organizations.

The members of this Working Group underlined the universality, indivisibility and interdependence of human rights and stressed that claims of relativism could never justify violations of human rights. They recommended, first of all, the establishment of an office of High Commissioner for Human Rights, secondly, of a permanent international penal court to prosecute gross violations and, thirdly, the appointment of a Special Rapporteur of the Commission on Human Rights on violence against women and gender-based discrimination as a means of fully integrating women's rights into the United Nations mainstream human rights programme. They further recommended the elaboration of optional protocols to both the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Elimination of All Forms of Discrimination against Women, which would provide for individual complaints procedures. Other recommendations refer to the need for a significant increase in the United Nations human rights budget comprising 3-5 percent of the UN's regular budget and the establishment of a comprehensive human rights database.

The Second Working group dealt with the issue of the assessment of the present state of the rights of indigenous peoples and taking into account that this Conference takes place during the Year of Indigenous Peoples.

The members of Working Group B stressed the distinct characteristics of indigenous peoples, which distinguish them from minorities. They urged that indigenous peoples be recognized as nations with inherent collective rights of self-determination, of development, self-government and autonomy.

Further recommendations include the proclamation of an International Decade of the World's Indigenous Peoples, the establishment of either an office of high commissioner for indigenous peoples or the appointment of a Special Rapporteur or another permanent United Nations body with adequate resources for the protection of the rights of indigenous peoples.

Furthermore, they urge the United Nations to adopt, without further delay, the strongest possible draft of the universal declaration of the rights of indigenous peoples and to ensure full participation of representatives of indigenous peoples in its drafting process and related activities.

The Third Working Group dealt with the evolution of the present state of the protection of human rights of women.

The members of this Working Group stressed that the United Nations and the governments have, by and large, failed to promote and protect the women's human rights. They recommended that all United Nations human rights monitoring bodies should address violations of women's human rights by including gender-specific abuses with particular reference to abuses of refugee women, of migrant women and exiled and internally displaced women.

They proposed the appointment of a Special Rapporteur on the human rights of women by the United Nations Human Rights Commission. That is to say not by the Commission on the Status of Women. They further urged the governments to ratify the Convention on the Elimination of all Forms of Discrimination against Women, to withdraw their reservations and to strengthen the implementation procedures by means of individual and group complaints. A particular emphasis was put on the necessity for effective United Nations procedures to eliminate violence against women and sexual exploitation both in the public and in the private spheres. Women should have equitable participation in shaping development progress with a view towards establishing a more just economic order. The Working Group recommended the establishment of a permanent international penal court, which should also have jurisdiction over gender-specific abuses such as rape, sexual slavery, forced sterilization and forced pregnancy. Finally, the Working Group stressed the need for women's access to decision-making powers in all fields including United Nations bodies along with the promotion of human rights education as a human right.

The fourth Working Group was called "Examination of the relationship between human rights, development and democracy with particular attention to the role of NGOs in fostering popular participation and in creating awareness of the necessity of solidarity between the North and the South."

The members of this Working Group recommended the democratization of United Nations structures, in particular the abolition of the veto in the Security Council. They also stressed that structural adjustment programmes should be compatible with human rights, the abolition of economic conditionality and a holistic approach to the right to development. They further requested effective gender and class representation from different sectors of society in institutional decision-making processes.

They considered the impoverishment of large sectors of the population as a gross violation of human rights and called upon NGOs to campaign against the present Round of GATT.

They said development should be linked to democracy and to the satisfaction of the basic needs of the disadvantaged sectors of the population. The Working Group urged the adoption of a new strategy of formal and non-formal human rights education at all levels. Urgent attention should be given to violations of the rights of migrant workers, displaced and stateless persons as well as to the erosion of workers' rights. Finally, the Working Group emphasized the importance of civil institutions as the basis of participatory democracy, respect for human rights and genuine development. In this context, the fostering of solidarity between NGOs of the South as well as those of the South and the North was

stressed. In addition, the Working Group requested a drastic reduction in military expenditure and urged that effective steps be taken to ensure that multinational corporations and other non-state violators of human rights be subjected to the standards and obligations of international human rights law.

The fifth Working Group dealt with the examination of current trends in human rights violations as a result of racism, xenophobia, ethnic violence and religious intolerance with a particular focus on minorities.

The members of this Working Group urged governments to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and to accept the individual petition procedure under the Racial Discrimination Convention. It stressed the important role of non-governmental organizations and national and international institutions in combating racism, racial discrimination, xenophobia, ethnic violence and religious intolerance. The worsening economic conditions in the "developed" countries were identified as part of the root causes of these phenomena.

The Working Group urged the United Nations to establish mechanisms in order to eliminate the double discrimination that affects women belonging to ethnic groups that are discriminated against and recommended that violence against women as well as the sale of and traffic in women should be considered a gross human rights violation. Gender equality was also stressed in the context of combating religious intolerance. The effectiveness of the UN Special Rapporteur on religious intolerance of the Commission on Human Rights should be enhanced.

With respect to the rights of minorities, the Working Group urged effective means to implement the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities by establishing a working group of the Commission on Human Rights dealing with minority issues. Effective mechanisms should also be developed to counter discrimination against other disadvantaged groups, such as men and women discriminated against for reasons of sexual orientation, for people with disabilities, for persons who have tested positively for the human immunodeficiency virus or who live with AIDS, sexually exploited people, homeless children and children who are victims of armed conflicts and of child prostitution. Particular attention should be paid to trade union rights. Finally, the Working Group raised the serious issue of gross human rights violations committed by non-state entities that are not accountable to the world community.

Mr. Chairman,

Now I come to the additional working groups. The first one dealt with military forces and paramilitary forces, with police and political repression, missing persons, disappearances, torture, foreign occupation and human rights.

This Working Groups strongly denounced gross violations of human rights existing in many countries such as torture, extrajudicial executions, missing persons, enforced disappearances and arbitrary detentions. All governments were urgently requested to address the root causes of exploitation and domination including foreign occupation, poverty and powerlessness among the people. They should also respect the work of human rights activists and should ensure proper legal procedures in cases of human rights abuses.

Among others, the following specific recommendations were made: all governments should adopt the proposed draft optional protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the draft Declaration on violence against women, they should declare grave and systematic human rights violations as crimes against humanity, they should adopt a new machinery to react efficiently and promptly to massive human rights violations, to reallocate arms expenditures to development needs and to recognize conscientious objection to military service as a fundamental human right.

The second additional Working Group dealt with the human rights of children and young people.

This Working Group stated that, despite the ratification of the UN Convention on the Rights of the Child by 136 governments, numerous public and private violations of the human rights of children and young people are committed and particularly affect the girl child. The Working Group recommended the adoption of a special procedure to submit petitions from individuals and from non-governmental organizations to the United Nations Committee on the Rights of the Child as well as more efficient mechanisms for the protection of children in violent situations such as armed conflicts, "social cleansing," extermination, torture and violence within the family. States were requested to fix a minimum age of criminal responsibility, to raise the age limit prohibiting participation of young people in armed conflicts and to put an end to the economic and sexual exploitation of children.

Furthermore, development and structural adjustment programmes must include specific measures to guarantee better protection of children and young people. In conclusion, this Working Group urged all states, social entities and individuals to respect the right of children and young people to participate as valued members of society, to speak and to be listened to.

The third additional Working Group dealt with forced eviction, displacement and housing rights.

It underlined the legal nature of the right to adequate housing under article 11(1) of the International Covenant on Economic, Social and Cultural Rights and welcomed the recent appointment by the Commission on Human Rights of Mr. Rayindar Sachar as United Nations Special Rapporteur on the right to housing. It stressed the inseparable relationship between that right and other human rights, such as the right to life. It urged governments to allocate the resources, land and services necessary for all citizens to enjoy the right to housing.

This Working Group expressed its deepest concern that forced evictions are a widespread and global phenomenon constituting a gross violation of human rights. It emphasized that the denial of housing rights, including the practice of forced eviction, creates situations that gives rise to outbursts of communal and ethnic violence. It urged international and bilateral financial agencies not to fund development projects and economic adjustment policies leading to the involuntary removal of people from their homes. Finally, the Working Group strongly recommended the appointment by the UN Commission on Human Rights of a special rapporteur on forced evictions.

The fourth additional Working Group dealt with the caste system, untouchability, bonded labor and the United Nations role in this respect.

It urged the United Nations to take appropriate steps to eradicate the practice of untouchability, which it considered a crime against humanity and discrimination on the basis of caste, religion and other factors by the year 2000. To that end, the Working Group recommended the appointment of a Special Rapporteur to carry out a study of the situation of the untouchables in South Asia, in particular, of bonded labor, child servitude and child prostitution. In addition, the establishment of a special committee was called for in order to initiate the process of declaring the untouchables to be an indigenous people of South Asia to whom all United Nations resolutions on indigenous peoples should be applicable.

The fifth additional Working Group has called "Beyond Vienna: building the human rights movement."

It calls for a common Manifesto or Agenda on "All Human Rights for All", based on the contents of the conclusions and recommendations of the NGO- Forum and the regional preparatory meetings. This Agenda should include a human rights education campaign, the establishment of a UN office of the High Commissioner for Human Rights, permanent international penal court for violations of human rights and a number of demands raised in other working groups.

It stresses the accountability of major institutions of society such as multinational corporations, global financial and other institutions or religious bodies as well as national and international NGOs.

In addition, it suggested campaigning against unfair trade practices and in favor of unilateral disarmament by states.

In structural terms, the Working Group recommended the establishment of democratic non-partisan and decentralized NGO network as well as the election of a coordination committee to implement the aims and objectives of the Agenda. During the NGO-Forum, an ad hoc democratically oriented structure was formed in order to take up the work of coordination of activities beyond Vienna. This committee should be composed of members equally representing the different regions and should give priority to organizations of working people, indigenous peoples, women and other historically oppressed sectors of society.

Finally, there was an additional proposal by the NGOs of the disabled persons.

The representatives of NGOs of disabled persons stressed that 10 to 15 percent of all oppressed groups are disabled persons, who thus encounter a double and often multiple discrimination and violations of their rights. There are more than 500 million disabled persons in the world. The respective non-governmental organizations urged for the adoption and effective implementation by the United Nations and its Member States of the standard rules on the equalization of opportunities for disabled persons and on the implementation of the World Programme of Action concerning Disabled Persons.

Mr. President, in conclusion, I would like to say that in the opinion of the General Rapporteur it was a major achievement to bring together more than 1,000 international, regional and local NGOs from all parts of the world, which represents a great variety of concerns and to produce, in a short period of time, such constructive and forward-looking common recommendations to improve the United Nations human rights programme.

These proposals should guide the future cooperation amongst NGOs as well as between NGOs and the United Nations. Concerns of the global human rights community should be taken into account by the government representatives meeting in Vienna from today to 25 June 1993 and should be reflected in the final document of the World Conference on Human Rights.

I thank you, Mr. Chairman, for your attention.

NIASSE, Mustapha (President), spoke in French:

I thank Mr. Nowak for his statement. This concludes the 3rd plenary meeting of the World Conference on Human Rights. The work will be resumed tomorrow morning at 10 o'clock. Meeting is adjourned. I thank you.