



لتظلّ الشعلة وهاجئةً - 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

14th plenary meeting, 21st of June 1993

World Conference on Human Rights

Vienna, 14-25 June 1993

14th plenary meeting, 21st of June 1993

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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.

BERENGER, Paul Raymond (President):

Ladies and gentlemen,

The 14th meeting of the plenary of the World Conference on Human Rights is called to order.

We resume the commemoration of the Children's Day and in that context the Conference will now hear a joint NGO statement on children.

ABUEVA, Amihan (NGO Forum. Working Group on Children and Young People):

Keywords: RIGHT OF THE CHILD - YOUTH - TREATIES - INTERNATIONAL OBLIGATIONS
- PROGRAMMES OF ACTION - CHILD WELFARE - PEACE - POLLUTION

Mr. President, delegates, child advocates, children and young people,

I am pleased to present to you the statements that have been prepared NGO Forum Working Group on Children and Young People. Our statement has two parts and there will be two of us to read the statement.

All human rights begin with children and young people.

Unless the human rights issues of children and young people are urgently addressed, human rights abuses will continue. The UN Convention on the Rights of the Child has been ratified by 139 nations. However, despite progress in legislation and a number of national action programmes there has been to date a lack of significant progress directly affecting children in most countries. There are countless public and private violations of children and young people's human rights across the globe. This must no longer be tolerated.

Effective action is urgently required in the following arenas:

First, the universal ratification of the Convention on the Rights of the Child and withdrawal of reservations contrary to the objectives and the purposes of the Convention or of international treaty law. Since human rights are interdependent, universal ratification of all other international human rights instruments is also needed. Implementation of the rights of children to survival, protection, development and participation as embodied in the United Nations Convention on the Rights of the Child, must be a paramount concern of every state regardless of other considerations.

Second, national action plans for effective implementation of the Convention on the Rights of the Child should be applied with urgency. Adequate financial resources must be provided to this end. Governments must ensure that adequate health care and nutrition, clear water, safe shelter and disease prevention be provided to all children and young people. They must be guaranteed access to basic education and appropriate professional training through formal and informal programmes including play and recreation periods to develop their creative capacities. The arts should be applied as a dynamic educational force for the full human development of children and young people and as a powerful tool for rehabilitation of children and young people under difficult circumstances. It is also important to relate children to the roots of their history and to links to other cultures to broaden their appreciation of cultural diversities and their own identity.

Third, state legislation should be revised so as to become compatible with the Convention on the Rights of the Child and other international norms. State legislations should also provide recognition and protection of national and international non-governmental organizations in their efforts to implement the Convention. Changes that are compatible to the Convention should be made in national and international legal codes, notably to fix a minimum age of criminal responsibility and sexual consent. They should include recognition that the family should play a major role for young persons of all ages. The full protection of women's rights is essential to furthering the efforts to provide for children's needs. All parties must acknowledge the right of children and young people to participate as valued members of society to speak and to be listened to so that their views and needs may be taken into account in all matters affecting their lives.

Fourth, better mechanisms must be developed for the defense and protection of children and young people in violent situations and whenever there are massive violations of children's rights. These include armed conflict, physical, sexual or psychological violence within or without the family, street children, the so-called social cleansing, torture, detention and extermination.

Each state should also create legislation to educate against and eliminate customs and practices, which discriminate and cause harm to the girl child, in particular female infanticide and organ mutilation. All other forms of discrimination must also be legally banned and eliminated through appropriate action.

Fifth, means and mechanisms must be provided to address economic exploitation of children and young people including all forms of child labor, child prostitution and pornography, trafficking and sale of children for whatever purpose and bonded labor. Protection mechanisms must be fully enforced. Social, economic and financial programmes must give priority to the rights of children and young people. Development and structural adjustment programmes must include specific measures to guarantee protection of their rights.

Sixth, the Special Rapporteur on economic, social and cultural rights should be asked to conduct a study on the impact of structural adjustment programmes on the realization of children and young people's rights with particular attention to situations of extreme poverty, child labor and bonded child labor. International Labour Organisation's conventions should be implemented, and governments asked to legislate, to ban the production or import of goods made fully or partly by children. UN organizations or development banks should be asked to stop all loans, aid and support to any project likely to involve or perpetuate child labor and bonded child labor.

Seventh, all efforts should be made to ensure peace. In cases of conflict, humanitarian norms should be strictly observed to protect and assist children and their families in war zones, provide physical and psychological care and rehabilitation and to ensure family reunification. Children and their families must be protected against the frequent and indiscriminate use of antipersonnel mines and their lasting potential to kill and maim. An optional protocol to the Convention on the Rights of the Child should be drafted to raise to eighteen the minimum age for recruitment into armed forces.

Eighth, in coordination with the Centre for Human Rights a special mechanism should be created within the Committee on the Rights of the Child providing capacity to receive denunciations and information from NGOs and/or children or young persons or their legal representatives regarding serious violations of their rights.

And ninth, environmental pollution must be recognized as being of particular danger to young children and governments should make provisions to protect and shelter them from the harmful effects of environmental disasters while taking decisive steps to provide all populations with a clean environment.

I would like now for the second part of our group statement to be read by David Lyons.

LYONS, David (NGO Forum Working Group on Children and Young People):

Keywords: RIGHT OF THE CHILD - YOUTH - CHILD WELFARE - POPULAR PARTICIPATION - MASS MEDIA

Mr. President,

This statement is written almost entirely by youth and we make it on behalf of the young people of the world.

in the past few years, the United Nations has made many positive advancements in the domain of the rights of children but it is our conviction that these advancements have not reached their full potential. Children and young people have not been given proper voice to express themselves regarding their human rights concerns. Our interest is to involve the children and young people of the world in the process of world affairs especially in issues which are pertinent to them. Specifically, we would like our involvement to be most prominent in the mechanisms of the Convention on the Rights of the Child.

Urgent action is fundamental in delivering proper human rights to young people before comprehensive participation can be ensured. These include the child or young person's right to shelter, proper health care, access to an income and other social services, all of which is funded by the States Parties. Every child must have access to education. The educational system must inform young people of their rights as well as the working of their local and national governments. In addition, they should learn of the instruments of the United Nations and what actions they take if their rights are being violated. Curriculum should also promote awareness of current events and inform them of NOGs for youth assistance. In their educational system, indigenous children should be able to retain their culture and the girl child should not suffer gender-based discrimination.

Children should be included in all the political decisions concerning children and young people by governments at all levels and the UN. They should be granted political weight and recognition by the United Nations. Children and young people should be given a clear role in the mechanisms of the Convention on the Rights of the Child. Our recommendation is that a democratic system of children organizations should be established with children having the main voice within it. Each community would elect a committee, and each community committee would elect members of a municipal committee, and this would continue up to an international scale. These organizations would hold open child forums, which would not only serve as educational mechanisms but as forms of communicating

firsthand reports of the violations of the Convention in the community in question. Organizations would then relay this information to the international committee, who would have access to both the Committee on the Rights of the Child and appropriate UN agencies. These children's organizations would be able to take direct action when reports warrant concern.

Other possibilities include that both individual governments and the UN must consult a youth representative body on all political aspects and processes that pertain to youth issues. These governments must also encourage the NGOs within their borders to do the same.

Children and young people must have other forms of public discussion and interaction. These should include access to the various forms of media such as television programmes, radio, newspapers, magazines and other printed materials. There should be no restrictions to the production or distribution of these child administered programmes, and the subsidies for these projects should be provided by respective governments and international organizations. The non-youth media should be encouraged to attend and cover any children rights related events beginning immediately.

But before any of these actions can be initiated, a barrier must be removed from our course. The majority of present Heads of State, the majority of present governments, the majority of present adult population and most parents are oblivious to the rights of the child, though some are aware of their existence. The concept of children having rights equal to those of adults is incomprehensible to the cultures of the world today, which at best see children as lesser with some but not all human rights. Children compose almost half the world's population and in ten years' time will compose less as they are the major victims of the problems of today. But as children and youth, we are united, we are all the same our own unbiased vision. So, I give you a proposal for the future, to devote more time and energy at this Conference, and all things, to the rights of the child. Our world, our peoples, our cultures must adapt to these revolutionary upheavals in the foundation of our societies or take a position that will ultimately result in the end of the human race. The future is here, and I have seen it; it is the children.

Thank you.

BERENGER, Paul Raymond (President):

I thank our two young speakers for their joint statement on children. The Conference will now hear a joint NGO statement on youth.

LEWIS, Allison (Youth and Student Organization):

Keywords: YOUTH - STUDENTS - RIGHT TO EDUCATION - GENDER DISCRIMINATION
- FREEDOM OF OPINION AND EXPRESSION - RIGHT TO ASSEMBLY - FREEDOM OF
ASSOCIATION - POPULAR PARTICIPATION

Good afternoon. Thank you, Mr. President.

Distinguished delegates, observers, fellow NGOs, children, youth and students,

My name is Allison Lewis, and together with Elenna Dugundji we will be presenting the joint NGO statement on youth and students. This statement was developed throughout the course of last week with international and regional youth and student organizations that are present at the World Conference.

The international and regional youth and student organizations gathered here at the United Nations World Conference on Human Rights are gravely concerned about a number of issues affecting young people and students around the world. There can be no doubt that it has been and continues to be the youth and student movements of the world that have contributed vastly to the struggles for peace,

freedom, democracy and the dignity for all people. In this context, it has been and continues to be youth and students who have paid for their actions in the form of arrest, imprisonment, torture and death. We want to emphasize that there are individual young people and students as well as representatives from student and youth organizations that have been prevented from attending this World Conference by their governments.

The youth and student organizations gathered here at this World Conference demand that governments bear this in mind while discussing violations of human rights and attempting to strengthen the United Nations human rights mechanisms. While this United Nations World Conference on Human Rights takes place there are thousands of young people and students suffering unjust torture and being held prisoners by governments in every region of the world. There are youth and student organizations who have been forced to organize in exile because of repressive governments. There are many young people and students who live every day in fear of their lives. The world has witnessed many crackdowns on prodemocracy movements organized and lead by young people and students; these movements have ended in slaughter. The basic human rights of young people and students are violated every day. Today we speak out for them and for those who have lost their lives in struggle and we demand to be heard.

Education is a right and not a privilege. Education must be accessible and financially viable to all; it must be of a high quality and must be available in the North as well as in the South. Human rights education must be incorporated into the school curricula at all levels from primary to postsecondary education. In order that all of the world's citizens will know others rights, demand their rights and defend the rights of others.

We call upon the governments gathered here under the umbrella of the United Nations to push for the universal recognition of education as a basic human right. Although this right is guaranteed under the Universal Declaration of Human Rights, we are concerned that many governments do not comply with this guaranteed right. We believe that education is the key to development, democracy and is a crucial first step in the elimination of human rights abuses worldwide. We also believe that education must be guaranteed in times of war and conflict, in countries currently occupied and in those countries faced with international and unilateral embargoes against them.

Although these actions are aimed at governments, it is the young people and students of these countries who suffer the violation of having their basic human rights denied.

Young people and students face significant discrimination on the basis of gender. We call upon governments to take steps to end this discrimination by placing particular emphasis on the education of girls and young women in order that a just and equal world can be attained. We recognize the obvious link between the education of girls and young women and the eradication of poverty internationally. We also believe that emphasis must be placed on the education of minorities in every society in order to achieve this goal of a peaceful world in which all people are granted dignity.

We declare that girls and young women have the right of equal access to education and specifically to traditionally male dominated fields. We demand that governments place particular emphasis on ensuring that all young women are aware of the educational possibilities open to them and that states must do everything in their power to ensure that young women are supported in their choices of study.

The rights of all members of academic communities must be protected. This right is guaranteed under Article 19 of the Universal Declaration of Human Rights, the right to freedom of opinion and expression. All members of academic communities have the right to autonomy and to protection from undue pressures from governments and from the vested interest of corporations and other groups. We believe that adequate state funding must be made available for research and development in educational institutes and that research carried out by members of the academic community must not be subject to the directions of corporations or the political ideologies of governments. As stated also in Article 19, we believe that academic communities have the right to a free flow of information, that this

information will be free from state censorship and that governments have a responsibility to ensure this.

Youth and student organizations, whether they be local, regional or international, and individual students and youth have certain rights that must be recognized by all governments in all regions of the world. Youth and students have the right to organize and represent themselves autonomously. This right to freedom of assembly and association is guaranteed under 20 of the Universal Declaration of Human Rights and, yet, this basic right is continually and consistently denied to youth and students in every region of the world. We believe that youth and students have the right to form organizations autonomous of all outside interference, and that this right must be guaranteed by all governments and by the United Nations. We strongly believe that youth and students have the right to organize without the fear of reprisal, without fear of being detained, interrogated, tortured or killed for their actions. We call upon the United Nations to ensure that these rights of young people and students, as declared in the Universal Declaration, are protected.

Youth and students have the right to protest in various forms whenever academic freedom and their fundamental human rights are violated. This protest may take on any peaceful form and must not be subject to reprisal. We believe that students and youth have the right to strike and to demonstrate especially when this very right is being violated.

Young people and students have the right to consultation on all issues affecting them as youth and students and as part of a greater society. Young people and students must be guaranteed this right of consultation especially when decisions taken will form policies. In this light, we call upon governments to ensure that students are represented in all decision-making bodies in educational institutes and that youth are involved in all decisions affecting them. We call upon the United Nations to recognize the rights of youth and to ensure that youth are consulted in all activities initiated by the United Nations and its agencies as well as in the drafting of any policies to be adopted by the United Nations or its agencies that will affect youth and students. We place particular emphasis on the right of young people to be involved at all levels of the planning for the United Nations' 10th anniversary of International Youth Year in 1995. And we call on the United Nations to consult with young people's organizations to further develop the never adopted United Nations Youth Charter.

DUGUNDJI, Elenna (Youth and Student Organization):

Keywords: YOUTH - STUDENTS - EMPLOYMENT - SEXUAL ORIENTATION - CONSCIENTIOUS OBJECTION TO MILITARY SERVICE - HEALTH - RIGHT TO HOUSING - DEVELOPMENT - NORTH-SOUTH RELATIONS - INDIGENOUS PEOPLES

Youth and students have the right to secure meaningful employment and jobs according to their qualifications. Young people and students in all countries have the right to receive a living income, which would enable them to live with dignity and to participate in society. Young people who are not in paid work especially young and single mothers must be provided with proper support in order that they will not be forced to live in poverty. Young people and students in paid employment must be paid properly for the value of their work. The concept of equal pay for equal work must be applied to young people. Age-based wage payments do not recognize the value of work done and discriminate because of age. Young people and students in paid employment must be encouraged to participate in trade unions and must be permitted to participate in these structures as equal members.

Discrimination on the basis of sexuality is faced by many young people and students. Young people and students have the right to determine and express their own sexual orientation and to be informed of safer sex practices.

Young people and students must have the right to seek alternatives to military service. Students must have the right to seek suspension or alternatives to military services during studies. This right must be guaranteed in peacetime and in times of conflict. Young people and students in many countries are

surrounded by armed conflict; we seek peace not war. We demand that governments and others cease using young people as a resource to wage war. All young people must be protected in times of war.

Young people and students have specific health needs. Young people and students must have access to information and advice on contraception, sexuality, drug and alcohol use, nutrition and fitness. The mental health of young people and students must be a high priority in all countries. We call upon governments to examine the effectiveness of their health services in meeting the needs of young people and students. All governments must provide adequate resources and health services, which are specifically directed at the needs of young people and students.

All young people have the right to safe, secure, appropriate and affordable housing. Young people and students should not be forced to live in the streets. Governments have a fundamental responsibility to ensure young people have access to proper shelter.

We recognize the integral link between education and development and call on all governments to ensure that education is a primary focus in all development strategies because we believe that education is the key to sustainable development. The present development model is based on the promotion of structural adjustment policies and payment of the external debt. This strategy put forward by the World Bank and the International Monetary Fund seeks to contain internal demand, devalue currencies, eliminate government subsidies for fuel, drastically reduce public expenditure; overall to decrease state intervention in the economy. Such measures deepen the impoverishment of the population and contribute to the deterioration of their lifestyles. This paradigm model of development has been the most powerful force in both North and South environmental degradation. At the same time, this model via the monopolization of the media by multinational corporations has perpetuated itself by reproducing over consumption patterns.

Under the guise of free trade Northern governments, transnational corporations and the South's powerful elites have pushed for the removal of all barriers to free trade. These barriers to trade include not only tariffs and subsidies but more importantly any legislation that restricts the actions of business. Thus, populist and environmental regulations obtained through much struggle, labor laws, human rights and civil rights legislation are perceived as negative barriers to trade and are effectively nullified. This model while it has primarily benefitted the multinational corporations of the North has concomitantly had disproportional and very destructive impacts on children, youth workers, students, women and indigenous peoples.

Children and young people of the South live in poverty without adequate health care, education and housing services. Young workers often work long hours in miserable conditions. Students experience increasingly limited access to education and a deterioration of the quality of education as the result of constant cutbacks to the education budget. Women in a majority of countries are often the heads households; consequently, women have the double task of providing food and shelter for their children while educating and taking care of them. Women make up one of the sectors suffering from the highest exploitation and marginalization in society. The present model of development is being imposed on indigenous peoples' traditional cultures and ecological ways of life, this imposition is being sustained with genocide and the coercive cultural assimilation of the indigenous peoples into modern consumer society.

We, as youth and students, commit ourselves to educate ourselves on the international economy to exert pressure on governments and multinational corporations; to organize boycotts of multinationals to pressure these corporations to abide by the basic tenets of human coexistence; to help local communities to develop their own resources for their local needs, in order to reduce their dependency on multinationals and to halt the out flight of capital and resources; and to develop and implement youth education programmes on debt, development and use of natural resources while ensuring that those programmes are broadcasted by socially aware mass media.

In closing, the international and regional youth and student organizations gathered here at the 1993 United Nations World Conference on Human Rights issue a general condemnation to all governments and individuals as well as corporations and financial institutions guilty of human rights abuses.

We wish to register our criticism that youth and students were almost completely ignored in all consultations and preparations for this World Conference and as such are underrepresented here today, and our voices are being silenced. We want to remind the governments of the world and the United Nations that students and young people are active on a variety of issues from education, human rights and development to the promotion of the rights of women and the struggle for democracy freedom and dignity for all people and that our membership cuts across lines of religion, race, class, sex and nationality. We offer you our youth, our energy, our passion and our knowledge, and we demand to be included in all discussions regarding human rights and to have our voice heard.

Again, we want to emphasize the importance of education and urge governments to ensure that this right is granted to all. We put out a call to all governments of the world to respect, ensure and encourage young people and students to organize and to be active participants in the society and in the international community. We urge the United Nations World Conference on Human rights to take note of the violations of the rights of young people and students worldwide, to consider our suggestions and to begin the process of consultation with young people and students on all issues that affect all of us.

This statement was presented on behalf of the following youth and student organizations:

International Union of Students, World Federation of Democratic Youth, International Youth and Student Movement for the United Nations, World Union of Jewish Students, World Assembly of Youth, Organizacion Continental Latino Americana y Caribeña de Estudiantes, Asian students Association, General Union of Arab Students and All Africa Students Union.

Thank you very much.

BERENGER, Paul Raymond (President):

I thank the speakers for their joint statement on youth. The Conference now will hear the statement by the representative of the NGO Centre of Concern for Child Labour. You have the floor.

GATHIA, Joseph Anthony (Centre of Concern for Child Labour):

Keywords: CHILD LABOUR - GOVERNMENT POLICY - CHILD WELFARE

Mr. Chairman, Your Excellencies, distinguished delegates, representatives of NGOs, young people, ladies and gentlemen,

It is a great honor for me to address this World Conference on Human Rights. I speak on behalf of Centre of Concern for Child Labour, an NGO. We take this opportunity to express our thanks to the UN Centre for Human Rights for bringing so many NGOs together to share, to learn and to strengthen the human rights movement globally. This special day on children should highlight and provide momentum for the priorities for the children especially child laborers in hazardous occupations.

Violations of children's rights are not simply incidental acts of violence but they are indicative of the sensitivity of the society, and the state of children is mirror of the society.

There are several reports to indicate that the number of child laborers is increasing throughout the world. The recent estimates are between 200 and 300 million globally according to the recent ILO report. The ILO with the help of German government's donation of 50 million Deutsche Marks has initiated a programme called International Programme for the Elimination of Child labour. There are six countries participating in this programme, yet, there seems to be some resentment from some

governments. We appeal to this Conference that those countries who are resenting this programme should take away their opposition to such programmes.

In this context, the efforts made by World Council of Churches, the Justice and Peace Commission of Catholic Church, World Lutheran Federation, Organization of Islamic Conference are laudable. We urge other major religious bodies of the world to propagate and preach against the exploitation of child labor. In the same continuation it is worth mentioning that US Senator Tom Harkin has introduced a Bill on Child Labor, which if passed will ban entry of any goods in America manufactured by exploiting child labor.

We urge all the governments to introduce a clause of reduction in the incidences of child labor in their bilateral and other international aid. This will form first step towards developing common policy for elimination of child labor within a reasonable period.

The issue of child labor is not only economic but very much linked to the democracy. An illiterate child who grows as an illiterate adult often lives under a shadow of fear, and he or she is unable to take decisions for himself or herself and such a situation provides a breeding ground for fundamentalism and promotes intolerance. It is not surprising that some countries having large number of child labor population are today facing ethnic conflicts and community tensions.

The situation must be viewed in the light of the fact that broadly speaking four categories of rights are being violated in the child labor, which are the very basis of democracy. Number one - right to life; number two - right to health; number three - right to education; number four - right to protection from exploitation.

We urge the distinguished delegates here to consider the following recommendations:

That all forms of bonded child labor be eliminated within five years;

That compulsory education for all children below the age of ten be introduced to check early and tender age child entry into labor markets;

That special programme be introduced for the girl child labor by the UN specialized agencies such as UNICEF, WHO, ILO and UNESCO etc.;

That a special cell at the UN Centre for Human Rights be established to coordinate or support interagency efforts in eliminating child servitude;

That a special international tribunal be set up to examine the process of banning the export and imports of goods manufactured by exploiting child labor;

That human rights education be introduced for children especially for the child laborers.

Mr. Chairman, Sir,

The 1989 was the turning point in our history culturally, politically and economically. To lay strong foundation for sustainable global development the issue of child labor needs to be included in the list of priorities. It is also linked with the debt of the South, East and democratization of the technologies.

The people of the South as well as North have high hope from this Conference on Human Rights. We urge the governments and the NGO community to herald a new era of peace and cooperation and make the dream of social justice, peace and democracy a reality as we enter in the 21st century.

Thank you very much.

BERENGER, Paul Raymond (President):

I thank the representative of the Centre of Concern for Child Labour for this statement.

Ladies and gentlemen,

This concludes commemoration of the Children's Day. The Conference will now resume its general debate. I, therefore, now give the floor to the representative of the Permanent Arab Committee on Human Rights of the League of Arab States. You have the floor, Sir.

ABDELHAMID, Al-Shafii (League of Arab States. Permanent Committee), spoke in Arabic:

Keywords: SOVEREIGNTY - SELF-DETERMINATION - SOUTH AFRICA - ARAB COUNTRIES - STATE OF PALESTINE - BOSNIA AND HERZEGOVINA - Geneva Conventions (1949) - NON-GOVERNMENTAL ORGANIZATIONS - INTERNATIONAL COOPERATION - UN High Commissioner for Human Rights

Mr. President,

This World Conference on Human Rights is the second of its type at a time when all countries large and small are continuing to look at the establishment of a new international order, which would make it possible for us to achieve the objectives of the Charter, promote dignity and wellbeing and to ensure that men and women can live without fear for the future for themselves, for their families or for the communities in which they live.

The first of these considerations, which the new international order should take into account very decisively, is the question, of course, of human rights. Experience that we have accumulated over the last fifty years since the adoption of the UN Charter, and the lessons that have been learned in that time in the various regions of the world, as well as the regional conflicts that we have witnessed in all their cruelty involved the most fundamental human right, the right to life and the respect thereof as well as the right of every individual to have a share in the world's prosperity and meet his or her aspirations. This is the major challenge that the international community has to meet despite the difficulties and obstacles present on this very long road.

Obviously, we must have a new international order, which implements what is included in the Preambular part of the United Nations Charter. The principles in the Charter are the essential guarantees for human rights. I would like to reiterate our conviction that men and women should enjoy their dignity and be equal as should all countries - small or large. These are, as I have said, fundamental guarantees that are constructive in nature and that, if observed, would make it possible to enhance prosperity throughout the world and prevent injustice. They would guarantee justice for all. We must do whatever we can to implement all the principles of the UN Charter.

I have referred to the constructive nature of thereof, and I would also like to refer to their preventive nature. Double standards are increasingly being applied throughout the world at the moment, and these are a great risk and a source of threat to the international community. It is impossible to remain silent in the face of mass human rights violations. Global responsibility is an important issue as is national responsibility. If we remain silent, we will encourage further perpetration of human rights violations. I refer here to threats to the international peace and security. It is acknowledged that the question of human rights is one that goes beyond borders of whatever countries and is due to the human nature. What I mean is that the interaction is present everywhere and, therefore, violation of human rights is an issue that goes beyond national borders. It concerns all peoples and all nations. Therefore, we must have solidarity. That does not mean interference, of course, in the internal affairs of states. I think, there is a limit between the protection and promotion of human rights and interference in the internal affairs of another state. And that limit, in our opinion, should not be exceeded. It is essential to emphasize that human rights should not be used as an instrument with which to interfere in the internal

affairs of states. It should not be necessary to change the geographical setup in the world. We should reject any opportunistic attitude, which might try and create conditions that would subsequently turn out to be a threat to the security and stability of independent states.

There is no doubt, Mr. President, that there is a common denominator between peoples and countries, the expression of progress of humanity as a result of the experience accumulated by all countries and peoples. We do have this common denominator. This is what brings us together because we live in an interdependent world. We are trying to benefit from the experience accumulated by and lessons learned by others, particularly after the two world wars. We have tried to do a great deal of work internationally on protection and promotion of human rights, things like decolonialization, to try and get better understanding between peoples and nations. We have never wanted to simply reiterate hollow principles but we have to do more to achieve our objectives whether we are talking about establishing such justice or whether we are talking about enhancing the prosperity of humanity in general. This shared common philosophy is something that finds its inspiration in various developments that have taken place both regionally and internationally. That means there is link between nations and peoples, and that what makes it possible for us to live together in dignity and prosperity for all.

Geographical and regional specificities have, in fact, enriched the international system. That is why that system should take those regional specificities into account. Article 52 takes into account this issue of regional specificities and indicates that that might be a source of guarantee for international peace and security. The Security Council indicates the same thing. It is necessary to define the role of governments and non-governmental organizations so that they can work in solidarity. We need to stress the link between the international system and the regional human rights system because one cannot ignore historic realities, cultural backgrounds and the traditions and values of each individual people and the region.

Only if we take these points into account, will we be able to ensure protection and promotion of human rights and the respect thereof. Only that will make it possible to build up a network on the basis of which we can achieve the observance and protection of human rights and prosperity for all.

Mr. President,

We must see on what basis we are going to build this system. All governments have to show the will to respect the right to life and the right to self-determination for peoples because if the latter is not really exercised you can have no other human rights at all. There are those who are trying to sweep human rights aside, trample on them, not to apply the right to self-determination. The effect of that will be to induce considerable suffering and great problems internationally. Not only will it be a threat to the people whose rights are denied, at the same time the effects will constitute a threat to the peace and security of the region concerned and even international relations overall. It would also lead to waste of the resources of the region, which should have been used on reconstruction.

The League of Arab States supports what was said in the meeting held in Tunis in November last year. The meeting made it possible for the countries of Africa to express their points of view and come to a common stance on this issue. Their emphasis was placed on the need for free choice by people of their economic, political and social system based on the respect for sovereignty and non-interference in the internal affairs. Over the history we have seen a lot of suffering caused to various peoples in various parts of world.

I would like, in this connection, to refer to the sufferings of the people of South Africa because of the apartheid system. We now have hoped that the age of apartheid has come to an end and that things would take a turn for the better in South Africa, which is a good thing.

I also need here to refer to Zionism and to the expansionist policy that encourages the building of settlements and forced annexes of the Occupied Territories and a change in the demographic set up in

the region. The Arab side to the conflict has emphasized the need for a land for peace exchange on the basis of respect for international legitimacy.

I have the pleasure here of speaking of the heroes who have cast stones in the face of the oppressor. I have the honor to say that we support them because they want the rights of the Arab people to be respected. I support those who resist the Zionist policy, which is a blind policy perpetrated in the Arab territories. Despite this the children of the Intifada fear nothing, they do not fear cruelty, they do not fear being exiled. It is, therefore, the time for the international community to throw off its chains and help the Arab people to get rid of this policy of expansionism, of this policy of aggression perpetrated against Palestine.

I should also like, Mr. President, to refer to another group of suffering people. I refer, of course, to the case of Bosnia and Herzegovina. There we see the perpetration of genocide, which has gone far beyond the limits of Nazi policy. It is an illustration of cruelty the level of which we did not even see during the Nazi period. The suffering of the Muslim people of Bosnia and Herzegovina is a stain on the international collective memory because it shows that the international community is not shouldering its responsibility with respect to trying to prevent this kind of conflict. At the same time, it is making no attempt to save the Muslim people of Bosnia and Herzegovina from being massacred. This Conference should reiterate its belief in the principles of the Charter and take constructive and objective measures to bring an end to the occupation of territories and to save the Muslim people of Bosnia and Herzegovina from being massacred. It should also do something to prevent this kind of disaster in the future. Only then can we help these suffering peoples.

We are on the threshold of building a new international order. Unless we have trust and confidence in that possibility it will be impossible to build such an international order. If we are to regain that trust and confidence, however, all those who have committed crimes against humanity must be punished for doing that.

We have to emphasize the link between humanitarian law and international law. We have to find an organic link between those two rights. This is particularly true if you bear in mind the Fourth Geneva Convention. We must apply that convention and the three other international Red Cross and Red Crescent conventions. All United Nations bodies and organizations should ensure that these conventions be respected in all cases. The Member States of the United Nations must respect the commitments they shouldered under these conventions and should respect them fully in whichever way on the basis of optional protocols or however.

If we are to build this new international order, we must take into account the factors that I have mentioned, namely, that there cannot be double standards with respect to human rights, there cannot be a selective approach in the respect to the right to self-determination or humanitarian law. We must cover all aspects of human rights including certainly those relating to democracy and the universal respect for human rights. All human rights are indivisible and this means that economic, political, civil, social and cultural rights must be taken into account.

We need to reach an agreement on the framework within which the United Nations organizations and bodies must be working on human rights. We need this to make it possible for us to exchange our experiences, to exchange information and to help individual peoples and countries to find a solution to their problems on the basis of international rules and regulations. We need to pick up the challenge facing us socially, culturally and every other way without, in so doing, having to review or change the values we hold. Governments, nations and non-governmental organizations must contribute fully to finding solutions to all these problems and to cooperating with regional organizations.

The League of Arab States is fully aware of the work being done by Arab NGOs. We are aware of the need to work at two levels, locally and nationally. That is why the League has opened up its doors to non-governmental organizations and made it possible, as part of its work and as determined by the Council of Arab States, to give advisory status to non-governmental Arab organizations. We value the

work being done by the Arab non-governmental organizations, which is based on democratic principles and on reciprocal, equal treatment as well as respect for human rights. Those non-governmental organizations can come and discuss human rights problems in a setting where cooperation is developing further and further in a constructive spirit.

It is essential to see whether our objectives have been achieved or whether it is necessary for us to develop new mechanisms on the basis of which to apply human rights principles. When we took up this problem, we have to see how far we have taken advantage of existing mechanisms, and how we can prepare new ones if we need them. Quite often, the existing mechanisms are used for purposes for which they were not developed. Therefore, it is essential that we be vigilant. It is essential that we find a balance, which is a very delicate one to find, between the concept of liberalism and the danger of intervention and interference in the internal affairs of the state. We must take into account the international realities and try and apply international guarantees so that these principles are not abused and used as an instrument for interference in the internal affairs of states. Human rights are, in fact, rights that should be respected by all and everywhere. International bodies and organizations should not intervene in the way human rights are dealt with nationally and intervene unreasonably in the internal affairs of individual states.

We must be clear about things and that is why the League of Arab States cannot accept the idea of the creation of the post of United Nations High Commissioner for Human Rights.

Thank you, Mr. President.

BERENGER, Paul Raymond (President):

I thank you for your statement.

Ladies and gentlemen,

May I remind you all that this meeting of the plenary will go on until 21 hours, that is 9 pm. May I also remind you that we should all try, as far as possible, to stay within ten minutes that were allotted earlier for statements.

I now give the floor to Mr. Frank Njenga, Secretary-General of the Asian-African Legal Consultative Committee. You have the floor.

NJENGA, Frank (Asian-African Legal Consultative Committee):

Keywords: EXTREME POVERTY - DEVELOPMENT - ENVIRONMENT - RULE OF LAW - INTERNATIONAL OBLIGATIONS - SOCIALLY DISADVANTAGED PERSONS - REFUGEES - INDIGENOUS PEOPLES

Mr. President, Your Excellences, distinguished delegates, ladies and gentlemen,

Please accept our thanks for affording me an opportunity to address this distinguished gathering as an observer of the Asian-African Legal Consultative Committee, an organization with the membership of every state from Asia and Africa. It is for me a matter of pride and singular honor to be invited to share with you the ideas of my organization, most of which have explicitly been incorporated in the Kampala Declaration on Human Rights adopted at the recent 32nd session of the AALCC on the 6th February 1993 and reproduced in document number A/CONF.157/PC/62/Add.9. We endorse the view that the time is, indeed, ripe to take stock of the standard setting process of the United Nations subsequent to the adoption of the Universal Declaration of Human Rights and the convening of the first International Conference on Human Rights in Teheran in 1968. We hope that this Conference will reaffirm the standards and norms hitherto agreed upon but also call upon all concerned to rededicate themselves to their enjoyment and realization in full measure.

Mr. President,

Human rights aimed at enriching the quality of life, development and international peace are interdependent. A quarter of a century ago the Teheran Conference on Human Rights had reaffirmed that "peace is the underlying condition for the full observance of human rights, and war is their negation." Peace and security both at the national and international level remain the condition *sine qua non* for the realization and enjoyment of all indivisible and inalienable human rights in full and substantial measure. The absence of peace characterized by presence of strife, tension, discord and war are to be eschewed for the peace is the only realistic environment for socio-economic progress as well as for furthering and ensuring human rights. Members of the international society must, therefore, reaffirm their desire to save the present and succeeding generations from the scourge of wars and armed conflicts both international and domestic as well as to maintain international peace and security in accordance with the purposes and principles of the Charter of the United Nations.

Mr. President,

In the developing countries, poverty is one of the major obstacles hindering the enjoyment of human rights. The fact that almost three-fourths of the planet's population suffer from malnutrition, diseases and poverty should be a matter of concern for all of us. The poor socio-economic conditions resulting partly from the transfer of resources to the servicing of external debts and from the disparity in the terms of international trade hinder the process of development and the realization of human rights in the developing and least developed countries. We at the AALCC, are of the firm opinion that development is not merely a means to economic growth but a process to enlarging people's choices. A broad-based development process, sustainable in the long run would in itself assist in meeting the fundamental socio-economic needs of the people and in the process fortify and strengthen the democratic institutions. We do believe that the right to development is an inalienable human right and the vital importance of economic and social development to the full enjoyment of human rights should be further recognized and underscored. All states, therefore, must cooperate in the essential task of eradicating poverty for the universal realization of human rights.

Mr. President,

Poverty as you are aware is a complex and multidimensional problem and the eradication of poverty and destitution in the developing countries has become a priority of the present decade. We have noted with appreciation the views of the Secretary-General on international cooperation for the eradication of poverty in developing countries and welcome in this regard the observance of the International Day for the Eradication of Poverty in accordance with the resolution adopted by the General Assembly at its 46th session. This Conference may also wish to recall that at its 45th session the General Assembly proclaimed the Fourth United Nations Development Decade, the main aim of which is the search for a reduction of extreme poverty and the joint responsibility of states therein. Since underdevelopment is the main obstacle to the realization and enjoyment of human rights and is also the root cause of poverty, the relationship between development and human rights needs to be accorded a prime place. The right to development must be in the check list of human rights and be accorded a place next only to the right to life and the right to self-determination.

Mr. President,

The development and the environment are intrinsically linked and should not be considered in isolation from each other. Development should not be pursued in a manner that would endanger the environment. In this connection, the right of an individual or human right to a safe and sound environment as incorporated in the Kampala Declaration needs to be emphasized. This may at the first blush appear be a novel concept. But it is far from being so since the roots and basis of both concepts, i.e., international environmental law and sustainable development, is intergenerational equity. The right to a safe and healthy environment may, therefore, require to be progressively developed and codified.

Mr. President,

The indivisibility and interdependence of human rights have been recognized and must be given effect in policy formulation and implementation. Civil and political rights cannot be disassociated from economic, social and cultural rights. The satisfaction of economic, social and cultural rights is a major factor for the enjoyment of civil and political rights.

The primary responsibility for implementing human rights is at the national level. Consequently, the most effective system or method of promoting and protecting these rights has to take into account the nation's history, culture, tradition, norms and values. Whilst the international community should be concerned about the observations of human rights, it should not seek to impose or influence the adoption of the criteria and a system that are only suitable to some countries on developing countries. However, no states should manipulate its sovereignty to deny the inalienable rights of its citizens and expect silence from the international community.

Mr. President,

The international cooperation is vital to the promotion of human rights. It is, therefore, important that states reaffirm their commitment to the principle of universality, objectivity and non-selectivity of all human rights as a just and balanced approach in this regard. Politicization of human rights, application of double standards and interference in the internal affairs of others are a challenge to the international cooperation in the field of human rights and must be avoided.

Mr. President,

The rule of law in the administration of justice is a prerequisite to full enjoyment of human rights and the sustainable economic and social development. Law as an implement of social engineering is an integral part of the development process. But the rule of law itself cannot be effectively and completely realized until legislators are elected in genuinely free and fair elections and legislative bodies established in accordance with the will of the people. In this regard, the role of the process of democratic representation in the maintenance of the primacy of the rule of law and the realization and enjoyment of human rights should be emphasized.

The rule of law, like human rights, is of universal validity and application as it encompasses the very institutions, norms and principles, which are deemed essential to the practical realization and effective implementation of human rights and the dignity of man. The Secretariat of the AALCC would, while underscoring the indispensability of the rule of law in the administration of justice to the development process, call upon the international society to reaffirm the significant role that the administration of justice should play in the development process. This is true not only of criminal justice but also equally valid for dispensation of political, social and economic justice in the realization of human rights. The onus on the governments prosecutes those responsible for grave violations of human rights needs to be emphasized so as to furnish a firm foundation for the rule of law.

Mr. President,

Let me emphasize that human rights are not the exclusive concern of states. In guaranteeing human rights the role of grassroot organizations, intergovernmental and non-governmental organizations both national and international needs to be fully recognized.

Mr. President,

I would like to reiterate that all states that have not already ratified or acceded to the international human rights conventions should endeavor to do so in the course of the United Nations Decade for International Law. In doing so such states would be promoting the objective of the acceptance and respect for the principles of international law and also would ensure universal adherence to the

international instruments that have setup norms covering a broad spectrum of human rights. This is of vital significance since despite the fact that most of the international conventions on human rights issues are in force, their status in terms of the number of States Parties can scarcely be considered as widespread or universal. The AALCC is of the view that regional human rights instruments should be employed to supplement concepts and norms enumerated in the universal instruments. This World Conference should aim at strengthening the human rights regime at all levels, national, regional and international as well as to reaffirm the need to protect under all circumstances the victims of human rights violations.

Mr. President,

In every society, there is a class of persons who may require special consideration, and this august assembly will no doubt deliberate upon the means of protecting the rights and providing assistance to such special groups as the aged and infirm, women and children. The senior citizens of the world, the nucleus of primary social units and the citizens of tomorrow all deserve special care and protection. Consideration also should be given to such menacing issues as racism and abhorrent ethnic cleansing, torture, domestic violence, drugs trafficking, terrorism, xenophobia and see to their eradication. This Conference should also consider appealing to all concerned to not merely respect human rights but to work towards creating a world order that honors and respects the rights of every human being.

Another numerable group whose protection must be addressed are refugees, for the major cause of assistance to refugees is the systematic denial of their human rights. The interlinkage between human rights and problem of existence of refugees was eloquently demonstrated by Her Excellency Mrs. Sadako Ogata, the High Commissioner for Refugees, in a speech to the 49th Session of the Commission on Human Rights on 3rd March 1993 during which she stated:

The issue of human rights and the problems of refugees are so inextricably linked that it is hardly possible to discuss one without referring to the other. Human rights violations are a major cause of refugee flows and also a major obstacle to the solution of refugee problems through voluntary repatriation. More positively, safeguarding human rights is the best way to prevent conditions that force people to become refugees; respect for human rights is a key element in the protection of refugees in their country of asylum; and improved observance of human rights standards is often critical for the solution of refugee problems by enabling refugees to return safely home.

Mr. President,

It is only in recent years that the indigenous groups of people that are scattered across the earth have been in the public eye. Unfortunately, their claim to full recognition has been relegated to side issues. The United Nations human rights standard setting process cannot, in our view, be considered to be complete for the present until the formalization of an authoritative international instrument on the rights of the indigenous peoples. The tremendous potential contribution of indigenous peoples to global environment, security and development may well be lost unless steps are taken to stabilize the ecosystems in which they live and to enable them to fortify and rebuild their cultures. The value and the diversity of their cultures as well as the forms of social organization of the world's indigenous peoples must be preserved. The constructive contribution that the indigenous communities can bring to sustainable national development have to be emphasized and encouraged. We, therefore, are of the view that this World Conference must pay special attention to the concerns and aspiration of the indigenous peoples and arrive at some mutually acceptable solutions.

Finally, Mr. President, let me take this opportunity to extend our profound gratitude through you to the government and people of Austria for the excellent arrangements they have made to ensure success of this Conference and for the warm hospitality extended to all of us. I should also like to express our

gratitude to His Excellency Dr. Ibrahima Fall and his staff and the Bureau of the Preparatory Committee for the very commendable efforts they have exerted in the preparation for this Conference.

Thank you very much, Mr. President.

BERENGER, Paul Raymond (President):

I thank the Secretary-General for his statement. I now give the floor to Mr. Zola Skweyiya, representative of the African National Congress. You have the floor.

SKWEYIYA, Zola (African National Congress):

Keywords: SOUTH AFRICA - APARTHEID - POVERTY - SOCIAL SERVICES -
EDUCATION - ELECTIONS - ELECTION VERIFICATION - DEMOCRACY

Mr. President, distinguished delegates, ladies and gentlemen,

Let me take this opportunity to thank the United Nations for inviting the African National Congress of South Africa to this historic Human Rights Conference, the second of its kind. Following from the Teheran Conference, which took place twenty-five years ago, this Conference is unique because of the magnitude of the number of states represented today in the United Nations and the changes that have taken place in the world, especially in the last decade.

The ANC wishes to put on record its gratitude to the host country, Austria, and its people for its hospitality. The manner in which Austria is hosting this Human Rights Conference is in line with their tradition of tireless encouragement of peaceful solution of conflicts throughout the world.

The ANC wishes to take this opportunity to express its gratitude to its many friends in the international community and to the United Nations Organization for their constant support that has helped to bring down the apartheid system to its knees. In particular, our gratitude goes to our brothers and sisters in Africa. African States and in particular the frontline states have played an important role in the struggle against apartheid. The havoc, damage and deaths inflicted by the apartheid regime were not only reserved for those fighting for democracy inside South Africa. The frontline states also suffered at the hands of the apartheid military machine.

The African National Congress of South Africa wishes to reiterate on this historic occasion our unequivocal commitment to and respect for human rights. We see them as an instrument designed to eliminate discrimination, domination and violence and to advance the cause of equality, social justice, democracy, a safe environment, peace, development and gender equality.

The commitment of the ANC to human rights has been an inseparable part of the struggle to free the oppressed black majority of South Africa from the system of oppression and exploitation inflicted by the white minority regime for more than three and a half centuries.

The system of apartheid has not only denied self-determination and human rights to the oppressed people in South Africa but has put in place a political, legal, social and economic order, which on the one hand resulted in development, prosperity and special privileges for white South Africans whilst on the other hand resulted in poverty, squalor and underdevelopment for black South Africans.

Vast disparities of wealth and opportunities characterize South Africa. Whilst in the 1970s, 66 percent of Africans lived below the poverty line, most of those in rural areas, that figure has risen in the present economic crisis facing our country. This crisis is due to the structural problems inherent in the apartheid growth model. The structural weaknesses include the fiscal deficit, an ageing capital stock market, which is not suited to the effective absorption of labor, a powerful conglomerate sector

concentrated in the white hands of a white minority, rural decay and land hunger and structural inequalities within and outside the labor market.

The effects of apartheid have been particularly harsh for black children and youth; denying them access to education, welfare, health and other social services. Poverty, a lack of infrastructure, unhealthy physical environment in which they live, overcrowding, poor quality of water supply, minimal sanitation and refuse collection services are the daily live experiences of the majority of South Africa's children and youth.

Despite the protestations of the De Klerk administration, black women and children continue to be severely disadvantaged by the apartheid structures and policies, which are still firmly in place in South Africa today.

Your Excellencies,

The need for change is urgent. Nothing far reaching can be done until apartheid is eradicated from the face of South Africa and the earth and a new political dispensation is in place in that country. Only then can health and services be restructured and decentralized in a coordinated manner, only then can a new education policy be implemented, which gives children of all races and sexes equal opportunities, only then can policies be forged within the framework of a democratic constitution, which guarantees progress, development and basic human rights for all South Africans.

Your Excellencies,

The international community has declared apartheid a crime against humanity. It is the combined efforts of the liberation struggle in South Africa and the pressures and actions of the international community, which has placed South Africa on the road to democracy. As a result, the South African regime has been forced to agree to negotiations.

The eyes of the world are, therefore, no doubt focused on the negotiation process in South Africa. The international community expects these negotiations to lead to the total eradication of apartheid not just its reform and also to the transformation of South Africa into a nonracial, nonsexist and democratic state. That too is the expectations and yearning of South Africa's long-suffering majority.

In the 1993, South Africa stands on the threshold of its first ever nonracial, democratic elections, which will give the black majority the first ever opportunity as part of the whole South African people to exercise the right to self-determination.

A number of obstacles still have to be removed or overcome before such an election becomes a reality. A major cause of the delay is the South African government, the government of F.W. De Klerk, and its stubborn refusal to accept majority rule.

This problem can better be understood by understanding the nature of the transition process itself. In this regard both the OAU and the United Nations have clearly laid down the path that negotiations should take. The ANC has accepted these conditions and guidelines. The ANC has unilaterally suspended armed action taking a further step to facilitate the process and to pave the way for constitutional negotiations.

The democratic forces in South Africa led by the ANC put forward the following guidelines to lead our country to a speedy transition to democracy:

1. Democratic elections for a body, which has the power and duty to write and adopt a new constitution for South Africa. At the same time, the elected body will govern the country and act as the parliament of the country until the constitution has been adopted;
2. To ensure that elections are free and fair, the following steps have to be taken:

Firstly, an independent electoral commission must be established to administer the elections. The underlying idea behind such an independent electoral commission is that the South African government as a party in the elections cannot be allowed to administer and conduct the elections. It cannot be allowed to be a player and a referee at the same time.

Secondly, an independent media commission must be established to ensure fair access to all parties to the media;

Thirdly, a multi-party transitional executive council must be set up with a number of sub-councils. The transitional executive council must have the powers to intervene in all matters relating to elections and creating the conditions for free and fair elections, in particular control over the police, the army and other security forces, foreign affairs, aspects of finance, local and regional government.

Insofar as the setting up of these structures are concerned, the South African government and its collaborators have not been very cooperative. De Klerk continues to resist joint control over the security forces. He and his government do not want the transitional executive council and other structures to have any real power. They insist that these structures should have advisory powers only. Such an approach is unacceptable to the ANC and the democratic forces in our country. The ANC insists that the architects of apartheid and racist repression cannot be allowed to dictate the process and the outcome of the negotiations.

Before elections for a Constituent Assembly can take place, it is also necessary in accordance with the guidelines of the UN and OAU for the parties to negotiations to agree on a set of general constitutional principles, which must bind the Constituent Assembly. Whilst the South African government is being compelled by the democratic forces to agree to a date for elections, it is resisting agreement to an acceptable set of general constitutional principles. It seeks to place principles that place undue powers in the hands of minority parties, which will have the effect of preventing democratic majority rule.

Despite the De Klerk administration's protestations and statements paying lip service to democracy, he and his government are doing everything in their power to obstruct and delay democratization of South Africa. We call on the international community to act with vigilance and not allow the De Klerk administration and its surrogates to delay the process of democratization.

It is for this reason that the ANC has proposed that the phased lifting of sanctions should go in tandem with real progress in negotiations. In accordance with this approach, trade and economic sanctions should only be lifted once the transitional executive council has been established and a firm date for elections fixed. Until then the existing sanctions should remain.

It must also be remembered that violence continues to take heavy toll in South Africa. It only benefits those who do not want democracy and who seek to delay elections. There is incontrovertible evidence that elements within the apartheid system are primarily responsible for inflicting, instigating and organizing the violence. The ANC completely rejects and condemns the killing and maiming of innocent persons - black or white, especially children.

The current situation in South Africa is incompatible with the exercise of human rights. It must be remembered that the present political and constitutional dispensation of apartheid is based on violence. Mr. De Klerk remains the head of a white minority regime. All black South Africans are still voteless and noncitizens in the country of their birth.

Your Excellencies,

The whole world rejoiced when Nelson Mandela was released from prison in 1990. Now, three years later and as a measure of progress, he still is voteless in the country of his birth.

Apartheid is still alive and kicking. The very existence of apartheid brings suffering to men, women and children from the oppressed majority.

Your Excellencies,

In desiring to bring an end to apartheid, the ANC wishes to place the adoption of international human rights high on the agenda and to ensure that these norms become part of the fabric of the new South Africa. Our goal is to enable everyone to live freely and with dignity anywhere in South Africa and to create stable and effective institutions so as to give the best possible chances for the development of democracy, peace and prosperity for all.

The ANC, therefore, wants to eradicate racism in our country so that people can start to think of themselves as South Africans; progressively integrate, normalize and legitimize the structures of government so that these are no longer seen as instruments of oppression, division and corruption but as means of enabling people to improve their lives. It wants to discourage political mobilization on the basis of race, ethnicity or language and especially prevent state power at any level to be used for purposes of ethnic domination, intolerance and forced removals of populations. We want to democratize our land so that our people are directly involved in shaping their destinies at every level of government. We would like and we would strive to minimize the possibilities of abuse of power. We would like and we would strive to reduce and eliminate the massive inequalities created by apartheid making resources available for the advancement of those kept back by racial and gender oppression. We would encourage and enable our people to take pride in their culture and language in a spirit of non-racialism, democracy and respect for the cultures, beliefs and languages of others and would encourage affirmative action including policies that promote the participation of women in all structures of government and society. We would struggle for a democratic constitution that specifically protects women's human rights.

Healing our country, creating the conditions for economic advancements, establishing a climate of peace and tolerance and embarking on sustainable programmes to improve the lives of the majority are necessary conditions for the flourishing of human rights in South Africa.

The ANC firmly believes that there can be no democracy without full respect for human rights, nor can there be human rights without democracy. It is our firm belief that both democracy and human rights should be accomplished through development. We uphold the indivisibility, universality, interdependency and full development of human rights. We accordingly call upon this World Conference to equip the international community with a well-oiled human rights machinery to fulfill the responsibility that humanity expect from it and to achieve and attain the fundamental goals and aspirations that democratic forces right through the world await from it.

The decisions that this World Conference will reach will hopefully usher in the 21st century in with new hopes for a true democracy firmly set on solid conditions and based on human rights, fundamental freedoms, justice and the supremacy of the rule of law.

This Conference should lead to the determined commitment of all states to implement and enforce in a concrete manner the principle and purposes of the United Nations through intensive education, promotion of peace by the media and the entrenchment of human rights.

Thank you.

[Change of President]

ARTEAGA, Horacio (President), spoke in Spanish:

I thank the representative of the African National Congress for his statement. I now call the representative of the World Bank.

AYERS, Robert L. (World Bank):

Keywords: World Bank - FINANCIAL ASSISTANCE - POVERTY MITIGATION - ENVIRONMENTAL PROTECTION - WOMEN - DEVELOPMENT - INDIGENOUS PEOPLES - STRUCTURAL ADJUSTMENT

Mr. Chairman and distinguished delegates,

I am honored to be able to address you today on the subject of the World Bank's work and its relationship to human rights.

The World Bank is an international specialized organization whose mandate is the promotion and financing of economic development. The Bank's Charter establishes this broad mandate and emphasizes the ultimate objectives of the Bank's activities as the development of productive facilities, raising productivity and the standards of living and improving the conditions of labor in its member countries.

Throughout its practice and especially in recent years, the World Bank has interpreted the functions resulting from this mandate broadly in order to assist borrowing countries in improving the living standards of their peoples.

It serves this broad objective by providing financial and technical support to these countries' investment programmes and policy reform efforts with the alleviation of poverty as its overriding objective. The level of this support amounted to about \$23 billion in new commitments last year. Bank lending covers the traditional economic sectors such as agriculture and industry as well as a host of diversified and expanding other fields including education, health services, nutrition, housing, environmental protection and support for the role of women in development.

By covering these vast areas of economic and social development, the World Bank is emphasizing that the eradication of poverty on a sustainable basis and not merely economic growth is its core objective. By pursuing this objective, the World Bank has been contributing to the promotion and protection of human rights without violating the explicit provisions in its Charter regarding the exclusion of political considerations in its work.

The Bank's operations help its borrowers transform the economic and social rights proclaimed in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights from ideas into actual realities, which can be enjoyed by every man, woman and child. The Bank aims at enabling all peoples in its borrowing countries to enjoy the freedom from poverty. This is an essential human freedom that is still denied to more than one billion people because of slow economic growth, rapid population increase, wars, civil strife, natural disasters and not least the failed policies of many governments. Today, for example, in Sub-Saharan Africa, one child in six dies before the age of five; in South Asia, barely a third of adult women can read or write; three million children in the developing countries die each year simply because they lack access to clean water.

The full enjoyment of all human freedoms is no doubt diminished by such widespread poverty, illiteracy, malnutrition and hunger.

Mr. Chairman, distinguished delegates,

While contributing to the alleviation of poverty, the World Bank also provides advice, technical assistance and financing to borrowing countries to establish objective rules and well-functioning institutions in order to ensure the efficient management of their human and economic resources. In addressing issues of governance in the course of its activities and particularly in helping to promote the goals of openness, transparency, accountability and the due process of law, the World Bank assists in establishing the basic framework for the enjoyment of all human rights. The Bank's increasing

involvement in recent years in the areas of legal reform, judicial reform and civil service reform at the request of its borrowing countries is a manifestation of this important contribution.

The Bank also strongly encourages the involvement of affected peoples and local non-governmental organizations in the design and implementation of the projects and programmes it finances. Bank-supported projects now focus increasingly on enabling beneficiaries to participate in designing policy alternatives, investment choices, types of interventions and the actual implementation of the development projects financed by the Bank.

Environmental protection is also now firmly established in the Bank's policy and practice. This is manifested in its requirement that environmental action plans be prepared by every borrowing member and that an environmental assessment analysis be undertaken for every project to be financed by the Bank. The Bank's own support for environmental projects is rapidly increasing and attained a level of \$2.2 billion last year. In addition, the Bank is involved in the administration of various environment trust funds especially under the Global Environment Facility.

The Bank emphasizes also the central role of women in development and supports numerous projects aimed at permitting women full access to education, health and credit services. In recent years, the number of the bank's development projects providing for enhanced opportunities for women and development has grown substantially.

The Bank's policies on the resettlement and rehabilitation of peoples involuntarily displaced by projects financed by it are meant to ensure that development is not achieved at the expense of those peoples. Under our policies, displaced persons will improve or at least maintain their standard of living.

Finally, the Bank was the first development agency to adopt a policy on indigenous and tribal peoples and to introduce safeguards in the projects financed by it for the recognition, demarcation and protection of indigenous lands and the provision of culturally appropriate services to indigenous peoples, thus, helping in the advancement not only of their economic and social rights but of their cultural rights as well.

Mr. Chairman, distinguished delegates:

The adjustment process undertaken by many developing countries in recent years has been necessitated by the severe difficulties afflicting their economies due mainly to a combination of external factors and failed policies. The role of the Bank has been to assist in the design of adjustment programmes and to help finance the required policy reforms. In recent years, alleviation of the social cost of adjustment has been an important aspect of the Bank's work, which involves increasingly the financing of social funds and social safety nets.

The Bank has attempted to persuade governments to undertake the adjustment process while it is still manageable and is helping in alleviating its social cost to the most vulnerable members of society.

While involved in these areas of human rights' promotion and protection, which I have mentioned today, the Bank recognizes the limits resulting from its specialized mandate and from the explicit provisions in its Charter prohibiting it from interfering in the political affairs of its members and enjoining it to take only economic considerations into account in its decision-making. It also recognizes that it is an international and not a supranational organization and that its borrowers correctly see us as a world bank, not a world government. The Bank also realizes that, like every other institution involved in the complex process of development, our efforts have not always been successful. Indeed, the Bank was one of the first international organizations to investigate the effectiveness of own operations. It is now putting in place new processes and procedures to enhance the implementation capacity of its borrowers and to strengthen its own supervision of the projects it finances.

In conclusion, Mr. Chairman, through its long experience, the World Bank has learned that economic and social development is rarely a smooth and linear process. The challenges of poverty and sustainable development call for an appropriate global response and the Bank intends to continue to play its full part. In this context, the Bank sees development, protection of the environment and enhancement of human rights as, indeed, complementary processes. They should not be discussed as conflicting requirements. On the contrary, the Bank's work on poverty reduction and sustainable development, its support of human resource development in developing countries, especially in the field of education, its promotion of investment for growth, and its concern with good governance are all, in our view, essential safeguards for continued human progress and for a greater and broader protection of human rights. Working with all our partners both in the developed and developing countries, we are determined to continue our efforts to help the peoples of our borrowing countries to attain economic and social progress and with it the protection and enhancement of human rights.

Thank you very much.

ARTEAGA, Horacio (President), spoke in Spanish:

I thank the representative of the World Bank for his statement. I now call on His Excellency Mr. Bernd Niehaus-Quesada, Minister of Foreign Affairs of Costa Rica. You have the floor, Sir.

NIEHAUS-QUESADA, Bernd (Costa Rica), spoke in Spanish; text is edited based on the English interpretation:

Keywords: HUMAN RIGHTS VIOLATIONS - LATIN AMERICA - HUMAN RIGHTS PROTECTION - DEMOCRACY - WOMEN - CHILDREN - REFUGEES

Mr. President, ladies and gentlemen,

On behalf of the government of Costa Rica I would like to extend fraternal greetings, through your person, to the government and people of Austria and thank you for your hospitality. This Conference is one of the most important events of the closing years of the millennium, and it has been a great success to hold it here in Vienna, the cradle and melting pot of peoples and the gateway to the West and the East.

We extend our greetings the other Vice Presidents, to the United Nations authorities, to Mr. Fall - Secretary-General of the Conference and Director of the United Nations Centre on Human Rights, and to all the delegates of countries and governmental and non-governmental organizations present. We recognize in all of them a unique commitment, work and enthusiasm so that today we can be celebrating this historic meeting.

Mr. President,

It was a great honor for Costa Rica to host at the beginning of this year the regional Latin American preparatory meeting for this Conference. That was a particular distinction and it strengthened Costa Rica's commitment to human rights, a commitment as old as Costa Rican nationality itself.

Costa Rica has never been a wealthy country, ladies and gentlemen. We are afflicted by problems of underdevelopment, poverty, foreign debt; problems that affect all the countries of the third world. However, despite all the difficulties, Costa Rican nation has been able to build and develop a democratic society, a society in which the respect for the fundamental freedoms of the individual is an operational reality, a routing experience.

When human rights became a worldwide concern after the conclusion of the Second World War, Costa Rica gave their promotion and defense at the international level a place of honor. My country believes that respect for human rights enshrined in the Universal Declaration and in international and

regional covenants was called to illuminate the path of man and become the backbone of a better life for all human beings. That is why my country believes that the fundamental rights of the person are not and cannot be seen as an internal matter, as something that due to rigid concepts escapes the international competition.

More than a quarter of a century ago, the international community gathered in Teheran for the first World Conference on Human Rights. Transcendental approaches emanated from it that have marked an entire era, new ways of applying, promoting and visualizing fundamental rights. In those days, however, the bitter spirit of East-West confrontation prevailed, and numerous peoples were subject to authoritarian and dictatorial regimes. The defense of human rights was restricted by strategic interests and political convenience, and there were moments of discouragement in which the future seemed to be filled with nothing but gloom and shadows.

In recent years, freedom has opened one door after another. Many countries that once opposed even the Universal Declaration of Human Rights, today respect and promote these fundamental attributes and have concluded the sterile chapters of the cold war. All of this has led to unprecedented progress for the cause of human rights as a whole. I would especially like to highlight the case of Latin America, once a mosaic of tyranny and despotism of the worst nature. Today, that Latin America, Latin America is fighting with economic and social problems, yes, but it has rediscovered its libertarian vocation with a few regrettable exceptions that we hope will soon cease to be so. Bolivar's great homeland is a land of democracy, a land of freedom, a land where civil and political rights have ceased to be rhetoric to become life-giving sap. The beautiful and gallant example that the people of Guatemala gave us just a few weeks ago, who took to the streets to defend their recovered democracy and their right to live in freedom, shows us that things have finally changed in Latin America.

However, although the withdrawal of totalitarianism and the fall of the walls raise the spirit of believers in human rights, we cannot deny that our days also contemplate unfortunate phenomena: absurd wars, intolerance, racism, xenophobia, religious fanaticism and national hatred. If the specter of nuclear confrontation is already far away, it is also true that harmony and peace continue to be myths for thousands of people. The most discouraging thing, perhaps, is that many of the problems we face today are the results of passions that were believed eradicated forever. The lesson is bitter: the human beings still do not understand or appreciate the fact that another individual is a brother and not an antagonist.

Yet, a fortunate qualitative change in the will of the states persists. At the current juncture, many more countries are willing to firmly support an active policy of defending and promoting human rights in its true sense. Therefore, the international entities linked to this cause have much more real possibilities today to fulfill their lofty purposes.

Non-governmental organizations have played a decisive role in such a noble contest. In moments of despair, at times of pessimism when many states and organizations fell silent, these organizations gave tremendous lessons in independence, courage, and perseverance. If the improvement of objective conditions today makes their work easier in many countries, we must not fail to recognize the absolutely crucial role that they fulfill and to search diligently for the most appropriate ways to institutionally link their efforts with those of the United Nations and give them in this type of meeting the role to which they are entitled.

The desire to consolidate the progress made in the field of fundamental rights and avoid setbacks as well as the duty to solve the problems that persist, means that we have a responsibility to direct particular and priority attention towards national and international protection organizations. If we want to dissipate the darkness, if we yearn for present and future generations a less gloomy and complex reality, we must strengthen the protection mechanisms at home and in the world. This Conference, in part, is an opportunity to think about this, but it cannot be limited just to that. The victims of rape are

little helped by philosophical reflections. For the Vienna Conference to fulfill its purpose, concrete steps must come from here to make the defensive human rights more effective. It will have to come up with effective measures to ensure that the respect for human rights improves the daily existence of millions of men, women and children.

To bear fruit, the renewal of protection bodies and the international effort for human rights must start from the concept of universality. We have seen with concern, however, how attempts have been made to allude to cultural or religious particularities in order to downplay the texts on human rights that the international community has accepted. This is something we find very worrying. Costa Rica is of the opinion that the Declaration and the Pacts have correctly gathered some minimum consensus, which cannot and should not be the subject of discussion. Ladies and gentlemen, an awful lot of blood sweat and tears went into getting recognition for the equality of all human beings, the identity of our species. Are we now going to maintain that there are some people who have the right to freedom and equality and others who do not because their cultural and religious traditions so indicate? Are we now going to deny that original identity of the human being, which makes him the holder of the same rights, whatever his nationality, his race, his sex or his faith?

And that we can never learn the lessons of history? A few kilometers from here, a harrowing reality reminds us where the hatred emanating from cultural and religious divergences can lead. We would give the violators of human rights a comfortable pretext if we allow them to elude the action of the international community under the pretext of the traditions or religion of their country.

For all these reasons, my delegation reiterates its firm adherence to the principle of universality, its conviction that there are moral, legal and anthropological imperatives of universal validity. The work of the United Nations in the field of human rights and the very existence of the Organization are based precisely on that. Instead of trying to reduce the scope of application of the mechanisms we have, efforts should be made to broaden them and make their respect more effective.

Mr. President,

We have stated that, for Costa Rica, the success of this Conference will be determined by the specific steps that are taken as a result of it to promote the cause of human rights. With this conviction my delegation wishes to insist on the need to strengthen the mechanisms for the application and monitoring of fundamental rights. In addition, it is necessary to increase coordination between the different United Nations bodies in order to substantially improve numerous aspects related to the control and promotion of the inalienable rights of the individual.

Based on its own experience, we are deeply convinced that it is possible to respect and promote human rights despite economic difficulties and social problems. Costa Rica believes that the time has come to establish an international authority for the protection of human rights. To this end, my delegation proposes that this Conference ask the United Nations General Assembly to examine the possibility of establishing a High Commissioner for Human Rights. This is a long-standing Uruguayan-Costa Rican idea, which my country represented at the Latin American preparatory meeting earlier this year and which was included in operative paragraph 25 of our regional San José Declaration.

We are very happy that other distinguished delegations have presented or supported here proposals along the same lines. I would only like to draw attention to the fact that it is not a question of a name change for the Secretariat of the Centre for Human Rights. What we are thinking about is a new entity that would be called upon to play a highly active role and to have considerable authority and functional independence.

To determine exactly what kind of a High Commissioner we are talking about, we propose the possibility of setting up an open working group, an Ad Hoc committee, whose terms of reference would be to analyze and study the scope of creating this new institution.

Our basic interest is to increase the effectiveness of and projection of the international tasks of prevention, promotion and protection of the fundamental rights whose holders are the six billion inhabitants of the earth. In particular, we aspire to protect more effectively the groups that suffer the most serious discrimination: women, children, migrants, migrants, refugees, and racial, religious and linguistic minorities. We also believe that the persons with disabilities and AIDS patients have the right to adequate care without any discrimination.

Mr. President,

This Conference should also represent a boost for the democratic system in all the countries of the world. Although human rights have been the object of doctrinal formulations and of occasional legal consecration for many centuries, it was only with the advent of representative democracy that they became an essential and integral part of human life in society. And it is only in a democratic system that we can truly speak of respect for fundamental rights.

It is impossible to consider a democracy without human rights, nor can we speak of the validity of human rights if there is no democracy.

The identification between democracy and fundamental rights, sides of the same coin, must also entail a complete vision of these rights. The inalienable attributes of the human being cannot be divided. And just as we cannot support the idea of a just society without freedoms, that of a free society without the pursuit of development is equally unacceptable: the promotion of human rights also entails the responsibility of tirelessly fighting for a better and fair distribution of goods and services, for the definitive step from formal democracy to real democracy.

Mr. President,

The fundamental rights of the individual constitute an integral whole, a whole that must be analyzed in close relation to the concrete problems of the individual. For this reason, the Costa Rican delegation wishes to express some specific considerations regarding some of the most pressing existing problems in this matter.

We are concerned, first of all, about the situation of women's rights. We are talking about half of the human race, however, its reality in various parts of the world should cause us embarrassment, to say the least, and many United Nations programmes on this subject are viewed with downright indifference. This meeting cannot assume such an attitude: it is high time for women throughout the world to recover their rights that have been denied to them for thousands of years. Perhaps the most urgent thing in this regard is to combat, resolutely, and at all levels, violence against women. In this spirit, my delegation considers it fundamental that the United Nations declare that violence against women constitutes a violation of human rights, that the draft Declaration on violence against women be adopted as soon as possible, and that the possibility of to adopt an international convention to punish, prevent and eradicate such practices.

Another particularly vulnerable group, which urgently requires the attention of this Conference, is children. The recent entry into force of the international convention on the protection of children has not yet translated into substantial change in this situation. In many places, children continue to be victims of exploitation at work, sexual and military exploitation. There is still a lack of effective compliance with the doctrine of comprehensive protection behind the convention. My delegation also believes that the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others needs to be revised in order to combat with greater energy the heinous phenomenon of the sexual exploitation of children. It is also essential that the International Labour Organisation and the International Red Cross work more closely with the Human Rights Centre to deal with such phenomenon as labor and military exploitation of the minors.

Migrants and refugees have also been particularly discriminated against in recent years due to the increase in ethnic conflicts. My country respectfully urges the United Nations to intensify the work carried out on this matter by the High Commissioner for Refugees, UNHCR, and the International Organization for Migration.

Mr. President,

Costa Rica has repeatedly stated it cannot consider the promotion of one fundamental right without promoting the others. The right to education, health, decent housing, social security are as important as civil and political rights. We are deeply concerned that the developed world looks with increasing disinterest at the economic and social problems of the underdeveloped countries, to which has been added the scourges of drug trafficking and terrorism. Many third world countries, in recent years, have managed to free themselves from authoritarian or single-party regimes and move to democracy to build pluralistic societies based on freedom. Unfortunately, this does not seem to have been duly appreciated by the developed countries. It seems incredible but many of the young democracies of the third world receive less cooperation and much more indifference than the long-running dictatorships that few years ago did.

Costa Rica believes that social and economic difficulties can never be a valid excuse to destroy democracy, to destroy freedom. My delegation, however, does have serious concerns about the consequences that this attitude of indifference may have for the future of human rights in the developed world. We do not intend to shirk our responsibility but we do urge the developed world to more effectively support the efforts we are already making.

In this vision of common interest, of shared responsibility, we should also place the problem of environmental degradation. We consider it essential to recognize the right to a healthy and ecologically balanced environment as a universal right. The production processes that have been features of our development models have added to industrial pollution and the emission of toxic gases, have caused a dangerous and growing deterioration of natural resources. The high levels of pollution and the gradual destruction of the ozone layer make us consider if we really want to bequeath our children's children a habitable planet. Our indolence seems to indicate the opposite.

Mr. President, ladies and gentlemen,

Reflections on the fundamental rights of the individual should not allow us to lose sight of the fact that human beings also have duties, duties towards themselves, towards their fellow men, towards their community and towards their species. Duties of solidarity, of respect for the rights of others, of working for common good, of fulfilling our responsibilities as individuals, as members of a family and of a society. The full observance of human rights necessarily requires a greater awareness by all, rulers and ruled, about the correlative duties.

In this direction, Costa Rica reaffirms its hope that together we will find during this meeting and in the immediate future the new and more effective ways to fulfill our commitment to human rights and to reach the 21st century with stronger feelings of solidarity and fraternity, with a true inter-humanitarian law.

I referred earlier to the first meeting in Teheran, and I express a hope that the meeting we are holding today will be a success. I would like to end my statement by asking you to share with my delegation the feeling of fraternity among men expressed in the 13th century by the Persian thinker Jalaluddin Rumi, and I quote:

True Parsee and true Brahman, a Christian, yet a Mussulman;
Thee I trust, Supreme by Right:
Be not far, O be not far! In all Mosques, Pagodas, Churches
I do find one shrine alone;

Thy Face is there my sole delight:
Be not far, O be not far!¹

Thank you.

ARTEAGA, Horacio (President), spoke in Spanish:

I thank the Minister of Foreign Affairs of Costa Rica. I now call on His Excellency, the Reverend Jean-Louis Tauran, the Secretary for the Holy See. You have the floor, Your Excellency.

TAURAN, Jean-Louis (Holy See), spoke in French:

Keywords: RELIGIOUS FREEDOM - HUMAN RIGHTS VIOLATIONS - HUMAN RIGHTS EDUCATION - HUMAN RIGHTS MONITORING

Mr. President,

First of all, I would like to associate myself with all those who took the floor before me in expressing to the Austrian authorities our deep gratitude for the organization of this very important meeting in the city of Vienna, whose history of yesterday and today has made a crossroads for the humanity and for its aspirations.

The presence of so many delegations shows at which extent those who govern nations are aware of the fact that unless they take into consideration the human being in all its dimensions, there can be no harmonious national and international life. If we are here in Vienna, it is also because each of us is convinced that since the 10th of December 1948, the date on which the Universal Declaration of Human Rights was adopted, and since the Teheran Conference in 1968, the time has come now to review and, perhaps even more so, to develop more reliable indicators for human rights and fundamental freedoms, which are of great concern to each human individual.

The Holy See, because of its nature and because of its mission, could not fail to attend this Conference. We are happy to be able to offer our contribution. We do this all the more willingly because the Catholic Church, by the will of its Founder and since its origins, has worked to ensure that man, his nature, his dignity, his freedom and spiritual aspirations are never sacrificed to particular interests. In this we are also united with other religious confessions who recognize in man, in man who thinks and who loves, the image of God.

As we take stock, it is comforting to be able to note the immense work accomplished by the United Nations and other regional bodies; I have particularly in mind the Organization of American States, the Council of Europe, the Organization of African Unity as well as the Conference on Security and Cooperation in Europe. Codification of international standards, development of control mechanisms, declarations, debates and information are all specific expressions of the dedication to the cause of human rights over the years. The Holy See cannot but congratulate itself on its continuous effort and

¹ Editor's note: "These verses are not by Rumi, as proven by the fact that there are no equivalents found in the earliest Persian manuscripts of Rumi's *Dīvān*, such as in the critical edition in ten volumes by Furūzānfar. These verses were, in fact, originally composed in German by Friedrich Rückert (d. 1866), who was a Persian scholar who published two books of "Rumi ghazals." However, Rückert's primary goal was to replicate the classical Persian ghazal structure, meter, and rhyme in German. However, he found that it was not possible to use translations of Rumi's authentic ghazals and reproduce the ghazal structure in German at the same time. So Rückert fabricated the content, creating Oriental-sounding and Rumi-esque verses that had no equivalents in Persian." Information found in: Gamard, Ibrahim. *Three Fake Rumi Verses*. October 31, 2019. See: <https://www.dar-al-masnavi.org/three.fake.rumi.verses.pdf>. Consulted on 22 January 2022.

this perseverance is the best guarantee for the future as the slogan of the Conference so aptly indicates, "Keep the flame alive."

To this patient work, the result of the often-hidden work of experienced diplomats, was added the diligent action of non-governmental organizations, which through their concrete approach with the realities have constantly reminded us that no codification is of any use unless it improves the living conditions of men and women.

Unfortunately, Mr. President, if we look around us today it is impossible to avoid the terrifying cases of injustice, destruction, death, which today plague this world of ours. Too many people are still deprived of the freedom of conscience and freedom of expression. Religious freedom is far from being a reality everywhere. Underdevelopment, social injustice and dictatorships of all shapes are still preventing millions of women and men from being a partner in building the society of which they are a part. Very close to us, in Bosnia and Herzegovina, we can say that all human rights are being systematically violated around the clock. Even the elementary right of living in the place where one is born is no longer respected. What cause, what cause can justify a war as pointless and as vicious as that which is ravaging this part of Europe? Absolutely none. The procrastination of those who have a political and moral responsibility for this fratricidal carnage will be, no doubt, severely judged by history. In recent days, other violence has shed blood in Africa, in Somalia, where people exhausted by years of oppression are once again at risk of finding themselves victims of new violence that could destroy the credibility of those who wanted to help them. All this clearly illustrates, Mr. President that the principles so laboriously prepared and codified by the international community are still far from being a "common heritage of humanity."

Yet, who could deny not knowing - I would even say, who could not believe - that without peace, without justice, without development the world will not be able to survive? However, at the base of all these requirements there is the human being, the subject of rights and duties. Each time that the abuse of authority, corruption, domination of the weak by the strong, the refusal to grant people the right to participate in political life and decision-making, the deliberate choice of violence and terrorism prevail, it is the peace that is in danger. Each time that the life, physical integrity, conscience, thought, religious faith, personal freedom of each individual are not respected, it is human being who is threatened.

This is why it is appropriate to reiterate here, in Vienna, the importance of civil and political rights, which guarantee to the individual on the one hand the right to enjoy their individual freedoms and on the other hand facilitate citizens' participation in public life. And how it is also essential to reiterate that to be more fruitful these individual freedoms must be accompanied by the implementation of social, economic and cultural rights, promoting the integral development of the individual and the building of a society based on solidarity.

Indeed, in this balance between the two major groups of rights, the rule of law finds its expression. It is undoubtedly appropriate that on this point the entire international community agrees unanimously because the fundamental principles are underlying here. First of all, as has been said many times today:

- The indivisibility of human rights, which means that one cannot refer to one right as justification for violating another one. The individual is made up of body and soul. His rights are those of the individual, a part of a community, because man is social by nature.

- Another very important principle is the universality of fundamental rights, which derives from the very fact that the men have a single nature. There is, thus, a universal common good, and that is why there is a Universal Declaration of Human Rights. Regional experiences in the protection of human rights contributes the maturation process of this universal consciousness and to the development of the norms, thus, enriching what I referred to earlier as the common heritage of humanity.

We need, I believe, from this Vienna Conference not only the reaffirmation of the universal solidarity but also commitments – with mechanisms, with monitoring bodies – for a universal organization of promotion and defense of fundamental human rights. This is all the more important because we see many new situations coming up today and requiring in-depth consideration. Let us think, for example,

- of the right to self-determination, which, with the end of the political and ideological conflicts in Europe emerged from the colonial context in which it was born, could quite easily lead to the renaissance of nationalism.

- taking into account also the rights of minorities, which will undoubtedly be the test of democracy tomorrow;

- lastly, there is humanitarian law that more and more appears as the expression not only of the principle of free access to victims but also of the sense of concrete solidarity with them.

There are, we know, problems that concern the existence – and quite often the very survival – of millions of women and men, and whose solution cannot be left to improvisation, worse still, to the arbitrariness of states. There is an urgent need for precise and binding norms to be developed. Allow me, Mr. President, to express the hope that current developments in the practice of international law, which often give organizations like United Nations, the function of drafting and monitoring the implementation of law that was previously reserved only for states, may this development continue by rejecting once and for all the outdated practice of abusing national sovereignty and constantly highlighting the collective responsibility of the international community whenever the fundamental rights and freedoms of the individual are at stake!

Basically, Mr. President, this meeting in Vienna should be an opportunity for all of us to strengthen our efforts in promoting genuine human rights education. For, if we rightly insist on their rights, we cannot lose sight of the obligations and duties that go hand in hand with these rights. Everyone has a duty to respect in other people the rights they claim for themselves. In this task of education and awareness, the religious confessions obviously have a leading role to play. The Catholic Church, for its part, strives, through the teaching of Pope John-Paul II and the episcopate, to remind the faithful that they:

Must work unceasingly to better enhance the dignity that man receives from his Creator and unite their energies with those of others to defend and promote it...²

Mr. President,

In conclusion, I would like to emphasize how much the Holy See wishes that the work and the results of this Conference may represent for our contemporaries a sign of hope. Faced with the forces of disintegration and the reemergence of barbarism, which sometimes seem to overwhelm our planet, to think about the fundamental rights, codify the fundamental human rights is to take actions and to reject other actions. It is to say what is human, it is to say what is inhuman. Allow me to echo here the very words of Pope Jean-Paul II who said in his Easter Message last year:

It is only on the basis of an international order where the right and the freedom are indivisible for all that can be build the society desired by all.

Thank you, Mr. President.

² Speech by John-Paul II at the Colloquium "The Church and the human rights" held on 15 November 1988.

ARTEAGA, Horacio (President), spoke in Spanish:

I thank His Excellence, the Secretary for the Holy See for his statement. I now call on His Excellency, Ambassador Federico Urruela Prado, Permanent Representative of Guatemala to United Nations office in Geneva. You have the floor, please.

URRUELA PRADO, Federico (Guatemala), spoke in Spanish; text is edited based on the English interpretation:

Keywords: DEMOCRACY - DEVELOPMENT - HUMAN RIGHTS PROTECTION - HUMAN RIGHTS INSTITUTIONS - HUMAN RIGHTS MONITORING - GENDER-BASED VIOLENCE - GUATEMALA - INDIGENOUS PEOPLES

Thank you.

Mr. President of the World Conference on Human Rights, distinguished officers of the Conference, distinguished delegates, representatives of intergovernmental organizations and non-governmental organizations.

Mr. President,

In the first place, on behalf of the government of the Republic of Guatemala, we would like to congratulate you on your election as President of this historic Conference, which you will know how to lead with the skill and tact that characterizes you.

We offer you all the support of our delegation so that these works can be successfully completed.

We would like to extend our congratulations to the people and government of Austria for the efforts and arrangements made to hold this World Conference on Human Rights as well as for the warmth and hospitality that the Guatemalan delegation has received since our arrival in this wonderful city of Vienna.

The peoples and governments of the world that make up the international community are gathered with the fundamental purpose of reiterating and renewing our commitment to the protection and promotion of human rights and fundamental freedoms in our respective countries and throughout the world.

Likewise, we have come to reaffirm once again our faith in the fundamental human rights in the equality and dignity of all men and women and of all nations, be they large or small, rich or poor, and also to make clear the purpose of our government to seek social progress and prosperity in freedom. We reaffirm our faith in the principles of the Charter of the United Nations and in the Universal Declaration of Human Rights.

Mr. President,

Guatemala is a young nation with less than two hundred years of independent life but which embraces within it ancient cultures such as the ancient Mayan civilization.

We, Mr. President, are transforming Guatemala into a vigorous and thriving democracy on the basis of freedom, we are trying to conduct our individual and collective lives in accordance with the human rights standards because we consider that it is through the democratic process and the sustained economic development that we will be able to build a Guatemala that is socially advanced, politically stable and fully immersed in the technological and economic advances of the 20th century.

I do not want to let this opportunity pass without thanking, on behalf of the constitutional President of the Republic, the international community for its support and solidarity during the recent historical events that Guatemala has experienced. It was with this valuable contest that all sectors of Guatemalan society were able to rescue democracy from the attempted authoritarian coup that tried to halt and hinder the political and social evolution of the country. It was not easy but today we see opening up a future of hope with democracy, peace, development and full effectiveness of the rule of law.

We reaffirm our belief that, if we were able to hold this Conference, it will be possible to reach a degree of agreement by consensus on certain ideas with regard to the rights of human beings and of the peoples of the world, to deny the possibility of this compromise would be to deny our faith in the validity of the Charter of the United Nations and the Universal Declaration of Human Rights, in short, in the brotherhood of men.

First of all, we support the universality of human rights, and that we all agree that we have the right to life, liberty and security; the right not to be tortured, not to be discriminated against on the basis of race, sex, religion or culture.

We all agree on the rights of women to their full development and dignity as human beings. We agree that all children in the world have the right to be protected from abuse. Likewise, that the poorest and other vulnerable groups such as migrant workers, the people with disabilities and indigenous populations also have the right to protection from any form of exploitation that takes advantage of their weakness.

We believe that all these rights are subject for agreement in the international community despite our historical, cultural or geographical differences.

Politically, today more than ever we defend the right to democracy as a fundamental human right. Likewise, it is our opinion that democracy should govern relations among states. Guatemalans believe once again that the authority of the state should derive from the mandate of its people, that the government must govern with the consent of the majority of those governed, and that the voice of the people must be heard in the formulation and application of government policies. For us, Mr. President, these are the essential and fundamental elements of democracy.

We may have some differences of opinion in how the people express their mandate, and how they carry out their participation in the various political processes of the state, however, we believe that no state has the right to impose its political system on others.

For us, Mr. President, the fundamental features must be: that the mandate of the people be legitimate, that their consent to be governed is genuine and their effective participation, likewise, democracy among states requires meticulous and rigorous respect for the Charter of the United Nations.

It is our belief that the pluralist democratic system is the best for our people due to its tolerance, freedom and respect for diverse forms of thought. We also know, as recent historical events in my country have demonstrated, that democracy represents challenges and risks for the peoples, and that, like everything, human is imperfect but we cannot deny its virtues and merits, and that the guarantee of individual and political, economic and social rights is one of them.

On the other hand, we consider of paramount importance for the dignity of the human being the due acceptance of the right to development, we firmly believe in the integral development of the human person that is inherent to the dignity of the individuals to provide for themselves as well as their families a decent standard of living, only development makes possible the due satisfaction of the right of every person to adequate food, clothing, housing, health services, the right to work and to education.

For those countries that have lived through the drama of armed confrontation, we know from our own experience that there are other broader connotations of the right to development, and that it is not possible to have development and social progress without peace and, likewise, that it is not possible full enjoyment of human rights if there is no development and if there is no peace.

It is evident that fundamental rights and freedoms, political democracy and the right to development are indivisible and interdependent. All of them, Mr. President, form an inseparable part of our very being and nature. All of them as a whole are part of us.

The recent experience of Guatemala has demonstrated that some rights cannot be sacrificed to the detriment of others and that human rights cannot be sacrificed under the pretext of economic progress, that dictatorship cannot be promoted to the detriment of democracy, nor can the freedom of man be restricted in exchange for a morsel of bread.

With the emergence of the cold war, for political and strategic reasons, human rights began to be used selectively to justify government policies to the detriment of the genuine promotion and protection of such rights. However, we cannot fail to say that with the end of the cold war, with the triumph of the values emanating from the culture of democracy and human rights, there are now great expectations so that they can finally be reflected in the policies of government, and that the acts of the state be guided by the dictates of justice and respect for human beings. However, there are still huge problems in the world, and we do not disregard the fact that we still have a long way to go.

We know that when justice is denied and the law is violated, conflict and mistrust are fostered among members of society.

These profound political changes that have occurred in the world in a short period of time provide a wide possibility for new opportunities for international cooperation in the promotion and protection of human rights.

With this, we realize a new awakening in the collective conscience, to the culture of human rights.

We share the concept that human rights violations in today's world are not necessary, and that they can be prevented and avoided.

This awakening takes the form of new hopes among the people for economic prosperity, social justice, democracy and respect for human rights.

It is important for Guatemala to demonstrate our faith in the need to establish national institutions for the promotion and protection of human rights. We, Guatemalans, want to share with all of you our experiences and the knowledge acquired in the institution called Human Rights Ombudsman, which emerged from the Political Constitution of the Republic of Guatemala in 1985.

There is no denying that the contribution of this Institution to the society as a whole has allowed the culture of peace, democracy and tolerance to emerge in our society. This institution has produced results in the demonstrations of the people of Guatemala to defend and protect the democratic system, and today we can speak in Guatemala without hesitation that we are building a democratic tradition.

For the delegation of Guatemala, two challenges remain for the universal observance of human rights, which in our opinion are:

In the first place, the desire to revive ethnic and religious conflicts;

And in the second, the increase in extreme poverty and destitution especially in developing countries.

Large part of the success of this historic Conference will depend on our ability to formulate effective means to deal with the serious problems that in many cases impede and in others hinder the full realization of human rights and fundamental freedoms in various parts of the world.

As a country that, as a result of the beginning of the process of democratic opening, has collaborated with the various international bodies and mechanisms in order to gradually improve the capacity of the state to promote and protect human rights, we can say that a problem cannot be resolved, nor can solutions be sought if the very existence of the problem is not accepted as a first step.

We believe that the international community must improve the existing mechanisms especially in the United Nations for the promotion and protection of human rights and gradually eliminate the selective and confrontational approach that has dominated us in this debate to date, replacing it with a that gives priority to cooperation and dialogue.

One way to improve these mechanisms could be to reduce and, where possible, eliminate the duplication that exists in many of their functions especially when it occurs with regional bodies and sometimes with the United Nations mechanisms themselves.

It seems to us extremely important to also provide them with adequate financing especially for the provision of advisory services on human rights so that the states can, within their existing legal order, combat impunity so that justice emanates from the law and not from the will of men, especially the new democracies should be helped to improve the administration of justice so that they can effectively rid themselves of corruption and dependency.

Justice must be independent not only of the government but of the various political forces, which can seek in the judicial administration various ways of exercising political power.

These new states of law must be assisted to improve their capacity for criminal investigation, to effectively prevent and repress crime within the law so that with the due technical and scientific elements the evidence can be provided that allows the prosecution and conviction of the guilty. In short, the investigative capacity of the police forces and the best possibility of the state prosecutor for proper action in court that guarantees justice.

To conclude, we wish to reaffirm, Mr. President, that you will have the full support of our delegation so that we can all complete the difficult challenge and the great task that this Conference represents. We thank the international community once again for its support and solidarity in the difficult times that we have had to live to preserve legality and democracy in Guatemala. We can say with pride that the process of transition from authoritarianism to democracy in Guatemala is concluding, and that the persistence of all those groups that still insist on the use of force and violence as a means and political objective to achieve power deserves the repudiation and rejection of the international community. We have seen with concern how the actions of the irregular forces continued to damage the country's precarious economic infrastructure further punishing the poor of Guatemala. These actions have no justification. It is the time when the kindness, serenity, maturity and love should dominate their minds and their actions, that they let the latter be driven by the good part of human nature and not by that other facet that derives its nourishment from rancor, resentment, anger and ambition. That within this spirit of reconciliation they should integrate into peaceful legal life and once and for all abandon the belligerence and their opportunist cynicism, who in the dialogue and international work seek the extension of the armed struggle.

For the delegation of Guatemala, the various situations in which the rights of women and children are limited, restricted or violated are of great concern. This afflicts us both in situations arising from armed confrontations and in normal and peaceful situations.

The improvement of the democratic system goes hand-in-hand with the provision of equal opportunities for men and women as an objective reality of social life. Guatemala recognizes that

violence against women in all areas and in all its forms constitutes a violation of human rights that prevents them from enjoying the rights and freedoms human beings all together.

Likewise, the rights of the child must be protected since the very future of our societies depend on them.

I cannot fail to refer to the multiracial and multicultural nature of Guatemala.

The Guatemalan nation is made up of the cultures of its original peoples as well as European elements resulting from intermarriage and the convergence of cultures.

In Guatemala, we attach a great value to the contributions that the indigenous peoples have made to the formation of national identity as well as to universal culture.

The Constitution of the Republic of Guatemala states "Guatemala is made up of various ethnic groups including indigenous groups of Mayan descent. The state recognizes, respects and promotes their ways of life, customs, traditions, forms of social organization, the use of the indigenous dress in men and women, languages and dialects."

"The lands of cooperatives, indigenous communities or any other forms of communal or collective ownership of agrarian property, as well as family assets and popular housing, will enjoy special protection from the state..."

"Indigenous communities and others that have lands that historically belong to them and that they have traditionally administered in a special way, will maintain that system".

Guatemala joins the international community in its concern for the justice that will include the full and free participation of indigenous peoples in all aspects of society. This support and interest are demonstrated in the proclamation of the International Year for the Indigenous Peoples, an initiative that we make our own.

It is clear that the government of Guatemala, in respect of our own political constitution, promotes a policy of participation, collaboration, dialogue and commitment with indigenous peoples in order to jointly develop strategies for the comprehensive development of Guatemalan citizens and indigenous culture. We accept the serious commitment that we face today as a legacy of centuries of social neglect and injustice but we do so with a view to a future of hope and wellbeing. This is not the time to feel sorry for ourselves and lament how we would have liked the story to go. This is neither good nor bad, this is simply history. We care about the present and plan for the future.

This meeting, Mr. President, presents us with a challenge that has been difficult but that we know is a fair and necessary task. We are participating in this Conference with the aim of seeking a better future for our children. We know that the path of peace, security, justice and prosperity is often obscured by the shadows of the bodies and souls of all those who have given their lives or who have been victims of the violent history of this century as well as their families and loved ones.

This hard and sad truth must be a source of inspiration, strength and wisdom to allow us not to commit the mistakes of the past, so that they are not repeated and so that solutions of violence and terrorism are abandoned once and for all. We know that we live in an imperfect world and that the philosophy of human rights is an aspiration of the humanity, an ideal, a quest to improve the reality of the human being.

It is in the firm and determined belief of seeking in these ideals a homeland for all in a world where the brotherhood of men flourishes, in which our Guatemala begins this stage of development and economic and social reform in an environment democracy of peace and freedom.

We appreciate the support of the international community, and we hope that it will continue to offer it to us so that the development of the culture of human rights not only in our country but throughout the world is consistent, lasting and never stops.

To conclude, we reiterate our faith in humanity. Through that faith, we pardon offences. But the most important thing is that through this faith in humanity the dead live again.

Thank you, Mr. President.

ARTEAGA, Horacio (President), spoke in Spanish:

I thank the Ambassador of Guatemala for his statement. I now give the floor to His Excellency Mr. Norbert Ratsirahonana, President of the High Constitutional Court of Madagascar. You have the floor.

RATSIRAHONANA, Norbert (Madagascar), spoke in French:

Keywords: MADAGASCAR - HUMAN RIGHTS ADVANCEMENT - POVERTY - DEVELOPMENT - UN. Centre for Human Rights - UN High Commissioner for Human Rights

Thank you, Mr. President.

Mr. President,

The conduct of the work of the Conference of this magnitude is not something simple or easy, particularly when differences of view exist on certain items on the agenda. Yet, the success of the Conference is an absolute necessity.

We are convinced that the long experience in international relations, the diplomatic talents of the President of the Conference and of the other members of the Bureau are the best guaranties of the success of our meeting.

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

It is always with a certain feeling of nostalgia that we recall certain events of the past that we lived through. Twenty-five years ago, it was the Teheran Conference, the first World Conference to discuss the human rights issues.

The General Assembly has once again taken a happy initiative of organizing a World Conference on the same subject. It has become a truism to say that a World Conference constitutes a historic event; it is true, if only by virtue of its exceptional and special nature and, above all, by the prime importance of the subject to be debated. Indeed, what is more essential for humanity than the conquest of his rights and safeguarding his freedom? No one can remain insensitive and indifferent to the problems involved in the promotion and protection of our rights. But the results of this Conference must also respond to the desires and the aspirations of the international community as a whole.

The Teheran Conference and the Vienna Conference belong to two epochs when the contexts were different and when what was at stake is not the same neither. The Teheran Conference took place at a time when the confrontation between two ideologies on the concept of freedom was still very much alive, where each side claimed to be the true champion of liberty. The Vienna Conference is taking place at a time of major deep changes, moving towards a quest for greater democracy, a time of intensive negotiations and constructive dialogue on the major problems of the time with an impact for the enjoyment of human rights. These transformations, these changes in behavior are not an accident; they are, in our view, one of the consequences of the tireless efforts of the United Nations to promote human rights. In fact, since the adoption of the Universal Declaration on Human Rights, the United Nations has done admirable work in establishing standards and setting up machinery to protect human

rights. It would be superfluous to cite the instruments, covenants or conventions prepared by the United Nations in this area; it would be tedious to list the mechanisms and procedures established to safeguard rights and freedoms. The World Conference must recommend the ratification and support of all Member States of the United Nations of these instruments so that the universality of human rights so desired by all becomes, indeed, effective. It is, in fact, necessary that there be at least one universality at the level of the standards adopted, a universality at the level of the system of rules to be applied. That is the point of departure of a common vision of what is essential without, however, excluding certain specificities in the practical application of these standards that should constitute a common basis of reference.

Mr. President,

At this time of great changes, Madagascar has experienced and is still experiencing its own. Indeed, since 1991, which was marked by the beginning of peaceful popular demonstrations calling for the establishment of greater freedom and greater democracy, Madagascar has entered into a period of transition which will only conclude in the coming weeks. This period was marked particularly by the adoption of a new Constitution, the preliminary draft for which was prepared at the national forum that was organized to collect the deep aspirations of different social strata, of the political class and of civil society regarding the major directions to be given to the question of human rights and the organization of the state powers.

The Malagasy people clearly demonstrated their determination to set up a regime of freedom, a system of democratic government and a state of rule of law.

All the principles that would allow the establishment of such a regime and such a system were clearly set forth in our new Constitution: political pluralism, trade unions' pluralism, balance of powers, transparency in the management of public affairs, the independence of the judiciary, recognition of main freedoms such as freedom of the press, freedom of conscience and of association and in particular the freedom to set up non-governmental organizations to promote and protect human rights.

It was on the basis of this new fundamental law and these principles that we organized the presidential elections, where a leader of the forces of change emerged victorious and the legislative elections were also held last week.

From the reports drafted by international observers on the conduct of these elections, it appears that they were free, fair and sincere. My delegation also takes this opportunity to express its deep gratitude to the states, intergovernmental organizations and non-governmental organizations that have kindly given their support and assistance in many different ways to the democratization process.

But does this mean that this process is now irreversible? Does it mean that it is definitely acquired? There is no doubt that the main part of the task has been done, the essential has been achieved, but we are aware that this nascent democracy is still fragile; it is still precarious; it is still vulnerable. We are convinced that all the countries that have recently experienced the same changes, in particular, the developing countries, share with us these same fears and the same concern about the fragility, the precariousness and vulnerability of the democratic process. These features, in our view, are the result of the level of development in these nascent democracies. All economic reports recognize and denounce the state of poverty in which certain sectors of the world's population live, their state of illiteracy, the poor quality of their health services, the scarcity of the resources. Besides, are these not the manifestations of underdevelopment? Despite the existence of a political will to establish democracy and to promote human rights, we are entitled to ask whether the under-privileged sections of the population are really aware of the existence of their rights, of the possibilities of protecting these rights. Indeed, when they can neither read nor write, when they do not have the sufficient resources to do so, how many would have the idea to bring a petition before a remote, far-off Committee on Human Rights? We would like the Conference to be aware of this sad fact: the misery of the world is a

major obstacle to the full promotion and protection of human rights; the poverty is the enemy of the development of human rights.

It suffices to see the centres of serious violations of human rights to realize that from one continent to another, those centres usually exist where poverty and destitution prevail.

It is unrealistic to promote civil and political rights and economic social and cultural rights separately; it is a utopian idea to think that one can establish a democratic society while neglecting the rights that are a source of dignity and pride for the individual. We cannot overemphasize the indivisibility and interrelatedness of all human rights.

The World Conference, once again, gives us an opportunity to make a clear unanimous statement by the participating states on the recognition of the right to development as a human right on its own right, to make a solemn commitment for a closer and greater solidarity for the promotion of the right to development in order to reduce social inequalities. One could not find a better time to make such a statement and to enter into such a commitment.

But does this mean that we have to wait for the results of our action to promote the right to development in order to contemplate new measures for better protection of human rights? Certainly not. What the United Nations has done in the area of human rights must be safeguarded and consolidated. We fully endorse the idea of strengthening the coordination activities of the Centre for Human Rights; we particularly welcome that the scope of the Centre's technical cooperation be expanded; we fully support the recommendation that a comprehensive programme aimed at assisting states in setting up national systems and strengthening their existing arrangements with a direct impact for the general respect for human rights and the maintenance of the rule of law being advocated; we entirely adhere to the idea of an early warning procedure to prevent and speedily halt the flagrant violations of human rights; and we vigorously support the idea that the resources of the Centre for Human Rights be increased.

A special place should be given to the idea of creating a High Commissioner's Office for Human Rights. This idea was expressed 25 years ago and everything has been said about correctness of the idea or its unreasonableness, on the advantages of setting up such an office and on its disadvantages; the time has now come to take a decision on the matter. Madagascar supports the principle of a study on the establishment of the High Commissioner's Office for Human Rights. The study would have to determine the statute of that office, how it would be organized, its powers and the operation rules.

Mr. President,

In conclusion, our most ardent wish is that this Conference be a success, that the Vienna Conference be a promise for the future, a new departure in the cause of human rights, a new hope for a better world where will be banned the flagrant and massive violation of human rights due to the differences of political opinion, differences of ethnic origin, differences of religious beliefs or differences in living standards.

Thank you, Mr. President.

[Change of President]

SWIFT, John (President):

I thank His Excellency the President of the Constitutional Court of Madagascar for his statement. I now give the floor to His Excellency Mr. Carl L. Heine, Ambassador and Permanent Representative of the Marshall Islands to the United Nations in New York. Excellency, you have the floor.

HEINE, Carl (Marshall Islands):

Keywords: CULTURAL PLURALISM - MARSHALL ISLANDS - DEMOCRACY - POVERTY MITIGATION - WOMEN - INDIGENOUS PEOPLES - INTERNATIONAL INSTRUMENTS - UN High Commissioner for Human Rights - INTERNATIONAL COURTS AND TRIBUNALS

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

I am deeply honored to address this august gathering on human rights, a topic of great concern to my country's people. But allow me first to take this opportunity to express my sincere appreciation to the government of Austria and the city of Vienna for hosting this landmark Conference and extending their warmest hospitality to my delegation.

Mr. President,

We come to this Conference not only to expand the scope of human rights but also to best decide how violations can be prevented in the future. Unfortunately, many contentious issues remain to be resolved in the quest for the grand objective of the realization of basic human rights.

There is much we all can learn from this Conference. The information exchange between thousands of governmental and non-governmental representatives can only contribute to a further understanding of different human rights perspectives. The goal of this Conference should not be to highlight the differences that do exist among participants but to bring together commonly held views to form a basis for elaboration in the coming years. It is important that we then work together to ensure the effective implementation of these views. Otherwise, our two weeks in Vienna cannot be viewed as a success.

Mr. President,

As we begin the second week of general debate, we have heard many lofty statements calling for respect for human rights. However pleasing these words may be, we must back them up with decisive actions. We should not allow ourselves to preach what we do and cannot practice. It is meaningless to attempt to redefine or expand existing definitions of human rights when its universal precepts are violated throughout the world every day.

We must strongly reaffirm the basic rights reflected in the Universal Declaration of Human Rights rather than begin from the ground up to redefine these principles to accommodate the concerns of some. If we allow ourselves here to digress to engage in a debate on the respect of the most fundamental human rights, we have done future generations a great disservice.

Mine is a small country in the community of nations represented here, yet, I feel strongly that the Marshall Islands and other small islands in the Pacific contribute greatly to these proceedings. In the Marshall Islands, our people are our most valuable resources. To protect this resource, we must fully respect each other's rights.

None of us here today can claim perfection in the human rights records of our respective countries. We are equally aware that the path to guaranteeing the full range of human rights is often filled with obstacles. Nonetheless, my country feels strongly that there can be no justification for denial of basic human rights. Cultural or historical differences, lack of economic development, state sovereignty, none of these or any other circumstances can ever be used as an excuse to deny human individuals the basic precepts of human dignity.

Mr. President,

Much has been said about cultural diversity and its impact on human rights. The diversity of perspectives is one of the greatest strengths of the international community. I would like to offer the Marshall Islands as an example where cultural traditions and historical background have served to enhance recognition of human rights while preserving cultural values. The Marshall Islands' Constitution represents a unique blend of island social culture and human rights theory, and it demonstrates that the two are often complimentary.

Respect for fundamental human rights is deeply embedded in what we call, "the island way" or "the Pacific way." My fellow Pacific islanders here fully understand this concept, which is difficult to put into words. In short, the "Pacific Way" or "the island way" calls for each to recognize and provide for the basic rights and needs of all. In such an atmosphere, respect for human rights follows logically.

Democracy serves a similar purpose. There is no better atmosphere for the promotion of human rights. When citizens are given a voice, their conceptions of human rights ultimately rise and become institutionalized. We have seen this take place not only in my own country but recently throughout many nations of the world. Our Constitution enshrine many of the principles contained in the Universal Declaration. These were not imposed from the outside but rather reflect the desires of our people. This is also the most effective way to combine human rights principles with traditions and culture as citizens themselves are the best judge of how international conceptions can be applied to their particular circumstances.

Mr. President,

The time is right for all nations to fully recognize economic, social and cultural rights. Poverty is one of the gravest violations of human rights, and one that my nation fights to overcome daily. Many of the nations represented here are staging heroic battles in the quest for a better standard of living for their peoples. However, we cannot agree with those who state that the alleviation of poverty must be achieved before civil and political rights can be guaranteed. To do so is to deny the poor the rights to which they are fully entitled and only serves to further deteriorate their human dignity and human decency.

Discrimination in all its forms is not only a denial of an individual's most basic human rights but often threatens international security as recent events have dramatically demonstrated.

In the Marshall Islands, special groups such as women, youth and the elderly contribute greatly to the island development process and social structure. Consequently, my government strives for increased participation of these sectors in the decision-making process. We hope that the international community will take similar steps to ensure they are heard, respected and accorded the same rights as other sectors of the society.

Mr. President,

The rights of women bear special mention. In my country, women are held in the highest esteem. As a matrilineal society, women are the guarantors of my country's future. Rights and identity as a Marshallese citizen come from our mothers rather than our fathers. Consequently, we are especially concerned about violations of women's rights and fully support the proposal for establishment of a United Nations Special Rapporteur for women's rights.

I am especially honored, Mr. President, to address this Conference during the International Year for the Indigenous Peoples. My people are somewhat uncomfortable with the term "indigenous" when applied to my country as we seldom use the term to refer to ourselves. Nonetheless, when using this definition, the overwhelming majority of my country's peoples are classified as indigenous. We, therefore, enjoy a special solidarity with native peoples everywhere and support their efforts for respect and equality in their societies and in the international community. While the International Year

represents an admirable first step, we see great merit in proposals for expansion of the International Decade for Indigenous Peoples.

The Marshall Islands strongly supports the comprehensive body of international treaties and conventions relating to human rights. My government has designated consideration of these instruments as being among its top priorities. We are especially proud to have begun this task by ratifying the Convention on the Rights of the Child, one of the central components of international human rights law.

Mr. President,

These instruments are of great importance in safeguarding human rights. However, they are powerless without the means to enforce their provisions. We, therefore, fully support the creation of a United Nations High Commissioner for Human Rights and the establishment of an international court with jurisdiction to hear cases of violations of human rights. To do so could only enhance the reputation of the United Nations of which my country is a proud new member.

The UN is in a unique position to foster respect for human rights throughout the world. However, to function effectively its activities in this area must be given sufficient resources and the role of existing components should be thoroughly reviewed. My country is also concerned with some who seek to use the UN as a sanctuary for their continued violations of fundamental rights.

As important as our work is here, ultimately the issue of human rights boils down to the choices made by those in government. In this context, I could do no better than repeat the eloquent appeal of Archbishop Oscar Romero when calling on those within his country repressing human rights to remember that, "Brothers, you come from our own people." As a small nation we are always reminded of this fact. Every policy we devise and carry out affects not only ourselves as policy-makers but our closest friends and family. If we err, we soon hear in a personal capacity.

In conclusion, Mr. President, I have mentioned only a few of the areas falling under the umbrella of human rights and could continue to address each aspect for many hours to come. However, I urge all present here to look within themselves, within their own conscience to draw on our historical, cultural and religious influences to ask ourselves what is "just", what is "right." Mr. President, I think we all will find that the concept of what is "right" or what is "just" is not from the North, South, East or West. It is one that each of us here carries with us every day in some form. From this perspective, how can any of us look upon a starving child, the torture of a political prisoner or the murder of children and rape of women in Bosnia and Herzegovina, or anywhere else, and truthfully say, this is just or right?

With these thoughts in mind, Mr. President, let us proceed to seize this historic opportunity that these two weeks in Vienna represent and hope that we can return human rights to where they belong, the people.

Thank you, Mr. President.

SWIFT, John (President):

I thank the distinguished representative for his statement and for keeping it within the time limit. I now give the floor to His Excellency Mr. John A.E. Amaratunga, Minister of State for Foreign Affairs of Sri Lanka. Excellency, you have the floor.

AMARATUNGA, John (Sri Lanka):

Keywords: DEVELOPMENT - ARMED INCIDENTS OR CONFLICTS - SELF-DETERMINATION - SRI LANKA - WOMEN - HUMAN RIGHTS MONITORING - UN High Commissioner for Human Rights

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

I bring greeting and felicitations from the people of Sri Lanka at this World Conference on Human Rights. Let me congratulate the Minister of Foreign Affairs of Austria for being appointed President of this Conference, and may I also congratulate His Excellency the Secretary-General of the United Nations and the Secretary-General of this Conference for the wonderful arrangements that you have provided to us who are the delegates at this Conference.

It is, indeed, an honor for Sri Lanka to be present at what is the culmination of a long process, which now brings the nations of the world together here to historic Vienna in a common quest to ensure the promotion and protection of human rights. We share in your pride that this event takes place in Vienna, the meeting place between the East and West, which for centuries has illuminated the world with its splendidly rich and varied traditions in the arts and philosophy, music and literature. We are confident that the message of this Second World Conference will spread across the geographical boundaries and across time into the 21st century.

Significantly, this World Conference also represents a convergence of so many traditions of thought. Starting with New York and Geneva, other capitals have contributed along the way - Tunis, San José, Bangkok as well as Strasbourg and other way stations too numerous to mention. Moreover, not only governments but also academics, non-governmental organizations, human rights experts and others have added their perspectives to the progressive elucidation of a universal concept of human rights, which brings from a single source: "the dignity and worth of human person." This must be the measure of our work at the Conference.

The continuing enhancement of universal standards and the principles through over three core covenants, conventions and other instruments which have sprouted from the solid trunk of the Universal Declaration have enabled states to better appreciate, define and promote the human rights of their citizens and expand their individual freedoms.

The process has taken place parallel to the larger process of momentous changes in the world. The ideological posturing of the cold war and the dangerous confrontation it had festered has all but ended. The rigid, essentially artificial division of human rights into civil and political as against economic, social and cultural rights, on the one hand, into individual rights as against collective rights, on the other, served in the cold war years only to boost or denigrate this or the other political ideology. Human rights must now be a vehicle of unity rather than division among people.

With the end of the cold war, there is also a tendency for conceptual divisions on human rights to widen on an economic front between North and South, between developing and developed countries. The right to development is an inalienable human right. The concept of human rights is indivisible and interdependent as enshrined in the Universal Declaration, the Covenants and the Declaration on the Right to Development.

The World Conference needs to focus attention on certain practical realities which inevitably condition the exercise of human rights.

In certain situations, economic factors have indeed led to the unrest and violence on the part of the more disadvantaged and impatient segments of society. Armed insurgencies have erupted, affecting not only the human rights of innocent civilians but also the stability of democratic states. Where negotiations and peaceful solutions are being rejected by those groups which opt for violence and

terrorism, the state has had to confront a deadly dilemma. How does a democratic state within its constitutional framework and laws deal with the terrorist groups? The extent to which a state is entitled to derogate from the normal laws of the land is internationally stipulated. Such means are sometimes required to deal with extraordinary situations and threats caused to civilian life, property and the exercise of human rights when violence is resorted to by individual groups.

Similarly, in pluralist societies where a diversity of ethnic, linguistic and religious groups constitute society, extremes of intolerance on the part of one group may shatter the unity and harmony of such societies. Violence once again can readily become the tool of ethnic and other extremists. The integrity of a state may itself be jeopardized when such ethnic extremism takes on a secessionist character with spurious claims to the right to self-determination.

The right to self-determination has never been recognized as the equivalent of secession. Opportunistic groups committed to monoethnic ideologies have sought to justify division of existing states by violent means. Ultimately, it is the human rights of innocent civilians including the right to life, which become the first casualty. Here too, the state's duty to provide protection to all its citizens without fear or discrimination may sometimes ironically necessitate the curtailment of human rights of noncombatants caught in the confrontation between the state and militant groups.

Thus basically, the state faces two types of challenges, which would sorely try its capacity to ensure human rights to its citizens.

Firstly, it must restore good order to society, ensure the human rights of all its citizens, indeed, including that of those groups who divert in indulging in violence. As a responsible State Party to various international human rights instruments, its approach may need to be constrained and limited only to defensive and reactive actions even when terrorist elements employ brutal violence or hold citizens hostage.

Secondly, the state needs to look beyond merely the immediate law and order situation and the restoration of conditions of stability and normalcy. It must also address the root causes that may have driven extreme groups impatiently to violence and terrorism. Sometimes, the dissent could be based on economic disparities particularly in societies undergoing rapid growth, which may bypass youth and disadvantaged groups. At other times, discontent may spring from perceptions from ethnic discrimination sensed by minorities.

Obstacles to the development of a state could also contribute to the root causes of instability. Such obstacles to development can take a global character like protectionist measures and debt policies, which again maintain the privileges of few states and their citizens as against the right to development of a vast majority of human beings. Within a state, whose obstacles can take the form of corruption and authoritarianism where a few benefit by the oppression of many.

Recent form of obstacle to development is that of conditionality imposed whether through bilateral or multilateral contexts. It is unacceptable that human rights criteria are only compulsory for economically weak states.

The reality of these challenges lies behind many of the themes under consideration at this World Conference.

For Sri Lanka, such fundamental challenges have not been abstract postulates. They have touched the lives of all our citizens. Ethnic strains in Sri Lanka are being addressed through a process of negotiations. Changes have been introduced in our Constitution to redress ethnic and linguistic grievances. Within the exception of a single terrorist group, all ethnic groups in Sri Lanka have foresworn violence and are equal partners to a complex but steady process of political dialogue, which we know will eventually lead to success.

Sri Lanka has also continued to maintain the flow of essential items such as food, medical supplies and services to areas in the North and the East of the country in which our citizens are yet not free of terrorist dominance. The right to food, education, medical supplies and to the pursuit of economic activity have to be negated despite conditions of conflict.

We have achieved success in ensuring a decent quality of life to our people. Nearly ninety percent of our people both men and women are literate. Our people's life expectancy is high. The growth rate of economy in the recent past has been steady and healthy. Sri Lanka has taken steps to provide opportunities for all to benefit from the fruits of economic liberalization. Through poverty alleviation and self-help programmes, we have assisted the poorest and most helpless segments of our population to realize their latent potential.

A democratic government accountable to its electors through the multiparty elections and an independent judiciary, the encouragement of popular discussion and participation through free press and media have been our chosen framework of governance. A constitution that guarantees fundamental rights and freedoms, which are just through our courts system, is the base on which this structure is built. A Ministry of Constitutional Affairs has also been established, which would assist in the constant review of the political process in order to give the widest possible opportunities for political participation by our people.

Sri Lanka has also taken progressive steps in promoting equal rights of women. In March 1993, the Cabinet of Ministers approved the National Charter for Women that encompasses the rights set out in the UN Convention on the Elimination of Discrimination against Women, which, in fact, goes further than the Convention in addressing the issue of violence against women in all forms.

We reaffirm the commitment of the government of Sri Lanka to the principles of CEDAW and support the promotion of equality and dignity of women through all relevant UN human rights mechanisms. Speaking on the day dedicated to the rights of the child, Sri Lanka is proud to be a State Party to the Convention on the Rights of the Child. It has also adopted the national Charter for Children dedicated to furthering children's rights nationally.

With regard to the guarantee of fundamental rights, Sri Lanka is determined to go further. As a sign of our commitment to the message of the World Conference, Sri Lanka undertakes to ratify the Convention against Torture during the course of the coming year.

In ensuring the exercise of human rights by our people under the difficult circumstances, our experience has been that the cooperation with the United Nations human rights mechanisms has been beneficial. We have of our own accord, volunteered information to the international community about the challenges faced by our people and the reasons that have helped us overcome them.

Such a dialogue based on openness of the candor, free of politicization, we are certain, has been positive in its impact. For our part, we intend continuing this constructive dialogue.

A question for the World Conference relates to the creation of additional international monitoring mechanisms for the promotion and protection of human rights. Monitoring mechanisms both national and international are seen perhaps as essential guarantees against the abuse of individual rights. However, just as machinery put in place within a state to guarantee rights can become instruments of suppression, international monitoring mechanisms unless carefully established could also become tools susceptible to misuse or political expediency.

The link between human rights and the international peace and security also requires examination. Promotion and protection of human rights does, indeed, contribute to peace and stability both internationally and within states. However, while human rights violations will be a consequence of violations of international peace and security, they cannot be identified as their sole cause. The UN Charter, by means of the Security Council, created appropriate means for dealing with threats to

international peace and security. The use of the same mechanism for monitoring and ensuring the promotion and protection of human rights is inappropriate.

The World Conference should also highlight the importance of the long-term democratization of interstate relations, which would be the best guarantee against the possible misuse of international machinery. What should precede the creation of new mechanisms is an evaluation of existing human rights mechanisms - the elimination of duplication and an examination whether the existing mechanisms, which are limited almost exclusively to the promotion and protection of civil and political rights, need to be expanded to cover economic, social, cultural rights. New mechanisms may not perhaps be necessary at this stage when existing mechanisms need greater rationalization and should be made more effective.

Mr. President,

While we meet here in Vienna, we cannot be insensitive to the continuing violations and new challenges which surround us. Massive violations, the magnitude of which are reminiscent of bygone era, are taking place almost next door in the territories of former Yugoslavia. We also see disturbing signs of the resurgence of xenophobia and racism.

My delegation pledges to you, Mr. President, our fullest cooperation in dealing with the complex process, which must guide you here in Vienna. As in other times in history when momentous changes take place, the twilight of this century is a time of turbulence where promise is mixed with peril, and hope with despair. The dismantling of ideological blocs and the mighty arsenals that held them in place has given new freedoms to the states and individuals. Tragically, however, religious and ethnic fires have also flared up bringing in new situations and new chaos in their wake. In economic terms, while some states surge ahead to greater heights, in others, the human spirit is broken by poverty, hunger and disease. In such times as this, the World Conference can be timely not only in bringing testament of the Universal Declaration to new relevance but also in ensuring that its promise will not be frustrated.

Thank you, Mr. President.

SWIFT, John (President):

I thank His Excellency for his statement. I now give the floor to Her Excellency Mrs. Collette Samoya Kirura, Ambassador of Burundi to the United Nations Office in Geneva. Excellency, you have the floor.

SAMOYA KIRURA, Collette (Burundi), spoke in French:

Keywords: DEVELOPMENT - DEMOCRACY - HUMAN RIGHTS IN ARMED CONFLICTS - WOMEN - CHILDREN - BURUNDI - GOVERNMENT POLICY

Mr. President, distinguished delegates,

If the delegation of Burundi feels that it is not necessary to make a lengthy intervention despite the supreme importance of the event that has brought us together, rest assured that it is in order to make headway in our work. Many delegations have already expressed the views shared by the delegation of Burundi.

May I begin, first, by presenting to you our congratulations on the expertise and competence with which you are conducting our work. To the Austrian government, the host country, I convey all our gratitude for the attention and the welcome reserved for delegates from the moment we set foot in Vienna, a city known for its history and its culture and a city of meeting place for many peoples.

Mr. President,

The World conference on Human Rights is a milestone event in the last decade of the 20th century. A mere seven years separate us from the next millennium; the increased interest in the international community in promoting and protecting human rights ushers in the dawn of a new world order.

Burundi welcomes this and adheres to the general awareness, which can be noted as a major achievement since the Universal Declaration of Human Rights 45 years ago.

The ratification of international instruments by many Member States of the United Nations family also testifies to the consensus that a human person is at the centre of any human undertaking for progress and dignity.

Human rights, in fact, are neither a trend in thought, nor an ideology born from a centre of diffusion, they are, indeed, a fundamental aspiration of every human being on earth.

My delegation is pleased to note that in this changing world, the self-defense of individuals and of the communities vis-a-vis the state power is reflected in the decline of the authoritarian regimes in the face of the demand for greater liberty, greater democracy on decision-making, shortly, greater respect for human rights.

Nevertheless, Burundi acknowledges that despite the progress made so far, a great deal remains to be done. Obstacles have been raised and continue to be raised in terms of human rights standards, the priorities, unfortunately, are still not perceived in the same terms.

Mr. President,

If we were to ask a child, malnourished, ill-dressed and sick, what human rights mean to him, what would he say?

If we asked a farmer in a developing country who expends energy and sweat in order to produce in precarious technical conditions a raw material that will be bought from him at a pittance, what would he say?

If we were to ask what human rights mean to a woman who is worn out morally and physically by a thousand and one daily family charges, by pregnancy after pregnancy, or perhaps by miscarriages; or to a woman who is a refugee or abandoned or a battered woman or a raped woman, what would they answer?

What would respond a little girl who was discriminated against by her brothers, who is married by force or put into prostitution?

These scenarios and many others who cannot be come here to express themselves from this rostrum to give their views, so I ask for them and I ask you.

The testimony heard this morning from the mouths of children themselves cannot leave anyone indifferent

It could be said that the universality of human rights comes up against a multitude of contradictions in daily life. Without falling into the often-criticized excuses that one human right cannot be enjoyed without the satisfaction of other needs, we cannot close our eyes to the implacable reality that human priorities often differ depending on whether we are provided with or not, whether you are a man in the street or a politician, a child or an adult, or whether you are a man or a woman.

The delegation of Burundi shares the concern expressed by earlier speakers on this rostrum about the situations of human rights violations currently observed. Racism, discrimination, ethnic conflict

continue to claim their victims, who are the bereft of the right that is most dear to all human beings, the right to life. Such is the case some distance from here in the former Yugoslavia, Somalia, Angola, Liberia and elsewhere in the world. Apartheid continues to do well despite the glimmers of change observed of late. The just cause of the Palestinian people continues to be trampled on. Xenophobia, intolerance in all its forms count their victims daily, the unfair world economic order, poverty, disease and illiteracy today still prevail in many parts of the world's population. It is, therefore, necessary to oppose these various challenges with an awareness of solidarity and acting together within the international community. Beyond the vigorous denunciation of violations that revolt the conscience, each and every one of us must adopt a more specific attitude by putting things in order in their own house first.

Mr. President,

Another contribution from my delegation refers to the link between human rights, democracy and development. I would insist on the interdependence and indivisibility of economic, social, cultural, civil and political rights. By the same token, I would invoke the inalienable right to development.

I said that earlier. There is no question from the point of view of my delegation, of engaging in a controversy over the claim to excuse the level of development to disregard human rights, which concern the freedom and dignity of the individual and, in general, those relating to civil and political rights.

Nevertheless, it is obvious that the more someone is bereft of elementary, economic, social and cultural rights, the less that person is capable of fully enjoying their other rights, particularly civil and political rights. If we take a flagrant example in education, an illiterate citizen will inevitably be less informed of his rights because he cannot read or write.

They will be an easy prey to those who wish to take advantage of their political ignorance. In a country where poverty rules, where people live below the poverty line, they can easily be led to violations of the rights of others including the right to life.

An infringement on human dignity and human life has the same effect whether it emanates from the violation of civil and political rights or the result of the disregard of economic, social and cultural rights.

It is, therefore, important to wage a parallel struggle for the realization of all the rights covered in the Covenants. It is important to increase our development aid to those countries that are economically languishing under the burden of debt.

It is important not to link this aid to human rights situations, not to favor the use of sanctions. It has been noticed that, in fact, in such situations governments and rulers are penalized less than the people of the country who are already penalized because of their precarious conditions.

There are, of course, some who consider that in those regions of the world where the political system does not permit the free exercise of civil and political rights that it is very difficult to satisfy the basic minimum of the needs of the human being.

Even if we admit it, we could not ignore the political and historic realities which in many cases do little to honor the history of the international relations. What is not going to be evoked in order to explain Africa's economic backwardness and the various crises that affect so many African countries? Has it been forgotten that this is the continent that, for centuries, has been bled dry, sometimes of its human potential at the time of the shameful human trade, sometimes of its economic resources during the colonization, to fall back to the very bottom of the ladder with unequal power relations that characterize the commercial exchanges of the current world? We cannot, therefore, reasonably speak

of protecting human rights if we ignore this type of realities, which is a challenge to human progress, to solidarity and to the interdependence of the international community.

Mr. President,

During the course of my statement, I do not intend to repeat the appeal that has already been launched by a number of eloquent speakers before me in favor of the so-called vulnerable categories. We must acknowledge that the promotion and protection of human rights will be flouted as a consequence of discrimination, prejudice and the weight of backward mentalities, which at present prevalent in over half of the population of the world, namely, women because of their gender. The principle of equality must come outside the framework of theory and must become something that is practiced in the family, in society and in political life of communities. Is not the highest irony of a woman's existence, who is a mother of humanity, to give birth in pain, to risk her life by giving life to engender a humanity that marginalizes and discriminates against her?

The international community should stand up with more commitment against all crimes of which women and children are victims, especially in the situations of armed conflict. The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child should be ratified by more states and should be implemented in everyday life. On this particular chapter, the delegation of Burundi wishes to pay tribute to NGOs and various associations who are speaking for those who cannot speak for themselves and who are taking specific action to try to alleviate their problems.

Mr. President,

Today the Republic of Burundi is present at this meeting and is undertaking to change the political landscape in order to establish a state of the rule of law and respect of human rights.

Two years have elapsed since the adoption of the Charter of National Unity. One year has passed since the promulgation of a new constitution that puts in the forefront the respect for international conventions related to human rights and the establishment of a pluralist democratic system. The presidential elections have just been held at the beginning of June, placing in the leadership of our country the first civilian Head of State for nearly 30 years.

The ratification of numerous international instruments has been actively pursued. Lastly, we could mention in particular the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. Following the example of private associations for the defense of human rights, which have emerged, a centre for the promotion of human rights was established in Burundi charged of promoting the culture of human rights by raising awareness, education and research. Freedom of expression enjoys pluralist media coverage that includes around twenty private bodies that have sprung up over the last year.

Far from the intention to appear to be victorious because problems remain and other may well arise, the conviction of my delegation is that the political and institutional environment is inseparable from the willingness to establish an ideal of democracy and universal culture of human rights.

I would like to conclude by renewing my delegation's hope that this meeting will lead to a happy conclusion that will constitute, in the future, the essential reference for better respect for human rights.

I thank you.

SWIFT, John (President):

I thank her Excellency the Ambassador of Burundi to the United Nations Office at Geneva for her statement. I now give the floor to His Excellency Mr. N. Luvsanjav, Minister of Justice of Mongolia. Excellency, you have the floor.

LUVSANJAV, N. (Mongolia), spoke in Mongolian:

Keywords: MONGOLIA - TREATIES - HUMAN RIGHTS VIOLATIONS - DEVELOPMENT - TECHNICAL COOPERATION

Mr. President, distinguished delegates, ladies and gentlemen,

May I, first of all, express the appreciation of the government of Mongolia to the Austrian government for the warm hospitality and excellent arrangements accorded to the delegations gathered in Vienna from all over the world.

The struggle for human rights and fundamental freedoms is one of the very important issues that has continued to exist with varying emphasis at different stages throughout human history from the dawn of civilization. It should be noted that although humanity has not yet reached a common perception on this question, the international situation and new atmosphere prevailing today constitute the necessary conditions for this World Conference to achieve positive results.

We always welcome and support the United Nations policy in its many-sided activities aimed at establishing and codifying international standards and working out universally accepted norms of human rights, protecting human rights and offering advisory services, technical and financial assistance in this field.

I underscore the paramount importance of the international instruments related to human rights adopted by the United Nations. The development of promulgations of human rights and fundamental freedoms in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights as well as in the International Covenant on Economic, Social and Cultural Rights played an important role in creating common perceptions on human rights issues and in laying foundations for international cooperation in the field of human rights.

Mr. President,

The climate of cold war has been removed from international relations, and we are experiencing the transition from confrontation to cooperation, from a bipolar to a multipolar world. Today, many countries have freed themselves of old political systems and embarked on the road to democracy and renewal. The positive climate created by these changes generates a desire for cooperation and opens up brighter prospects for international cooperation and progress in the economic and social fields as well as in the humanitarian affairs including the protection of human rights.

A process has started that is being consistent with the new conditions prevailing in the world and at the same time sets the standard for coexistence and cooperation for humanity in the approaching new century. In the context of this process, it is essential to safeguard the international standards on human rights and to promote cooperation in this area.

It is against this background that we consider the World Conference on Human Rights to be timely and of special significance for the promotion of international cooperation and protection of human rights, strengthening mutual understanding and determining the future goals of international cooperative efforts and activities through collective wisdom and judgment.

Mr. President,

Mongolia has also been embraced by the great wave of changes that shook the entire world. Since 1990, Mongolia has freed itself from the old views and thoughts that gripped the country for decades. We are now going through an extremely delicate and responsible transitional stage. In doing so, we are trying to combine our national culture and traditions with the common values of humanity in order to embark on the road of progress, which embodies the genuine nature of our society and stems from the present stage of our development.

We can say confidently that today's Mongolia is consistently marching along the road of democracy. All the preconditions have been created for democracy to be deepened and developed in its true sense.

We consider that the most important preconditions for progress are secure democracy and the free market to guarantee human rights. For that reason, we support pluralism and have completely reformed our state system. We now have a multiparty parliamentary system in our country. The legal foundations for equal and active participation of every citizen in the political life have been laid down.

Although the process of democratization and renewal in Mongolia encounters various difficulties, my government pursues consistent policy activities and takes successive measures to achieve its goals. In this endeavor, my country enjoys full support and all-around assistance of the international community.

Our government is guided by the main principle that unless we protect and respect human rights and fundamental freedoms it is impossible to develop the free-market economy and democracy. The government takes a wide range of measures aimed at consolidating economic, social, legal, and other necessary guarantees as well as restoring infringed rights. We cooperate with non-governmental and international organizations in the protection of human rights and freedoms.

The adoption in 1992 of the new constitution of Mongolia and its implementation was a historic event. While guaranteeing human rights and fundamental freedoms in legal terms, not only has the constitution represented a turning point but it also created a political guarantee for implementing human rights at the international level in their true sense. I am pleased to note that the experts from the UN Centre for Human Rights who, invited during the constitution elaboration process, gave extremely valuable advice and made many important suggestions.

Today in our country, much importance is attached to the creation of conditions for ensuring guarantees for enjoyment of the rights and fulfillment of the duty set forth in the constitution, to the creation of favorable conditions for health and development, to the improvement of the legal foundations for the guarantee of protection and insurance of human rights. Proceeding from and on the basis of the constitution, a process of reforming other laws is underway. The provisions of international conventions on human rights have been fully reflected in national legislation, for example, as set forth in the constitution, the citizens enjoy a wide range of such rights as the right to work, rest, protection of health, education, pension, financial assistance, state social care, equal legal protection, a fair trial and freedoms of speech, opinion, expression, press, conscience and religion, peaceful assembly and association. In addition to this, the protection of the rights of mothers, women and children are given priority, and men and women are accorded equal rights.

In the light of what I have said, we can conclude that Mongolia attaches utmost importance to ensuring human rights and freedoms and that equal legal guarantees have been instituted for each person to ensure his and her political, economic, social and cultural rights.

My government pays careful attention to protecting, in particular, the rights and interests of women, mothers, children, the youth and the elderly. Mongolia has acceded to the Convention on the Rights of the Child and is implementing the government policy outline on children, the youth and the elderly as approved by the President of the country. Recently the National Action Programme for the Development of Children for the period up to the year 2000 was signed by the Prime Minister of Mongolia adding to the guarantees the enhanced protection of the rights of the child. It, however,

should be noted that we still experience difficulties in ensuring human rights since not all the necessary economic and living conditions and the environment are yet in place in my country.

We encounter problems and difficulties as we continue to address the social and economic problems of the transitional period. The country is in great need of financial resources and as a result has serious difficulties, inter alia, in providing the population with food stuffs and consumer products and industry with raw material, equipment and spare parts. Production of all items is in decline and inflation is continuing and the living standards of the people are deteriorating considerably. Although we face these difficulties, the government takes every appropriate measure and endeavors by all possible means to create conditions for citizens' rights. Their need to freely engage in labor activity constitutes an important guarantee for living standards.

We, like other countries, cannot overcome these problems and difficulties on our own. I would like to emphasize that expert advice and technical assistance of the UN Centre for Human Rights are of great importance to us to successively implement the policies and measures and overcome the difficulties relating to the respect and retention of human rights.

My country has been active in acceding to the international instruments on human rights. It is now party to fourteen out of twenty-five UN basic documents.

For example, Mongolia has, over the last seven years, joined five international conventions including the International Convention against Apartheid in Sports (1986), the Convention on the Rights of the Child (1990), the International Convention against the Taking of Hostages (1992), Optional Protocol to the International Covenant on Civil and Political Rights (1991). In particular, the accession to the Optional Protocol to the International Covenant on Civil and Political Rights provides our citizens with the rights to petition to the Human Rights Committee in any case when human rights or freedoms under the international Covenant of Civil Rights are violated.

It should be noted that the Mongolian public takes a keen interest in the issue of protecting human rights and fundamental freedoms and has come up with various initiatives, in particular, the Mongolian Volunteer Committee on Protection of Human Rights was established as a public organization in 1990 and the Mongolian National State University, in collaboration with "SHELLE" Human Rights Research Center of New York, USA, has opened the Human Rights Center at the University as of the 1st June.

Mr. President,

The UN also urges the mankind to lofty ideals of common dignity, in this way it represents a catalyst for international cooperation. The UN's activities in the field of ensuring and protecting human rights drive and guide the world's progress in the protection of human rights. Therefore, a strengthening and refining of the UN human rights system and mechanisms would constitute an important step forward towards the protection of human rights.

We consider this forum as an important event for the universal acceptance of international human rights instruments adopted by the United Nations and for encouraging accession to them, and in the efforts to implement them by including the respective provisions in national legislation and for further development of active international cooperation in this field.

Although the climate of cold war has come to an end and the transition to a democracy is occurring in a prevalently positive international atmosphere, we are concerned about the conflict situations that continue to persist in some countries and regions as well as the fact that there are still flagrant violations of human rights and fundamental freedoms of human beings.

Mongolia resolutely condemns the emergence of new forms of human rights violations such as ethnic cleansing, rape of women in armed conflict areas and calls on the international community to take decisive measures to eliminate these violations.

It is imperative to ensure the right of individual persons and peoples to development. I believe that the consideration of human rights and development issues in their interrelations and the coming of conclusions by taking account of historical, religious, cultural, social and economic features would promote an objective approach to human rights issues. But national specificities should not become a reason or pretext for human rights violations, on the one hand, and the universality of human rights for interference in the internal affairs of the state, on the other. Each state should strive for the protection and promotion of human rights in the spirit of the human rights instruments adopted by the world community and regardless of the stage of development.

Our government considers that activities at national, regional and international levels should be duly coordinated in order to guarantee the protection of human rights at all levels. Therefore, my country supports the proposal to establish a regional mechanism for the protection of human rights in Asia.

In conclusion, I would like to express my confidence that the World Conference on Human Rights will successfully achieve its goals.

Thank you very much for your attention.

SWIFT, John (President):

I thank His Excellency for his statement. I now have the pleasure in giving the floor to Mr. Miguel Alfonso Martinez, Chairman of the Sub-Commission on the Elimination of Discrimination and the Protection of Minorities. Sir, you have the floor.

ALFONSO MARTINEZ, Miguel (UN. Sub-Commission on Elimination of Discrimination and Protection of Minorities), spoke in Spanish; text is edited according to the actual delivery:

Keywords: HUMAN RIGHTS VIOLATIONS - DISCRIMINATION - EXTREME POVERTY - DEMOCRACY - INTERNATIONAL COOPERATION - UN. Security Council

Thank you very much.

Mr. President,

May I, first of all, convey to you and your colleagues in the Bureau of the Conference both on my own behalf and on behalf of the Sub-Commission on the Elimination of Discrimination and the Protection of Minorities, our warmest congratulations on your election. We are convinced that under your conduct, our work will, as it has so far, be supremely satisfactory despite the inherent difficulties that exist in this sort of meeting. I should like to also express our gratitude to the government of Austria, the host government of the Conference, for the excellent conditions they have provided for our work and to the people of Vienna for the welcome that they have afforded us.

Mr. President,

As so many earlier speakers have said, it is obvious, on the one hand, that this Conference offers major opportunities and, on the other, that it must face major difficulties. It has been said, and quite rightly, that hundreds of thousands of people throughout the world, who see their most basic human rights flouted in diverse ways day by day, have their eyes set on the possible success of this Conference in Vienna with the hope it will improve their fate.

We have begun our work in a world in which the situation of human rights throughout the globe without exception gives rise to concern. Examples abound. Every day some 40,000 children die throughout the world, the vast majority in the underdeveloped countries of the South, for lack of food or essential medical attention, when their lives could be saved using less resources than those allocated in one week, for instance, to commercial advertising in transnational media or to political campaigns in the most economically powerful countries. None of those children will be able to enjoy any of the human rights.

Five thousand reports of enforced disappearances in the first trimester of this year, over fifty per month, represent an intolerable situation for the human kind. Other information that the Secretariat of the Conference has offered us show that tens of thousands of reports on torture or persons detained without trial continue to arrive to the Sub-Commission every year. Over a billion individuals, and this is a conservative estimate, currently lack of possibilities to materialize their right to education; more and more enforced prostitution of minors and use of children in pornography exist; a boom of new and dangerous forms of xenophobia and racism seems out of control. According to recent data, there are more than 700 million of unemployed throughout the world, and close to 2,500 million individuals, that is around fifty percent of the total population of the planet are living either on the fringes of poverty or in outright poverty.

Can the international community remain impassive or powerless in the face of these intolerable circumstances? This Conference gives us an opportunity to commit ourselves seriously to the task of looking at what we have done since the establishment of the United Nations system until today and what remains still to be done, which unfortunately, as we see, is vast. The substantive aspects of our programme of work, on the one hand, call upon us to define the obstacles that are hindering the advance in the respect of human rights and to examine current trends and new obstacles to be overcome. In addition, we are called upon to look at the relations between development, democracy and the universal enjoyment of all human rights and to find ways in which to overcome those obstacles.

Speaking now, not as the Chairman of the Sub-Commission, but as a mere special rapporteur or expert member, and as educator as well, I find it impossible to ignore the didactic, analytical and discussion potential that exists in this particular Conference.

In my view, there seems to be confusion in several focal aspects around human rights, which would be useful to discuss in this Conference.

With respect to the current trends, one initial comment comes to mind. For any impartial observer here in Vienna, it must be quite obvious that neither the events that have taken place in Central and Eastern Europe or the Arabian Gulf over the last few years, nor what we know or glimpse of this so-called new international world order, of which much is said with great interest contribute or can contribute in any way, as some tried so hard to convince us, to the resolution of the major problems facing humanity today. Unfortunately, the reverse seems to be the current daily reality. In point of fact, the gap between North and South, product of a constraining international economic order, gets wider by the day. And the region where I come from, with a decade of potential development totally lost, is a clear proof of what I have just said.

The situation of indigenous peoples continues worsening every day. Problems related to discrimination against women are on the rise and violence against women becomes a serious problem in many societies.

Ever more dangerous political retrograde action is being seen, with increasingly cruel manifestations of neo-Nazism and subsequent destruction of temples and cemeteries, exacerbation of intolerance for other cultures, physical aggression on the basis of different national origin.

The crises of political institutionalism, in many instances based on corruption, in multiple neoliberal societies are increasingly prevalent.

Destructive expressions of irrational nationalism that at times leads to a barbaric fratricide is becoming ever more apparent and producing ever more refugees and internally displaced persons.

Strong electronic and legislative barriers replace former barriers and walls made of brick, hindering or preventing with equal or greater effectiveness the free movement of people and in particular the possible reunification of families of migrant workers.

Globalization of information in the hands of transnational news broadcasting corporations clearly reduces the true meaning and content of freedom of information and leads to a very harmful standardization of the sources available in this sphere and to the creation of what is termed "homogenized conventional wisdom," with all the inherent dangers that this implies.

Another trend that is to be perceived is the broad and renewed discussion on the matter of the universality of human rights and the indivisibility, interdependence and equal value of each and every one of them.

It seems that the first of these, universality, gives rise to confusions that are not always without vested interests. In point of fact, the discussion on universality seems to be absolutely superfluous. No one who knows the basic elements, conceptual or practical, of the work of the United Nations in this field can have any doubt about the existence of the universality of human rights.

Firstly, it is evident that the 1948 Declaration, from its very title, is of a universal character. Equally evident is the universality of the ultimate value to protect in this field, that is, the full dignity and intrinsic worth of all men, women, children and the elderly of our planet. In addition, what doubt can there be that the work of the United Nations in this field requires contribution from all states, a universal contribution? Could anyone in the right mind think that the enormous challenges and tasks that have to be faced to promote, implement and protect human rights throughout the planet can be tackled by only one part of the international community?

It is not idle in this context, the discussion on universality, to note that the motto of the NGOs in the Conference that preceded this one "All human rights for all" and that the relevant part of item 10 of the Conference agenda "the universal enjoyment of all human rights" are perhaps the clearest and most appropriate statements of the universal nature of human rights. Implementation of the mechanisms created for the protection of human rights and freedoms to all, not only a group of the Member States of the Organization should, of course, also be universal.

Unfortunately, however, the universality of human rights is not a reality in today's world, nor have everyone on the planet their fundamental human rights and freedoms. Nor UN mechanisms, in particular the non-contractual ones, seem to be applied in practice, as if they were designed, in the vast majority of cases, to be applied to certain countries and not to others. This double standard is an element that disturbs international cooperation in this aspect.

In addition, it must be noted that universality cannot pretend that diversity does not exist, much less ignore it. It would be absolutely spurious, I repeat, absolutely spurious, to pretend that political, institutional, cultural, economic or juridical diversity may serve as a shield to contain the concerns of the international juridical community in flagrant situations of torture, disappearance of persons, slavery, arbitrary deprivation of nationality or property of an individual or deprivation of self-determination of an entire people.

At the same time, however, it is undeniable that Article 29 of the Universal Declaration of Human Rights is seldom cited. This article states that it is up to the internal institutions of each country to establish the way in which human rights and fundamental freedoms are to be exercised, within the framework of a democratic society and a clear understanding that national legislation cannot run counter to the purposes of the Charter, nor contravene international obligations freely undertaken by the state in international treaties to which it is a party.

While the principles of self-determination, sovereign equality of states and non-interference in the internal affairs of states that are within the domestic jurisdiction are enshrined in the San Francisco Charter there can be no doubt that it is the state and not the international community which determines which political institutions are to exist how its representatives are to be elected and how it is to implement the right to development; it cannot be otherwise.

Quite different from this correct conception of universality is the thesis that, under the guise of the universal character of human rights, a sector of UN Member States can impose its political conceptions and structures on other Member States.

For example, frequently certain circles including in this particular forum and others use the word "democracy" and identify it as being their form of democracy; in other words, not democracy of the people for the people by the people, but what I prefer to call "democracy of the marketplace." By this I understand the political system in force in a state governed by the best institutions that money can buy, obviously for those who have sufficient resources to do so. It would seem a truism to affirm that democracy as an electoral political system is only viable in a fully democratic society where there is no discrimination whatsoever.

Obviously, trying to give lessons to others in this area or ignoring the variety of democracies that may exist is seed of logical discord. For example, when a single country or group of countries conditions development assistance to another country on having their defined criteria for human rights, the situation becomes critical and international cooperation is seriously threatened.

From my point of view, these attempts to impose criteria and parameters from outside the different countries are the source of the logical reaction of many states, especially in the South, which consider these aspects to be essentially within their internal jurisdiction. I think it is logical that we should do everything in our power to clarify any confusion that may exist about the nature of universality and avoid contradictions that may endanger this important forum.

If, as we have seen, the universality of human rights is still an ideal to be achieved, on the contrary, the equal value, indivisibility and interdependence of all human rights and fundamental freedoms have been acknowledged for decades by all United Nations fora specialized in the subject. There can be no legitimate doubt that those who have not been able to realize, for instance, their right to education will find it difficult or impossible to realize their right to freedom of opinion or expression and that those who do not enjoy their right to food or to health will inevitably lose their right to life. These are straightforward examples of the interdependence and indivisibility of human rights.

On the other hand, we should also remember that the real content of freedom of expression, for example, of the head of a newspaper empire is infinitely higher than that of the person who sells newspapers on the corner of the street, though perhaps the laws of the country in which they both live may say that everyone has the same right of expression. It is obvious that in many societies there is still some that are more equal than others. The fight against any type of discrimination is something that must be reinforced following this Conference.

Mr. President,

I cannot conclude without stressing the importance of having this Conference take decisions aimed at reinforcing United Nations machinery to promote international cooperation in human rights; international cooperation that, according to the Charter, is vital if we are to attempt to resolve the human rights problems that exist in the world today. In San Francisco, it was cooperation not confrontation and certainly not coercion, which was used as the basic framework. All these matters were set within the sphere of competence of the General Assembly and in the Economic and Social Council and their subsidiary bodies; the Security Council was deliberately not allowed to intervene in the field of human rights. Article 24.2 of the Charter is, in my opinion, crystal clear. In the light of certain events that have taken place in Africa and Asia, in which UN action has been based on

Security Council decisions to try to and resolve problems of this kind, the Conference should consider with particular attention and caution possible initiatives that contribute, directly or indirectly, to institutionalizing this dangerous trend. Whatever term is used to describe them, humanitarian intervention, preventive diplomacy, peacebuilding, etc., all these operations have practical results that are far from demonstrating their viability and whose rationale is clearly more political than legal or even ethical.

Allow me, Mr. President, on my behalf and on behalf of the Sub-Commission, to express my wishes for the success of this Conference, from which the body that I preside hopes to receive inspiration and concrete guidelines for its future work.

Thank you very much, Mr. President.

SWIFT, John (President):

I thank Mr. Alfonso Martinez for his statement. I now give the floor to Mrs. Ellen Johnson Sirleaf, representative of the United Nations Development Programme. Madame, you have the floor.

SIRLEAF, Ellen Johnson (United Nations Development Programme):

Keywords: HUMAN DEVELOPMENT - NON-GOVERNMENTAL ORGANIZATIONS - POVERTY MITIGATION - UNDP - WOMEN - ENVIRONMENT - INDIGENOUS PEOPLES - TECHNICAL COOPERATION

Mr. Chairman, distinguished delegates, ladies and gentlemen,

On behalf of UNDP's Administrator, I would like to thank you for giving us the opportunity to address this plenary of the World Conference on Human Rights. This Conference is, indeed, a unique occasion and one, which permits us to exchange information about our collective and individual efforts to promote the realization of all human rights - economic, social, cultural, civil and political. Yet, this sharing of experience must not only be a theoretical exercise. On the contrary, it must enable us to find practical steps forward to realize these rights in the shortest possible time.

Mr. Chair,

UNDP shares the view that a greater level of social and economic development increases the possibilities of recognition of and respect for civil and political rights. Support for national social and economic development contributes to the realization of the right to development and creates an enabling environment for the respect of all human rights. A strong civil society ensures that these rights are nurtured and respected.

The international community has more than a purely monitoring role to play. The debt burden, the barriers to free trade, the obstacles to the free movement of populations: these and other global economic issues must be addressed by all parties in terms of their impact on the ability of developing countries to establish and sustain development. Otherwise, there is a risk of dissociating economic, social and cultural rights from civil and political rights.

Those of us who work in development must keep in mind the 1986 Declaration on the Right to Development, which reminds us:

All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

If we are, indeed, to adopt such a holistic approach in our development work, then we need to change the way development has traditionally been practiced. Since charity begins at home, I would like to bring to the attention of the distinguished delegates the way in which UNDP's own approach has changed over the past decade.

Mr. Chair,

UNDP remains the largest multilateral organization for technical cooperation, assisting countries that request our support to build their capacities to manage development as we have done for four decades. Since the 1980s, our work has reflected a growing understanding of the complexity of the factors that bring about successful sustainable development.

Basic among these is the awareness that development cannot be sustainable if people are not involved both in setting priorities and in implementing programmes. It cannot be sustainable if these activities are undertaken in ignorance of the cultural and institutional framework. And it is certainly not sustainable if women are excluded from the process; if efforts do not target economic and social inequity; if the environment is destroyed; and if human rights are not respected and promoted.

The 1980s was an era when economic growth and structural adjustment dominated the development agenda. As we have moved into the nineties it has become necessary to recall that the purpose of growth is to serve human beings as was done in UNDP's annual Human Development Reports and in UNICEF's Adjustment with a Human Face and other recent contributions to the development debate.

In addition to writing about development as a process that must be sustainable and human, UNDP has worked to translate this concept into its programmes. I will very quickly review our efforts with national and international partners to programme sustainable human development in four areas: poverty alleviation, people's participation, women's participation and the environment.

It is stating the obvious to say that people do not have access to their human rights when they live in conditions of poverty. But, with over one billion people still living in poverty, the obvious needs to be stated again and again. UNDP and other development agencies have made it a point to target more resources to the poorest and most disadvantaged sectors of society. As our Human Development Report argues, investment in its people brings the best return for a country.

However, efforts should not be limited to investment in education, training and employment opportunities. People should also be empowered by equitable opportunities of access to resources such as land, credit, information and technology. In addition to targeting more resources to the poor through its regular programmes, UNDP is also helping countries to define national policies and strategies for poverty alleviation.

While approaches will differ from country to country, UNDP emphasizes two features of such poverty alleviation strategies: first, programmes to raise the standard of living to minimum acceptable levels through access to essential services and promotion of economic opportunities; and second, elimination of economic, social, administrative, legal and political barriers to full participation in the socio-economic and political life of a country.

Moreover, it is being emphasized that people's cultural environment and existing knowledge systems should be dealt with respectfully as they usually reflect appropriate adaptations to local circumstances and provide a solid base on which to build.

People must play a full part in programmes that affect their communities as the use of the term "human development" serves to remind us. For too long, people have been treated simply as factors of production, as passive recipient of plans made in distant capitals far from the reality of their lives. Yet, people's participation is a basic human right. As the Declaration on the Right to Development states:

The human person is the central subject of development and should be the active/affecting participant and beneficiary of the right to development.

Mechanisms for achieving such participation are being sought. Since 1987, UNDP has had an NGO programme that is increasing our own understanding and that of partner governments of the role of NGOs in a vibrant civil society, and how NGOs can serve as channels of communication and active agents of development. The programme helps to strengthen the capacity of southern NGOs to contribute to the management of development.

Thus, UNDP is both seeking to ensure that its technical cooperation does target disadvantaged groups through poverty alleviation programmes and that people are involved in all stages of programme formulation and implementation.

Honorable delegates,

Women's participation in development is a major aspect of human rights. Following the Third United Nations Conference on Women in 1985, development agencies began to build their capacity to find out whether programmes involved women on an equal basis; whether they discriminated against women; or, worst of all, whether they actually disadvantaged women. This work brought many development professionals face to face with an unpleasant reality: that the women accounted for a fraction of those in programme planning and execution. Women were also a fraction of those benefiting from the expertise, technology and credit facilities made available through technical cooperation.

Alongside the pioneering work undertaken by the United Nations Development Fund for Women, UNIFEM, the women in development units of national and international institutions began to work on ways to integrate women into the programmes they funded and to train their staff and the staff of their counterparts on how to do so. We have had such training at UNDP since 1987. And I am happy to report that our Gender Programme is developing a social, economic and gender analysis training package in collaboration with the World Bank and the Food and Agriculture Organization. This builds on the past experience of all three agencies.

Mr. Chair,

Environmental awareness and action help to ensure that today's development does not compromise the ability of future generations to meet their needs. This is a dimension of human rights highlighted by the Brundtland Commission and reinforced in Agenda 21 at the 1992 Earth Summit. Sadly, although the environmental dimension is crucial to our very existence on this planet, this ecological aspect of sustainability is the one that has been most neglected in previous decades.

By focusing on the relationship between environment and development, the 1992 Earth Summit demonstrated clearly that environment issues are not just a concern of the North. Equally, in the South people's very survival depends on a healthy environment and sustained access to the natural resources, which provide both for basic needs and for the equitable growth necessary to meet these needs. UNDP's Environment and Natural Resources Programme has developed extensive guidelines on how environmental concerns should be reflected in our activities and training is being given to all staff in this field. To follow-up the UNCED recommendations, UNDP has launched Capacity 21, a programme to help build capacity to incorporate environmental considerations into national development strategies and plans. Environmental concerns are also reflected in most of the UNDP country programmes approved for 1992-1996.

I should note that some of the UNDP country programmes now provide support for indigenous peoples' associations to strengthen capacity to manage their natural resources. These programmes also seek to include the priorities of indigenous peoples into overall development programmes and to

achieve better recognition and application of indigenous knowledge and contributions to science and technology.

Mr. Chair,

Nowhere is the link between development, democracy and human rights clearer than in the peace and reconstruction efforts supported by the United Nations as was underlined by the Secretary-General in *An Agenda for Peace* and in his many other utterances. These efforts have brought together the development and human rights arms of the United Nations system to build national capacity for sustainable human development.

Working closely with the United Nations Electoral Assistance Unit, we have provided electoral assistance to more than thirty countries. Let me take the opportunity here to pay tribute to the work of over 600 United Nations Volunteers in Cambodia, who in spite of extremely difficult circumstances, worked to register workers in the recent elections.

At the request of governments in several countries, we are also working closely with the United Nations Centre for Human Rights on projects, which range from the drafting of new constitutions to establishing national human rights commissions.

Mr. Chair,

As part of our contribution to this Conference, UNDP coauthored a paper with the Centre reviewing some of our experiences in building national capacity to promote human rights. The paper is available to you from the Conference Secretariat. The aim of this paper is to provide some concrete examples of the different mechanisms and tools that can be used in response to government requests to build national capacity to establish and maintain democratic institutions, to promote peace and reconstruction and to build the capacity to hold elections as part of the broader democratic process.

We have put forth in the paper some suggestions for future action. I would like to highlight just one of them, which we consider to be a very practical proposal. Most development bodies have instituted training for their staff on gender issues, the environment and management of technical cooperation. The time has come to incorporate human rights concepts into this training to ensure their observation in all of our daily work.

Mr. Chair,

International technical and financial cooperation in development areas related to democracy and human rights can make a significant contribution to achieving human development that is sustainable in cultural, political and economic terms. Given the resource constraints affecting the operational activities of the whole United Nations system, it must be made clear that additional funding will be required if development work in these areas is to be promoted in a significant manner. There must also be closer collaboration both conceptual and operational within the United Nations system so as to minimize overlap and reduce overheads.

We have sought to show that several of the special areas of focus for UNDP's fifth programming cycle directly address the integration of human rights in development.

Yet, I should emphasize that this is only the beginning of the road for us as well as for other international and national development workers. And as is the case with all social change, for this is a major change in the way development agencies have traditionally conducted their business, this is going to be a slow process. It is our hope that the momentum generated by this Conference can help to speed us on our way. Greater account must be taken of human rights standards in national and international policies and programmes aimed at ensuring better living conditions, wider choices and increased personal security for all the world's people. This is the major challenge for the 1990s.

In closing, honorable delegates, for most times being the conscience of their societies, for most times carrying the banner of change in their societies, for most times bearing the brunt of the sacrifices for a better tomorrow in their societies, the UNDP salutes the children of this world on this day, which recognizes their rights.

I thank you.

SWIFT, John (President):

I thank Mrs. Johnson Sirleaf for her valuable statement.

I have a point of order from the delegation of Costa Rica. You have the floor, Sir.

MAS-HERRERA, Oscar (Costa Rica), spoke in Spanish; text is edited according to the actual delivery:

Keywords: WORK ORGANIZATION

In accordance with the list of speakers I have before me, there are still nineteen people left to take the floor. If each and every one of them will take fifteen minutes, we will be here until one o'clock in the morning. My question is, is that the will of the Bureau?

Thank you very much.

SWIFT, John (President):

I thank the delegate of Costa Rica for his enquiry. I can tell him that the meeting ends at nine o'clock this evening, and if we have further speakers who have not managed to speak at that time, they will be redeployed over the next day or so and will have an opportunity to speak. In any event, this meeting will end this evening at nine o'clock. Thank you.

I now give the floor to the next speaker on my list, who is Mr. Ilter Turkmen, Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Sir, you have the floor.

TURKMEN, Ilter (UN Relief and Works Agency for Palestine Refugees in the Near East):

Keywords: UNRWA - PALESTINIANS - REFUGEES - CHILDREN - HEALTH - HUMANITARIAN ASSISTANCE - BOSNIA AND HERZEGOVINA

Mr. President,

The United Nations Relief and Works Agency for Palestine Refugees, the organization I represent, is a humanitarian agency. Obviously humanitarian action is intertwined with human rights in many ways. Resulting from political conflict or armed confrontation, the need for humanitarian assistance manifests itself in an environment where human rights are frequently denied and violated.

UNRWA was established forty-three years ago by the international community to provide humanitarian assistance to Palestine refugees. Its continued existence is testimony to the sad fact that the political problem, which created the refugees, has not yet been resolved.

The great number of refugees generated by recent conflicts and the large-scale denial of basic human rights, which this involves, amount to a virtual repetition of the fate of the Palestine refugees. We must all learn the lessons to be drawn from their example.

For forty-five years, the situation of the Palestine refugees has been a byword for a human tragedy on a vast scale. What can be more important than the right to live peacefully in one's own country, under the protection of one's own government? Instead, the refugees lost, and continue to be deprived of the right to life, liberty and security of person; the right to family life; the right to freedom of movement and residence; the right not to be subjected to exile and the right to be part of the international community.

Since 1948, successive generations of Palestinians have lived as refugees. The oldest among them reminisce about their native land, their childhood and their homes. Their descendants dream about the land and the homes they have never seen. As refugees, they may not be citizens of the countries in which they have found shelter. They may live under the jurisdiction of a state in which they have little or no real participation. They may be subjected to the abuses of arbitrary state power.

Many have no travel documents and those who do are often impeded in their ability to move freely. Even after all these years, third-generation Palestine refugees may still in practice have no right of residence anywhere. Families have been scattered through the succession of traumatic upheavals that has befallen them and prevented from achieving even basic rights to family life and family reunification. The special status of children in international human rights law has been sadly disregarded.

The Palestine refugee population has grown from about 750,000 in 1948 to over 2,700,000 today. Over the years, these refugees have seen their plight compounded by each crisis and war in the Middle East. During nearly two decades of conflict in Lebanon, they suffered the repeated destruction of their camps and the brutal murder of their families. As a result of the 1967 war, many Palestinians became refugees a second time after the West Bank and the Gaza Strip were occupied in 1967.

The condition of refugees is even worse when they live under occupation, for occupation itself entails restrictions and the widespread denial of human rights. For that very reason, the rights set out in the Hague Regulations of 1907 and the Fourth Geneva Convention of 1949 assume the greatest importance. They declare the inviolability of the basic rights of individuals and constitute minimum standards of treatment to be accorded by occupying authorities to civilians living under occupation. Some two million Palestinians are living under the authority of an occupying power with all the suffering, humiliation and hardship that occupation entails. There is no benign occupation.

The Gulf crisis added a new dimension to the drama of the Palestine refugees. Hundreds of thousands of Palestinians left the countries to which they had migrated in search of employment that enabled them to support their families in the occupied territory and elsewhere.

Today UNRWA delivers education, health and relief and social services through a network of 643 schools with an enrolment of 400,000 pupils, eight vocational training centres with 4,500 trainee students, 118 health centres, and 67 women's programme centres. With over 19,000 Palestinian staff who form the Agency's cadre of teachers, doctors, nurses and administrators, UNRWA is one of the largest employers in the Middle East. We continue to provide special relief to the neediest seven percent of the population. UNRWA also supplies food, cash assistance and other benefits whenever there is an emergency situation. For example, as a result of the recent closure of the occupied territory, restrictions on movement and rapidly increasing unemployment caused by the closure had seriously damaged the local economy reducing GNP by as much as two thirds. UNRWA has had, therefore, to distribute food to some 160,000 needy families.

The international community has long emphasized its concern for the rights of every person to proper medical care and education, for the right to development, for the right of every person to expect an adequate standard of living. These standards are announced in the Charter of the United Nations itself, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.

In education, UNRWA has ensured that successive generations of Palestinian children received free elementary and preparatory education. UNRWA introduced vocational training to enable thousands of young refugee men and women to obtain employment and support extended families. And through the Agency's scholarship programme hundreds of talented refugees have been able to attend university.

UNRWA health care services have guaranteed that the health status of Palestine refugees is as good as, and in some categories better than, that of the surrounding population. For example, refugee camps have the lowest infant and child mortality rates in the occupied territory. Considering the poor socio-economic and environmental health conditions of many of the camps, this can only be attributed to the fact that refugees have access to UNRWA's effective primary health care system.

UNRWA has done what it can to contribute to the observance and maintenance of international human rights standards in the occupied territory such as the general requirement of humane treatment; limitations on the use of force, particularly lethal force; the prohibition on arbitrary detentions, torture, and other forms of mistreatment of the protected population; the prohibition on reprisals and acts of intimidation, the destruction of property and collective penalties such as house demolitions and sealings; the prohibition on individual or mass deportations; the obligation to respect religious convictions and practices.

UNRWA has developed initiatives and mechanisms within the existing United Nations system in this regard. We have done this by practical measures on the ground, to defuse tensions, lessen casualties and facilitate the provision of UNRWA services. Timely medical assistance has often saved lives. And in a situation where there is an increasingly urgent need to find solutions to the suffering of the refugees, we also act as a primary and continuous source of information to the international community.

The Palestine refugee problem is the longest-standing case where humanitarian assistance and political factors interface. I believe that the experience of the United Nations Relief and Works Agency is increasingly relevant today as the world is faced with new and numerous crises such as Bosnia, which have the potential to result in new 'Palestinians'.

For the past year, the conscience of the international community has been assailed by the graphic images of the suffering of the Bosnian people. Today, displaced and dispossessed Bosnians look to the international community to provide them not only with protection but with a lasting political solution to their suffering.

What we must emphasize and what is becoming increasingly clear from recent crises is that where a political conflict lies at the heart of a crisis then humanitarian aid alone is no solution. Humanitarian aid is vital to save lives, prevent famine and disease, offer refuge and shelter; these are, indeed, noble aims, and the international community cannot shrink from these responsibilities. But humanitarian assistance cannot be a substitute for human rights or political action to bring about a proper, just and lasting solution. Humanitarian assistance should be a bridge to a political solution, not an excuse to delay one.

Thank you, Mr. President.

SWIFT, John (President):

I thank the Commissioner-General for his statement. And I now give the floor to Mr. Philip Alston, Chairman Rapporteur of the meeting of the Human Rights Treaty Bodies. Sir, you have the floor.

ALSTON, Philip (Meeting of the Chairpersons of Treaty-based bodies):

Keywords: TREATY-MONITORING BODIES - HUMAN RIGHTS MONITORING - INTERNATIONAL OBLIGATIONS - SIGNATURES, ACCESSIONS, RATIFICATIONS - HUMAN RIGHTS EDUCATION

Thank you very much, Mr. President.

I see there is no [inaudible] I am here. I should, first of all, say that those who are still here have my deep sympathy, and I will endeavor to be very, very brief in my comments. I am here representing the Chairpersons of all of the United Nations Treaty Bodies. In addition, the Chairs of the European Court on Human Rights, the European Commission on Human Rights, the European Committee for the Prevention of Torture, in addition the African Commission on Human and People's Rights, the Inter-American Court and the Inter-American Commission.

I mentioned that long list because the meeting, which that group has had here in Vienna earlier this week, is a historic occasion to bring the various international treaty bodies together with their regional counterparts. It has never happened before and we consider it to be very important.

Let me say, Mr. Chairman, that there are many observers of this meeting who are unaware that there is a system of treaty obligations that the United Nations has elaborated, and while there has been great difficulty in forging consensus on matters that are before bodies such as the General Assembly and the Commission on Human Rights, that has not at all been the experience of the various treaty bodies.

One hundred-and-sixty states are party to one or other of the six principal United Nations treaties. Many of those states are party to all of them. We were able to reach agreement very clearly on a variety of specific issues that I have been asked to bring before this Conference.

First of all, let me say that the treaty bodies believe that it is appropriate to build a single universal human rights system that while it is important to take account of regional differences, it is equally important to build a body of norms and of jurisprudence, which is applicable throughout the world. It is the various treaty bodies that are in a position to facilitate that development.

In specific terms, the Chairpersons urged very strongly the establishment of the goal of ratifying the six core United Nations treaties by the year 2000. I understand that that proposal is not doing particularly well in the Drafting Committee. I think it is a great shame because in so far as there is a genuine debate over universality, the best place to pursue it is within the context of these treaty bodies. We need a diverse range of opinions expressed and it is through that exchange of views based on the legal norms that true universality will be secured.

Secondly, Mr. Chairman, the Treaty Bodies urged the withdrawal of reservations that have been lodged through the treaties in so far as they are not compatible with the object and purpose of the treaty or in so far as they are so broadly stated that it is not at all clear what they apply to.

Thirdly, the Chairpersons urged more extensive acceptance of international procedures for the submission of individual complaints.

Fourthly, they emphasized that failure to submit reports on the part of states, which are obligated to do so to the Treaty Bodies, is a violation of international law. I should probably indicate here that the Treaty Bodies are agreed that in future states that have not submitted reports should simply have their situation considered anyway by the Treaty Bodies. We can no longer tolerate the situation where a state, which is good enough to uphold its obligations and report, is placed under careful scrutiny by these Treaty Bodies and perhaps criticized or subjected to pressure to improve its performance, while other states ratify but never submit reports. We commend those states, which have submitted their

reports and appeared before our Treaty Bodies, and we will seek to ensure that those who have ratified but have never reported will not reap any benefit from that violation of their international obligations.

Fifthly, the Chairpersons call upon the World Conference, and this will be predictable to you by now, to provide adequate resources to enable the Treaty Bodies to function effectively. I do not need to explain to you, yet again, that what has happened so far is the building up of a magnificent structure of treaty bodies combined with a failure to provide the resources that would enable those bodies to be effective. That situation needs to be terminated. I can only say that as long as the system has these inbuilt inefficiencies where no resources are provided there is really only one loser. It is the states parties. States cannot expect to be dealt with efficiently, to be dealt with in the best possible way when it is a completely understaffed Secretariat that is responsible for relations with states.

Sixthly, the Chairpersons recommended that there should be regular meetings between the international and the regional bodies. We very much hope that that will be instituted ideally on an annual basis as soon as possible.

Finally, we recommend that human rights training and education be provided to the officials of all relevant international agencies including those responsible for development cooperation, peacekeeping and election monitoring.

Mr. Chairman,

One of the problems is that many of us are very worried that the World Bank, that UNDP, that election monitors are now all involved in human rights work. You should not be worried that they are involved in that work. What you should be worried about is that they are given no training, no briefing in the technical issues of human rights and that is what needs to be changed. Those of us who are concerned about the state of the debate in the World Bank would feel infinitely better if World Bank officials actually knew as those in this room know what human rights standards are really all about. And if they were not then dissuaded by the headlines in western newspapers or by narrow issues that are currently fashionable. If they knew the full range of human rights, they would be far better equipped to take those rights seriously and to respond sympathetically and sensitively to the problems that arise in all of our countries.

Thank you, Mr. Chairman.

SWIFT, John (President):

I would like to thank Professor Alston for his statement. I now give the floor to Mr. André Newburg, member of the Executive Committee of the European Bank for Reconstruction and Development.

NEWBURG, André (EBRD):

Keywords: EBRD - ECONOMIC DEVELOPMENT - DEMOCRACY - EUROPE

Mr. Chairman, distinguished delegates,

On behalf of European Bank for Reconstruction and Development may I thank you for inviting the Bank to be represented at this important Conference and for this valuable opportunity to make a presentation, which, given the hour, I hope, set a record for briefness.

Many of the countries represented in this room are members of the European Bank. It may well be, however, that delegates are not fully aware of the Bank's mandate in the field of human rights. The Bank is an international institution established in 1990 with a capital of 10 billion ECU, European Currency Units, for the purpose of assisting its member countries in Central and Eastern Europe in their transition to market economies and democracy.

The Bank was born of the idea that democracy and market economics must go hand in hand if both are to succeed. In fact, the Bank is the first international financial institution expressly committed by its Charter to the proposition that economic development is closely linked with democratic progress. Article 1 of the Agreement establishing the Bank provides as follows:

...the purpose of the Bank shall be to foster the transition towards open market-oriented economies in the Central and Eastern European countries committed to and applying the principles of multiparty democracy, pluralism and market economics.

In view of this mandate, we are, of course, gratified that the draft final document of this Conference clearly recognizes the interdependence of democracy, development and respect for human rights and fundamental freedoms.

The Bank's twofold purpose is to assist economic reform and to help strengthen democratic institutions in its member countries in Central and Eastern Europe, which now numbers some twenty-five member countries. In carrying out this mandate the Bank seeks at all times to be conscience of the fact that economic progress requires a constitutional order and effective legal system in which fundamental human rights are guaranteed.

Thank you, Mr. President.

SWIFT, John (President):

I thank Mr. Newburg for his presentation and for his having kept to his word about being very brief.

Before going on to the next speakers, I have to give some information regarding where we now are. The next series of intervention will be by non-governmental organizations. Before giving the floor to the first speaker on behalf of a non-governmental organization, I would like to inform the Conference of the arrangements made in connection with statements by such representatives.

Firstly, I should say that the Conference has to date 813 non-governmental organizations participating in its work. This includes 245 NGOs in consultative status. The number of non-governmental organizations wishing to take the floor in plenary debate far exceeds the time available. However, the General Committee is deploying all its efforts to ensure maximum participation by NGOs. Particular appreciation is expressed, therefore, to those organizations who have as in the regional meetings shown a sense of efficiency and cooperation in organizing joint statements on a substantive basis. What has been arranged, therefore, is that the Conference will now hear a series of short, five-minute statements from a group of speakers from each region as well as some groups related to particular topics. I would like to pay tribute on behalf of the Chairman to the seriousness of these organizations who have, thus, permitted a much wider number of organizations to be heard than would otherwise be the case.

I now give the floor to the first group of speakers who will address the question of indigenous rights. You have the floor.

I am sorry for this short break, but I think if we are now ready, I give the floor again to the speaker on indigenous peoples.

OLE NDEKEREI, Vincent (NGO statements from the African region):

Keywords: INDIGENOUS PEOPLES - AFRICA

Thank you very much, Mr. President.

Excellencies, ladies and gentlemen,

The problem of indigenous peoples in Africa has not been brought to an international forum like this before, and we are grateful for the opportunity to do so.

Mr. President,

As earlier stated before this forum, the definition of indigenous peoples in the African context is not that of having been there before all other groups of different cultures arrived but that of being isolated and marginalized by a state structure whose national, whose social and cultural characteristics are alien to their own. Having almost preserved intact the customs and traditions of their ancestors, the indigenous peoples in Africa are calling for recognition. They are saying that:

we should not be exploited or marginalized because of our insistence on maintaining our unique cultures. Our environment should not be polluted and our land should not be taken away from us without just compensation. We should have the choice to be integrated into the mainstream of national life and development at a pace that is not fatal to our long-cherished lifestyle.

Mr. President,

We the indigenous peoples of Africa recognize the existence of all other ethnic groups in our respective countries. We, therefore, expect similar recognition and respect from them. We should not be misunderstood, discriminated against and exploited merely because we are underdeveloped and traditionally different from other groups.

The indigenous peoples respect the principal of state sovereignty. The call for recognition of our existence should not be misconstrued to mean a fight for secession.

The fears expressed by African governments that recognition of the rights of indigenous peoples will lead to the fragmentation of the nation-state is clearly misplaced. We, however, expect that African governments will not ignore the existence of indigenous peoples or brush aside their call to be heard. The rights of indigenous peoples should be given prominent status in government policies and practical steps should be taken to alleviate their plight.

In conclusion, we express solidarity with our brothers and sisters in America, Asia, Australia and New Zealand. We also expect that the United Nations will implement the resolution calling for the creation of a high commissioner for indigenous peoples.

Once again thank you Mr. President.

SWIFT, John (President):

Thank you. and I give the floor to the next speaker on the same topic.

MWANAJITI, Ngande (NGO statements from the African region):

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - AFRICA - RACISM AND RACIAL DISCRIMINATION - RELIGIOUS INTOLERANCE - INDIGENOUS PEOPLES - HUMAN RIGHTS VIOLATIONS - MAURITANIA - ETHIOPIA -SUDAN

Thank you, Mr. Chairman.

On behalf of the Africans, I want to state that whereas the 1993 Vienna World Conference on Human Rights deplores racism, racial discrimination, religious intolerance and related violence that affect the human rights in Africa and in concurrence with the November 1992 United Nations resolution number AFRM/4, where the Universal Declaration of Human Rights affirms in Article 29 that in the exercise of these rights and freedoms everyone will be subject only to such limitations as determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others; considering the International Covenant on Civil and Political Rights, Article 18, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations and the papers and principles of the Declaration; believing that African States reaffirmed their commitment to the principles set forth in the Universal Declaration of Human Rights, the International Covenants on Economic, Social, Civil and Political Rights and the African Charter on Human and People's Rights and reaffirming that African NGOs are convinced of the universality of the nature of human rights regardless of political, economic or cultural systems, African NGOs believe that the proper administration of justice and an independent judiciary are indispensable to the full realization of human rights in Africa, as such is the matter that ties normative value to individual dignity in a system of the rule of law.

It is on the grounds of the principle of indivisibility of human rights that the African NGOs underline the fact that civil and political rights cannot be disassociated from economic, social and cultural rights of people. To that extent, African NGOs are convinced that racism and intolerance, particularly in their new form, extremism and fanaticism whether of religious or other origin pose a serious threat to the protection and promotion of universal human rights values.

The mandate of the United Nations to eliminate racism and religious intolerance is limited by the principle of noninterference in the internal affairs of other states. Africa stands in great need of cure from unrealistic needs of exogenous, which now permits the post-colonial inheritors of political and economic power of African nations to act as though they were aliens to their own citizens. A truth that registers the fact that post-colonial African States appear devoid of a human rights tradition.

For Africa, the most important question is the historical as well as contemporary institutional relationship existing between the recently imported modern forms of government and the naturally evolving forms of community government and people. A central concern for Africans is the specifically philosophical problem of authority, political power and government legitimacy in the continent.

The World Conference recognizes the irreplaceable value of centuries of human rights evolution in Africa prior to the advent of colonialism. A failure by the world not to recognize but to build upon the initial socio-economic and philosophical realities of indigenous Africa explains the present anomalies and inconsistencies of post-colonial African States in their response towards human rights instruments that defend dignity and sacredness of life.

Mr. Chairman,

African NGOs cognizant of these realities strongly recommend to the UN to sponsor research into the human rights violations as a result of conflict arising between exogenous and indigenous forms and

partners of authority and law, which appears to explain a [inaudible] violence in marginalized indigenous areas of Africa.

To confront the issue of the structural and international injustice, which account for the record level human rights violations in Africa, the African NGOs recommend a United Nations sponsored activity to help individual members of African constituent communities with the NGOs to the point where it should be possible to lead a democratic and peaceful restructuring of social, cultural and economic [inaudible] Africa.

To help realize that possibility African NGOs recommend to the UN that there be created a world-funded independent body that should have investigative and the jurisdictional powers to take legal and [inaudible] action in verified cases of impermissible degrees of human rights abuses and violations, especially in genocide. Education and research, Mr. Chairman, should form the cornerstone of such an international institution. While at the level of the national history, textbooks are meant to describe in an accurate way inhuman and criminal practices carried out in the name of fanatic ideology, religious bigotry or ethnic exclusivity, national televisions are seen as the tools for the new endeavor in the sense of human rights from there on.

Mr. Chairman,

National and international policies against racism, racial discrimination should particularly focus on the root causes, especially on the economic and social deprivation that often underlies and exacerbates these problems and should be instrumental in implementing solutions to these problems.

Particular attention should be paid to the worsening conditions in the developed countries as a source of increasing incidence of racism, racial discrimination, xenophobia against Africans who live in those countries.

In order to further the understanding and the practice of interdependence and universality of human rights, the UN should sponsor further reflections and work on the interrelationships of freedom of the region or belief in relation to attempt to actualize the fact of separating the private from the public institution of the religion and belief in Africa.

Whereas, as the World Conference refers to the universality of the principles of rights, Africa cannot condone the state savagery in countries like the Sudan, Mauritania and Ethiopia. It is pure fantasy and gross injustice against the peoples of Africa to hear the world speak about human rights when slavery and slave trade are the practices in some countries, when genocide and racial discriminations are the norms in the name of countries and when ethnic cleansing and forced tribal deportations to erase the people of countries like Ethiopia.

In the Sudan, for instance, an Islamic military regime is bent on applying discriminatory Islamic laws of Sharia in a country which is essentially multi-ethnic, multi-religious and multi-cultural. As a result of this insensitivity, the war in the south of the Sudan is continued, and the government has declared the jihad war to [inaudible] the problem of legal governance in the [inaudible] as discrimination against non-Arabs and non-Muslims is at its side.

Mr. Chairman,

The World Conference not only condemns such backward and primitive behavior but must intervene to stop these inhuman acts of madness in the three states of Africa mentioned above.

Lastly, Mr. Chairman, unless such action becomes part of structural and institutional destruction of human rights, it may be near impossible to extricate African States from violating the UN human rights instruments and the very principles of human dignity.

I thank you very much.

SWIFT, John (President):

I thank the speaker.

I gather that there has been some difficulty about the representatives of the non-governmental organizations gaining access to the Hall but I would like to go back, if that is possible, to the group with whom we were meant to begin, that is to say the group on indigenous peoples' rights. Do I have another speaker on behalf of the indigenous peoples please? You have the floor.

KUPTANA, Rosemarie (NGO statements on indigenous peoples):

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - INDIGENOUS PEOPLES - INUIT
- ARCTIC REGION - SELF-DETERMINATION - INTERNATIONAL YEARS

Thank you, Mr. President.

My name is Rosemarie Kuptana. I am the President of the Inuit Tapirisat of Canada. I am also here representing the Inuit Circumpolar Conference. The Inuit Circumpolar Conference is an NGO in consultative status with the United Nations. We represent Inuit in the Arctic regions of Canada, United States, Russia and in Greenland. Inuit Tapirisat of Canada is the national voice of Inuit in Canada and the member of the ICC.

I am honored today to make this joint statement on behalf of both organizations to the World Conference on Human Rights.

The UN must demonstrate its commitment to advancing the human rights of indigenous peoples through practical institutional reforms within the UN system. These reforms must reflect the priorities of the indigenous peoples.

In this regard several practical proposals have been put forward by Inuit and other indigenous peoples such as establishment of a permanent advisory body on indigenous issues, the inclusion of a permanent agenda item of the Commission on Human Rights dealing with indigenous peoples, the establishment of a UN high commissioner on indigenous peoples and the proclamation of an international decade of the world's indigenous peoples.

The principle of universality that is so central to international human rights standards and to this World Conference is also at the core of the issue of indigenous peoples' human rights.

Inuit strongly believe in the universality, the interdependence and the indivisibility of all human rights including the right of self-determination. We have repeatedly stated that the failure to recognize the equal rights of indigenous peoples as peoples and our right of self-determination is a failure to apply the principles of universality, indivisibility and interdependence.

Those few countries who refuse to recognize the reality of our existence as peoples and who oppose the recognition of our right to self-determination, call into question the central principle of universality. You cannot be a genuine proponent of universality and then deny the human rights of self-determination to indigenous peoples. Inuit seek recognition of our right of self-determination to encourage states to negotiate self-government arrangements, constitutional reform and other measures internal to states, to protect our distinct identities as peoples living in our traditional homelands.

In short, the very first step for progress at the international level in the treatment of indigenous peoples is the recognition of indigenous peoples, of our status as peoples.

As I stated in the satellite meeting of this World Conference on Human Rights, it is time to end the indignity of denying us recognition as peoples, as members of the human family in our own right.

Inuit will never be convinced that we are not a people and we will not accept that others have the right to determine this issue for us, particularly those who have presumed to dominate us. We are members of the human family, whether you choose to recognize us or not.

We propose, however, that the international year be the occasion where the principle of universality be applied to indigenous peoples.

Our expectations for the World Conference perhaps seem high to some. But what is it that we are asking for? Simple affirmation that we are members of the human family in our whole right, as peoples. We assert the right of self-determination by invoking human rights that purport to be universal. Human rights are either universal or they are not. What will the conclusion of this Conference be? Will it endorse all human rights for all peoples or will it endorse some human rights for some peoples?

The issue of recognizing us as peoples is an issue of equality, and it will be the test by which Inuit will measure the commitment of the world to our equal rights, as peoples, in this International Year devoted to indigenous peoples.

Thank you, Mr. President.

SWIFT, John (President):

I thank the speaker for her statement. I give the floor now to the next speaker on indigenous rights.

POCATERIA, Noelí (NGO statements on indigenous rights):

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - INDIGENOUS PEOPLES -
INTERNATIONAL YEARS - SELF-DETERMINATION

[Spoke in native language, then in English]

I speak, Mr. Chairman, in the language of my country where we acknowledge those who have passed on and those who are here today.

Before beginning my speech, I need to say, as the coordinating person for the indigenous peoples' caucus, our very deep disappointment at the number of governments who are sitting here this evening to hear our deliberations. It is of a very deep concern at the opening of the United Nations Year of Indigenous Peoples in New York there were barely a handful of committed [inaudible] who were here at the opening. We are also concerned as indigenous peoples that we are talking to the backs of peoples it is not our custom as indigenous peoples to do this.

Mr. Chairman,

We have come here to draw attention of the governments of the world to the indigenous issues of the indigenous peoples of the world. We all come from different levels of issues within the caucus but for us, in the Pacific, the issues are the tragedies of colonization. The colonized-thinking governments within our region must stop playing with the lives of indigenous peoples, the Aboriginal and Torres Strait Island peoples of Australia, one of the oldest groupings in the world, suffer the indignity of non-self-determination. The Kanaki, Hawaiian, the peoples of Guam, the Tahitian, along with other indigenous peoples of the world are denied the right to be peoples within their own rights in their own country. The Maori in Aotearoa, New Zealand, the sovereign nation of peoples, have never relinquished their rights and ownership to the land, the forest, all the sea. They offered a hand of

friendship to the British Crown and within the short period of time, friendship became oppressive where land was taken by force and colonialist [inaudible] laws become dominant.

What we need to ask ourselves today is do we wish to continue subjection and oppression? If not, what is the answer? We call on this plenary to be honest and dignified and addressed the issue of self-determination by indigenous peoples of the world.

It is sad to see at this Conference that we, indigenous peoples, are classed as NGOs. Do the nation states of the world understand the difference between indigenous peoples and NGOs? Listen carefully, read carefully and after having done this, you will find that all the documentation that have been released by the indigenous peoples at this Conference as well as the [inaudible] document in Rio in 1992, can only back clearly epitomize the essence of what we are saying.

Fear of the unknown prevents progress but when we communicate together with respect and dignity, one for the other, then we can only move forward. It has been sad to see that governments have come to this Conference with a predetermined agenda of standing still.

I humbly asked that the issues that have been placed before the Drafting Committee be readdressed.

We heard the young people this morning asking you to listen. If the innocence of youth can see the shallowness of the agendas we have, then it is an indictment on all of us here at this human rights meeting. Children have families, families live in community, and community becomes a nation. This is what the indigenous peoples are all about.

May the spirit of the creation give us strength to work as peoples of the world in whichever way we choose. As indigenous peoples of the world we choose to be who we are, the guardians of Mother Earth and all those things, which are intrinsic to the values that we care for the future generations. Let the creator of humankind and all things we hold true move us to be honest in making decisions for the generations yet unborn.

[Spoke in native language].

SWIFT, John (President):

I thank the last speaker for her statement and the next speaker on the same topic now has the floor.

MOSQUITO, Rosie (NGO statements on indigenous peoples):

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - INDIGENOUS PEOPLES -
DEVELOPMENT - POPULAR PARTICIPATION - SELF-DETERMINATION

Thank you very much, Mr. Chairman.

[Spoke in native language, then in English]

I greet you in my language. I welcome this opportunity to speak in this plenary of the UN World Conference on Human Rights. I will be brief and to the point. Excuse me, Mr. Chair, I have to adjust this microphone. Again, I welcome this opportunity to echo the words of Madame Daez, Chairperson Rapporteur of the UN Working Group on indigenous Populations.

This Conference is a significant moment for forging a new relationship between governments and those who they govern, in which human beings are more important than governments. The strong must truly be prepared to share power with the weakest and the survival of the poor should be more important than the comfort of the rich.

Indigenous peoples in the Non-governmental Forum, preceding this Conference prepared a collective statement outlining those fundamental human rights concerns, which must be addressed and implemented by you, the governments.

We call upon you to demonstrate political will and make concrete action plans for implementation.

Human rights are an issue of development. It is an issue of participation, both issues are lacking in various degrees for indigenous peoples throughout the world.

This is the reason why indigenous peoples demand the recognition of the right to self-determination. Simply speaking, self-determination is the right to make decisions on all issues that affect or impact upon our lives collectively, whether it be social, cultural, economic, political, to name a few. It is the right to make and implement our own decisions based on our own values not based on non-indigenous values or under the existing government policies, which are oppressive, assimilation tools and which undermine our way of thinking and being. Social malaise, empowerment and marginalization are testament to the negative impacts on us, the indigenous peoples. It is a matter of survival.

Intricately linked with the right to self-determination is the absolute recognition of indigenous peoples as a peoples in accordance with international law. We are not a people, without the "S".

We call upon you boldly to join us in a partnership in this International Year for the Indigenous Peoples. The world is watching and waiting for you to do that, which is just and right.

Thank you very much.

SWIFT, John (President):

I thank the speaker for her statement. I believe I, probably, have one more speaker on behalf of the Indigenous.

RAMIREZ, Eleuterio (NGO statements on indigenous peoples), spoke in Spanish; text is edited based on the English interpretation:

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - INDIGENOUS PEOPLES -
HUMAN RIGHTS PROTECTION - FARMERS - DEVELOPMENT

Thank you, Mr. President, for giving us the opportunity to express our views in the World Conference on Human Rights.

As indigenous women have expressed, it is our constant concerns that we all together in this world can build peace and harmony. We do not understand why governments can be wary of our presence and deprive us of our rights. Patiently and very responsibly we have been working over the last two weeks in order to prepare and present to you our concerns and requests, Mr. President.

We worry as we begin to suspect that the final document on this Conference is going to omit our concerns. If the goal of this Conference is to reach a common sense of human rights, why should indigenous peoples continue to be on the fringes of society? Are not we part of the states? Have not we contributed and continue to contribute with all our effort to feed people in cities and fields? Throughout the times it has been our task to produce the world's food.

I am a food producer and deliver food to cities, but, unfortunately, the prices that I get do not allow me to recoup my outlay. It is not that we are poor because we are disorganized, it is not that we are ignorant because we are unintelligent. We are simply on the fringes of society, on the fringes far from the city and far from opportunities for development.

We would like to be part of the city, we would like to be an active part of human development and for this reason, we are putting forward our rational requests, we are not forcing them. As the voices of our women asked this afternoon, government representatives, please understand us. We also vote for you so that you can govern. We are not outside states, we are part of the states and for this reason we demand the rights that we have been deprived of.

Thank you.

SWIFT, John (President):

I thank the speaker for his statement.

We will not be able to finish the African presentation this evening because we have stop at 9 o'clock. If the African Group would wish, we could certainly hear one, or perhaps two, others before we adjourn for this evening. If, on the other hand, it would be their wish to wait until tomorrow morning or tomorrow rather at the appropriate time, then, perhaps, it would be easier to have them all together. What would be the preference? You have the floor.

JAMA, Zainab M.:

We will have one.

SWIFT, John (President):

Thank you. If that is the case, I give you the floor.

JAMA, Zainab M. (NGO statements from the African region):

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - SOMALIA - UNITED STATES OF AMERICA - UN - ARMED INCIDENTS OR CONFLICTS

Thank you very much.

Mr. Chairman, distinguished delegates, ladies and gentlemen,

The World Conference on Human Rights is an opportunity given to the world community to assess the stage of human rights and give its considerations. The NGO community is grateful to the United Nations for enabling them to take part in the process.

NGOs are close to the miseries and plight of the people, and the World Conference is a forum where they can help the United Nations play a better role for the implementation of a just world society as one family.

Like all delegations present here, African NGOs have learned with shock and dismay that disquieting [inaudible] in Somalia and especially in its capital Mogadishu. Present bombings are carried out under the United Nations flag and are publicized in the international media in a way conducive to the distortion of truth in the name of a hidden agenda.

The way the United Nations have tackled the Somali crisis raises many questions from the NGO community. One of them is how the international community has become an instrument of United States foreign policy. In this context, the language of the Security Council has become so bellicose that it makes the UN appear not as an instrument of peace but rather a tool of militarism. We are very indignant and greatly protest the US/UN bombing, which began on the 12th of June 1993 and still continues in the most densely populated areas of Mogadishu.

We have been informed of the continued movement of several huge United States warships towards the Somali coast. Already many Somali civilians have been killed and even more seriously injured. This is an obvious contradiction with the mandate of the United Nations and its peacekeeping missions to Somalia. It is also a clear violation of human rights of the long-suffering Somali people. Most amazingly in this instance, their rights and very lives are being violated under the flag of the United Nations.

Therefore we, the African NGOs, offer the following evaluation and recommendations to you.

UN/US bombing of the Somali capital city, Mogadishu. This unprecedented inhuman operation, which is still continuing, began on Saturday the 12th of June. Prior to the bombing, international agency and foreign aid workers were allowed to evacuate but Somali civilians were not allowed to leave Mogadishu. Densely populated areas of the city were bombarded by highly sophisticated heavy artillery that included airborne US Cobra helicopters and AC-130H "Specter" gunships.

Somalia is used as an experimentation ground for these computerized powerful war machines. The result was the killing and wounding of many Somali civilians, most of them women and children. However, Somali and independent sources placed the number of casualties in the hundreds. And the US/UN bombardment continues. The US/UN forces have attempted to maintain complete control of media access and oppressions and also of regional transportation.

During the six months that the US/UN force have been occupying Somalia, a policy of shoot with impunity has been maintained. This was justified by stereotyping all Somali men as "dangerous, drug users and bandits."

During the occupation, the rape and sexual harassment of many Somali women by the UN/US forces has been allowed to take place.

SWIFT, John (President):

I am sorry for interrupting the speaker but I am afraid that she has exceeded the five minutes agreed time. Could I ask her to bring her statement to an end, please?

JAMA, Zainab M.:

OK.

Recommendations:

1. All bombing and other military operations should immediately be held.
2. A clear evaluation and a statement of the rational justification and programme of the UN mission in Somalia should be immediately delineated and presented to the General Assembly for approval.
3. The UN Committee established to investigate the Pakistani shooting should be expanded to include both the UN/US bombing and the general indiscriminate shooting of Somalis. The UN/US inquiry should include testimony from the numerous Somali civilian eye witnesses. Any Committee set up to investigate human rights violations should...

SWIFT, John (President):

I am sorry. I am sorry. I cannot allow the time to be over on by so much.

May I make an announcement for tomorrow?

The Plenary resumes at 10 o'clock tomorrow morning. I have one piece of information, which delegations should have, that is that the East European Group will meet in Room 559 at 1515 hours tomorrow.

Thank you and the meeting is adjourned.